



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A12090060

Page 1 of 1

Through an OIG proactive review, we identified a proposal with copied text. The attached Report of Investigation describes the University's and our investigations that resulted in a finding of research misconduct. The closeout documents consist of this Memorandum, our report, and NSF's adjudication. This case is closed with no further action taken.

Sensitive

National Science Foundation Office of Inspector General



Report of Investigation Case Number A12090060

September 12, 2013

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Executive Summary

Through OIG's proactive review, we identified a proposal that appeared to have plagiarized text. The PI's explanation to our inquiry did not dispel the allegation, so we referred it to the University for investigation. The University found additional plagiarism and concluded the PI intentionally plagiarized and took several actions in response. We identified more plagiarism, identifying a pattern. We concur with the University's findings, and we recommend NSF make a finding of research misconduct and take several additional actions as described in this report of investigation.

OIG's Inquiry

Through our proactive review, we identified an NSF-funded proposal (written by a PI—the Subject)¹ that contained approximately 80 lines of copied text from 6 sources. Although five of the sources were referenced in the proposal, only one of those was cited near the copied text.² None of the copied text was offset or distinguished so as to enable a reader to differentiate the Subjects' own text from the copied text. We contacted the Subject to inquire about the alleged plagiarism.³ The Subject said⁴ he had time constraints and family hardships that “probably messed up my proposal with different versions of revisions.”⁵ He acknowledged misplaced references (all the sources appear in the reference section), and he should have described text using his own words instead of the identical words of the sources. He said the proposed ideas and preliminary results were original, and the copied text represented background material.

He noted text from one of the sources originally appeared in a proposal⁶ on which he was co-PI, and one of the authors of the source was the PI. Furthermore, the original proposal was submitted before the paper. We confirmed this information and removed that source from consideration.⁷

We found the Subject's explanation inadequate to dispel the allegation and determined there was sufficient substance to proceed to an investigation. We referred the investigation to the Subject's home institution (the University).⁸

¹ Tab 1: [REDACTED] was submitted by [REDACTED] (the University) and listed [REDACTED] (the Subject) as the PI. It was funded for [REDACTED].

² Only source 2 was cited to the reference near some of the copied text, but not near all instances of text copied from this source.

³ Tab 2 is OIG's Inquiry letter sent to the Subject.

⁴ Tab 3 is the Subject's response.

⁵ Tab 3, p. 1

⁶ [REDACTED] was submitted by the University and lists [REDACTED] as PI and the Subject as co-PI.

⁷ Although we originally questioned copying from six sources, we accepted the Subject's explanation for one of those sources, so Tab 1 contains the five remaining sources we referred to the University.

⁸ Tab 4 is our referral letter to the University.

University Investigation

The University appointed and charged a Committee to determine whether research misconduct occurred, assess its gravity, and recommend appropriate action.⁹ The Committee reviewed the Subject's response to NSF, his proposals, and interviewed him. One Committee member is an editor of a journal and had access to plagiarism software through the journal. That Committee member found additional copying without appropriate attribution in another of the Subject's recent proposals.

In his response to NSF, the Subject said time commitments (due to a family issue and university demands) prevented him from replacing copied sections with original text. In his interview with the Committee, he admitted his typical procedure was to copy and paste large sections of text from papers into his draft. When questioned about plagiarism in other proposals, the Committee noted the Subject abandoned his one-time excuse of family issues, but continued to assert he copy and pasted, but forgot to replace copied sections. "The Committee was not convinced by this explanation, since portions of the plagiarized sections were edited already by [the Subject]; for example, 'will be' was substituted for 'were' in large contiguous sections of text."¹⁰ The Subject said he was unaware of having plagiarized elsewhere, but the Committee determined "at least one proposal submitted within the last two years contained a similar (high) degree of plagiarism, and plagiarism also occurred to varying degrees in other proposals submitted by [the Subject]."¹¹

The Committee interpreted "impact on the research record" as "whether the plagiarism may have substantively influenced NSF's decision to fund the proposal".¹² Due to the presence of plagiarized text in the proposed work, the Committee required the Subject to demonstrate that he understood the methodology that he copied. The Subject explained the methodologies were common and provided some papers from his group using those methodologies. Because the papers the Subject provided were submitted after the proposal, the Committee deemed them inconclusive. However, in the Committee's expert opinion, the Subject's argument that the methodology was common had merit and was accepted. Based on a preponderance of the evidence, the Committee concluded the Subject committed plagiarism, and the plagiarism was intentional.

