

CLOSEOUT FOR M94100032

This case came to OIG on October 19, 1994, when [REDACTED], the President of the [REDACTED] (the Society), informed us that the society had received an allegation of plagiarism involving an NSF award. The award in question was [REDACTED], entitled [REDACTED]. " The grantee was the Society, and the PIs were [REDACTED] of the [REDACTED] (Subject #1), a staff member at the Society, and [REDACTED], Executive Officer of the Society (Subject #2). The Society had performed an inquiry and determined that there was substance to the allegation. It had appointed an investigating committee of academic scientists and asked if OIG would defer investigation of this case to permit the Society to perform its own investigation.

Because the co-principal investigators on the award were officers of the Society, OIG decided that we needed to take special precautions to guard against real or apparent conflicts of interest that could damage the credibility of the Society's investigation and make it impossible for OIG to make use of the investigation's findings. After receiving detailed information about the investigating committee members and their independence from the Society's Council and executive office, we concluded that there was no reason to doubt their ability or willingness to conduct a disinterested investigation.

The Society's investigation found that no misconduct had occurred. OIG examined the Society's investigation report and, after receiving a letter clarifying one issue, determined that it was complete, fair, and accurate and that it provided sufficient basis for OIG to close the case.

The Society had learned of the alleged plagiarism from Drs. [REDACTED] (Complainant #1) and [REDACTED] (Complainant #2) of [REDACTED] (the Center). Complainant #1 was the PI on NSF award [REDACTED], entitled [REDACTED] (Project [REDACTED] (the Center project)). Complainant #1 was also PI on NSF award [REDACTED], NSF's successor award of the same title (the Center renewal project). Complainant #2 was a close collaborator of Complainant #1 and was involved in supervising the operation of the Center project and the Center renewal project. Complainant #1's co-PI on the Center renewal project was [REDACTED] (Subject #3), formerly the project director for the renewal project

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and currently a part-time faculty member at [REDACTED]. Subject #3 was dismissed from the Center after a dispute with the complainants.

While Subject #3 was project director for the Center renewal project, he had supplied Subject #1 with the text of the Center renewal project proposal. The original Center proposal had been drafted principally by Complainant #1 and a project assistant; the Center renewal proposal was written mostly by Subject #3, with Complainant #1 providing editorial assistance. The renewal proposal was based on the text of the original proposal and preserved some of the original language.

According to the investigation report, Subject #1 asked Subject #3 if she could borrow wording from the renewal proposal, and Subject #1 told her that she could "lift what is useful." When this exchange took place, Subject #3 was included as a co-PI on the Society project, although he was later, by mutual agreement, named as a consultant instead. Subject #3 informed Complainant #2 that he had discussed with Subject #1 her plan to submit a proposal modelled on the Center projects, and Complainant #2 raised no objection. Subject #1 wrote the Society proposal and submitted it before either the complainants or Subject #3 had seen it. She sent Subject #3 a copy, but it did not arrive at the Center until after Subject #3 had been dismissed from his position there. At that point, Complainant #2 first saw the text of the Society proposal by opening Subject #3's business mail and discovering a copy. Although the complainants expressed some concern to Subjects #1 and #2 about their initiation of a project that was so similar to the Center project, they eventually sent NSF a letter endorsing the project.

Complainant #2 subsequently discovered that there were similarities in wording between the Center and Society proposals and raised the issue with the Society, which decided to investigate.

The investigating committee concluded that the similarity in ideas between the Society and Center proposals was not caused by misconduct. The committee noted that new projects are supposed to build on previous work and that the Society amply acknowledged its debt to the Center's educational approach. OIG confirmed that the evidence supported the committee's conclusion.

With regard to the textual similarities between the proposals submitted by the Center and the Society, the Committee also concluded that there was no misconduct. The evidence indicated that Subject #3, as project director for the Center project, authorized Subject #1 to use excerpts from the text of the Center renewal proposal. Subject #3 had written much of that proposal.

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OIG believes that in this situation it cannot be considered misconduct for a project director to share text that he wrote for his project with a scientist developing another related project in which the project director was actively involved. As director of the Center project, Subject #3 reasonably believed that he had the authority to lend Subject #1 the assistance he gave her and did not need permission from other project personnel to do so. Subject #1 reasonably believed that, having received permission from Subject #3, she was authorized to excerpt passages from the Center proposal without attribution. OIG concluded that her using these passages without attribution with this authorization, once it had been decided that Subject #3 would not be a co-PI on the proposal, was not appropriate. We also determined, however, that under these circumstances her action could not be considered a serious deviation from accepted practices and hence was not misconduct.

The Committee noted that the amount of copying from the Center proposal was small and that the Society proposal "cites the [Center] proposal several times, although not in every place where use is made of the [Center] proposal text." These facts further buttress the conclusion that no misconduct occurred.

The Committee received testimony indicating that information sharing and "occasional verbatim replication" are common in the science education community. The Committee decided, however, that it could not "conclude that such practices excuse the instances of copying without attribution present here."

The Committee chastised Subject #1 for not attributing all passages taken verbatim from the Center renewal proposal. It also said that "it would have been appropriate and courteous" (p.29) for her and/or Subject #2 to have informed Complainant #1, the PI on the Center renewal project, that they were submitting a related proposal under the auspices of the Society. The Committee recommended that Subjects #1 and #2 send a note of regret to Complainant #1, and they have done so. The Committee further opined that Subject #3 should have informed Complainant #1 "of his [Subject #3's] role as a consultant and the significant assistance he provided" to Subject #1. But, although OIG concluded that it was arguable that Subject #3 exceeded his authority as project director in some of his actions, there is no reason, either in the evidence or in the Committee report, to believe that he did so in ways that can be construed as misconduct. The Committee likewise concluded that Subject #3's actions did not seriously deviate from those that could be appropriately taken by a project director.

On the basis of the society's investigation, we closed our inquiry without a finding of misconduct. No further action will be taken on this case. OIG wrote to the subjects and the complainants informing them of the outcome of the case.