The Committee recommended the University: 1) require the Subject to complete in-person RCR training; 2) place a letter of reprimand, which describes the consequences of a repeat offense, in the Subject's employment record; 3) require, for a period of 2 years, the Subject to certify to the University that each proposal and

⁹ Tab 5 is the University's cover letter to the Committee report, the report, and the adjudication. We will refer to pages in Tab 5 by the page number of the file.

¹⁰ Tab 5, p. 4

¹¹ *Ibid.*

¹² *Ibid.*

manuscript is free of plagiarism.¹³ The adjudicator¹⁴ accepted the Committee's findings and recommendations and issued a strongly worded letter of reprimand.¹⁵ Additionally, the adjudicator informed the Subject that, for 2 years, all his proposals and papers would be subject to random audits to detect any plagiarism.

OIG's Assessment

NSF's Research Misconduct Regulation states that a finding of misconduct requires: (1) there be a significant departure from accepted practices of the relevant research community; (2) the research misconduct be committed intentionally, or knowingly, or recklessly; and (3) the allegation be proven by a preponderance of the evidence.¹⁶

The Committee's reasoning regarding the Subject's plagiarism is sound, and we concur—the Subject plagiarized in the proposal he submitted to NSF. The University indicated the Subject had plagiarized in other, recent proposals, but it did not identify the plagiarized text. We reviewed the Subject's recent proposals and confirmed the existence of additional proposals that contained plagiarism. The Subject's most recent proposal¹⁷ contained approximately 81 lines of text and 3 figures copied from 5 sources without appropriate attribution. Four of the sources are not referenced in the proposal, and the one that is referenced is not cited near the copied text. None of the copied text is distinguished from the Subject's own text, and none of the figures are cited to the original source.

An earlier proposal¹⁸ contained approximately 98 lines of text copied verbatim from 6 sources without appropriate attribution. Three sources are not referenced; two are referenced, but not cited anywhere in the text of the proposal; and one reference was referenced and cited near the copied text. However, the 44 lines of text copied from this source have 14 embedded references¹⁹; none of the text copied from any of the 6 sources is distinguished from the Subject's original text. Thus, the Subject copied 259 lines of text and 3 figures into 3 proposals submitted to NSF.

We conclude the Subject, by not citing the sources from which he copied, and not distinguishing that text from his own, failed to provide appropriate credit to the authors he copied. Therefore, we conclude the Subject's act meets NSF's definition of plagiarism.

¹³ Tab 5, p. 5

¹⁴ [REDACTED], Executive Vice President for Academic Affairs and Provost.

¹⁵ Tab 5, pp. 6-7

¹⁶ 45 C.F.R. §689.2(c).

¹⁷ Tab 6; [REDACTED] was submitted by the University and lists the Subject as the PI. It was declined.

¹⁸ Tab 7; [REDACTED] was submitted by the University and lists the Subject as the PI. It was declined.

¹⁹ Embedded references are citations copied with the text and make it appear the text was cited to those embedded references, rather than the source from which the text was actually copied.

The Act

The Subject copied approximately 259 lines of text and 3 figures from 16 different source documents into 3 NSF proposals on which he was the PI. As described above, by failing to appropriately distinguish verbatim copied text from his own original text, the Subject presented the work of others as his own work and, thus, failed to give appropriate credit to the original authors, which meets NSF's definition of plagiarism. Similarly, the University concluded the Subject's copying was plagiarism.

Intent

The Subject told the Committee he copied text from sources, but claimed time commitments, due to a family issue and University demands, prevented him from rewriting the text. The Subject said he had not plagiarized elsewhere. The Committee then found additional plagiarism in another proposal that obviated the Subject's excuse. It noted the Subject edited the plagiarized sections to integrate with his own text (including changing tenses of single words within the plagiarized text) and therefore did more than just "copy and paste", as the Subject had argued. The University concluded, based on the preponderance of evidence, the Subject plagiarized intentionally.

On top of the additional plagiarism the Committee found, we found additional plagiarism in the Subject's other proposals. The Subject consistently failed to reference and cite the sources from which he copied; included embedded references; and failed to distinguish his text. We concur with the University and conclude the Subject intentionally plagiarized.

Significant Departure

We conclude the Subject knowingly plagiarized text and figures into his proposal without appropriately distinguishing the text from his own work. In doing so, the Subject significantly departed from the accepted practices of his research community and NSF. The Director of Research Compliance, in his cover letter, stated "By all measures, [plagiarism] constitutes a significant departure from accepted practices at [the University]".²⁰ We concur with the University and conclude the Subject's actions are a significant departure from the accepted practices of his research community.

Accordingly, we conclude by the preponderance of evidence standard that the Subject intentionally plagiarized, and the plagiarism was a significant departure from accepted standards; hence, the Subject committed research misconduct.

²⁰ *Id.*, p. 1

OIG's Recommended Disposition

In deciding what actions are appropriate when making a finding of research misconduct, NSF must consider several factors. These factors include how serious the misconduct was; degree of intent; whether it was an isolated event or part of a pattern; its impact on the research record; and other relevant circumstances.²¹

Seriousness

Plagiarism violates research integrity and is a significant departure from accepted practices in the research community. We conclude the amount of plagiarized material is sufficiently serious to warrant a finding of research misconduct. Indeed, the adjudicator stated "The finding of plagiarism is a very serious offense"²² and warned the Subject he would be terminated if he was directly involved in another case of plagiarism.

Impact on the Research Record

As noted above, the Committee interpreted this factor as whether the plagiarism may have affected NSF's decision to fund the proposal. It concluded it would not have. In order to have an independent assessment, we asked the Program Officer²³ who made the funding decision to evaluate the proposal.²⁴ He stated if he had known about the plagiarized text, he likely would have made the same decision.

We consider the impact on the research record to be slight to moderate. One proposal²⁵ was funded; therefore it is available to the public through a Freedom of Information Act request. The other two proposals were declined.

Pattern

Both the University and OIG found evidence of pattern of plagiarism. In addition to the copying in the proposal we referred to the University, the Committee found the Subject had copied in other proposals. We reviewed two additional proposals authored by the Subject and found copying in them.

The Subject's Response

The Subject did not respond to our draft report.

²¹ 45 C.F.R. §689.3(b)

²² Tab 5, p. 6

²³ [REDACTED] was then a Program Officer in [REDACTED]

²⁴ Tab 6

²⁵ [REDACTED]

Recommendations

Based on the evidence, we recommend NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.²⁶
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.²⁷ The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include plagiarism.
- Require the Subject to certify his compliance with the requirements imposed by the University as a result of its investigation.

For a period of 2 years as of the date of NSF's finding:

- Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.²⁸
- Require for each document (proposal, report, *etc.*) to which the Subject contributes for submission to NSF (directly or through an institution),
 - the Subject to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.²⁹
 - the Subject to submit contemporaneous assurances from a responsible official of his employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.³⁰

²⁶ A Group I action 45 C.F.R. 689.3(a)(1)(i)

²⁷ This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

²⁸ A Group III action 45 C.F.R. 689.3(a)(3)(ii).

²⁹ This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

³⁰ A Group I action 45 C.F.R. 689.3(a)(1)(iii).

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DIRECTOR

FEB 25 2014

CERTIFIED MAIL --RETURN RECEIPT REQUESTED



Re: Notice of Research Misconduct Determination

Dear Dr. [REDACTED]

While an employee of [REDACTED] you served as Principal Investigator on three proposals for funding to the National Science Foundation (NSF). As documented in the attached Investigative Report prepared by NSF's Office of Inspector General (OIG), these proposals contained plagiarized material.

Research Misconduct and Proposed Sanctions

Under NSF's regulations, "research misconduct" is defined as "fabrication, falsification, or plagiarism in proposing or performing research funded by NSF ..." 45 CFR 689.1(a). NSF defines "plagiarism" as "the appropriation of another person's ideas, processes, results or words without giving appropriate credit." 45 CFR 689.1(a)(3). A finding of research misconduct requires that:

- (1) There be a significant departure from accepted practices of the relevant research community;
- (2) The research misconduct be committed intentionally, or knowingly, or recklessly;
and
- (3) The allegation be proven by a preponderance of evidence.

45 CFR 689.2(c).

Your proposals to NSF contained substantial copied material: 259 lines and three figures copied from sixteen sources. Your submission of proposals with substantial copied material constitutes plagiarism and meets the applicable definition of "research misconduct" set forth in NSF's regulations.

Pursuant to NSF's regulations, the Foundation must also determine whether to make a *finding* of misconduct based on a preponderance of the evidence. 45 CFR 689.2(c). After reviewing the Investigative Report, including your University's findings, NSF has determined that, based on a preponderance of the evidence, your plagiarism was committed intentionally and constituted a significant departure from accepted practices of the relevant research community. I am, consequently, issuing a finding of research misconduct against you.

NSF's regulations establish three categories of actions (Group I, II, and III) that can be taken in response to a finding of misconduct. 45 CFR 689.3(a). Group I actions include issuing a letter of reprimand; conditioning awards on prior approval of particular activities from NSF; requiring that an institution or individual obtain special prior approval of particular activities from NSF; and requiring that an institutional representative certify as to the accuracy of reports or certifications of compliance with particular requirements. 45 CFR 689.3(a)(1). Group II actions include award suspension or restrictions on designated activities or expenditures; requiring special reviews of requests for funding; and requiring correction to the research record. 45 CFR 689.3(a)(2). Group III actions include suspension or termination of awards; prohibitions on participation as NSF reviewers, advisors or consultants; and debarment or suspension from participation in NSF programs. 45 CFR 689.3(a)(3).

In determining the severity of the sanction to impose for research misconduct, I have considered the seriousness of the misconduct and the finding that there was a pattern of plagiarism. I have also considered other relevant circumstances. 45 CFR 689.3(b).

After assessing the relevant facts and circumstances of this case and NSF's regulations, I am taking the following actions:

- You must certify that you have complied fully with any [REDACTED] imposed sanctions;
- Within one year of the date of this notice, you must complete a responsible conduct of research training program, for which the instruction should be an interactive format (e.g., an instructor-led course) and which specifically includes plagiarism. You must provide documentation of the program's content and proof of its completion to the OIG;
- For a period of two years from the date of this notice, you are required to submit certifications to the OIG that any proposal or report you submit to NSF as a Principal Investigator (PI) or co-PI does not contain plagiarized, falsified or fabricated material;
- For a period of two years from the date of this notice, you are required to submit assurances to the OIG from a responsible official of your employer that any proposal or report you submit to NSF as a Principal Investigator (PI) or co-PI does not contain plagiarized, falsified or fabricated material; and

- For a period of two years from the date of this notice, you are barred from participating as a peer reviewer, advisor, or consultant for NSF.

All certifications and assurances should be submitted in writing to NSF's Office of Inspector General, Associate Inspector General for Investigations, 4201 Wilson Boulevard, Arlington, Virginia, 22230.

Procedures Governing Appeals

Under NSF's regulations, you have 30 days after receipt of this letter to submit an appeal of this finding, in writing, to the Director of the Foundation. 45 CFR 689.10(a). Any appeal should be addressed to the Director at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. If we do not receive your appeal within the 30-day period, the decision on the finding of research misconduct will become final.

For your information, we are attaching a copy of the applicable regulations. Should you have any questions about the foregoing, please contact [REDACTED], at (703) 292-8060.

Sincerely,



Fae Korsmo
Senior Advisor to the Director

Enclosures:
Investigative Report
45 CFR Part 689