

CLOSEOUT FOR M96080020

This case came to OIG on August 9, 1996, when the first complainant¹ informed us of allegations of misconduct involving the subject.² We also subsequently received related allegations from two other complainants.³ The complainants alleged that the subject had committed plagiarism by incorporating language from a published article⁴ into her declined NSF proposals⁵ without appropriate attribution.⁶ The first complainant supplied materials indicating that the subject's university had conducted an investigation into the allegations involving the subject and had closed its case without a finding of misconduct.

OIG wrote to the subject's university requesting a copy of its investigation report and supporting evidence. In our letter, we noted that NSF's misconduct regulation states (45 C.F.R. §689.3(b)) that "[i]f an institution wishes NSF to defer independent inquiry or investigation, NSF expects it to . . . [i]nform NSF immediately if an initial inquiry supports a formal investigation. . . [and] [p]rovide NSF with the final report from any investigation." We noted that, possibly because the university mistakenly believed that alleged misconduct in declined proposals was not covered by NSF's misconduct regulation, the university neither informed OIG of this matter nor provided us with an investigation report in accordance with the regulation. The university informed us that it intended to comply with this requirement in the future and had indeed been unaware that allegations of misconduct concerning declined proposals to NSF fell within our jurisdiction. It also supplied us with its investigation report and the evidence supporting it.

OIG reviewed the records of the university's investigation. We also reviewed materials supplied by the subject and the complainants, including the records of additional inquiries by the university into alleged plagiarism related to the original allegations against the subject.

¹ Dr. [REDACTED] then a member of the Department of [REDACTED] at [REDACTED].

² Dr. [REDACTED] then a member of the Department of [REDACTED] at [REDACTED].

³ Dr. [REDACTED] of the Department of [REDACTED] at [REDACTED] (the second complainant) and Dr. [REDACTED] of the [REDACTED] (the third complainant).

⁴ "[REDACTED]"

⁵ The subject submitted three proposals ([REDACTED]) to NSF that were entitled "[REDACTED]". [REDACTED] was co-PI for all three proposals. NSF declined to fund the subject's proposals.

⁶ The materials OIG received in this case contained numerous additional allegations concerning the subject, and allegations by the subject against the first two complainants. Except as noted in the text, these allegations did not involve NSF proposals or awards and therefore fell outside our jurisdiction.

While OIG's review was in progress, the third complainant submitted a plagiarism complaint against the subject to a professional association⁷ of which both he and the subject were members. The association examined the complaint and concluded that there was insufficient evidence supporting it to warrant a formal investigation.

OIG noted that the amount of allegedly plagiarized material comprised less than one page of the text of the twenty-three page published article. The material was a discussion of another researcher's concepts and findings, and the subject used it to set the context for her proposed original research. Although the passages in the published article and the subject's proposal were substantially similar, there were numerous differences in wording that prevented them from being identical. OIG concluded that the similarities between these passages were far more extensive than would be the case if two researchers had independently developed summaries of the ideas of a third scholar, and we rejected the university investigation committee's conclusions to the contrary. OIG noted that the subject and the author of the published article provided the university with conflicting accounts of the origin of the overlapping text, with each claiming to have originated the passages in dispute. OIG concluded that it was highly implausible that the text of the published article was itself copied from earlier work by the subject, and we believe the evidence to the contrary is insubstantial.⁸

However, OIG concluded that it was questionable whether, given the amount and character of the material that was allegedly misappropriated from the article and incorporated into the subject's proposals, the alleged misappropriation was sufficiently serious to be misconduct in science. OIG concluded that allegations of this level of seriousness which had already been considered in proceedings in two different and independent forums (and, in one forum, considered on more than one occasion) should not be investigated further in yet a third forum.

OIG also received allegations that the subject and her husband,⁹ also a professor at the university, had retaliated against a junior faculty member¹⁰ at the university who had alleged that the subject had committed plagiarism. OIG was informed that the subject and her husband, along with several other members of the department to which the subject and the junior faculty member had belonged, had written a minority report recommending that the junior faculty member be denied tenure. A university committee decided that the subject and her husband "voted negatively on the basis of criteria other than [the junior faculty member]'s professional performance" and that their votes were "made in retaliation" against the junior faculty member for alleging that the subject had committed misconduct. OIG examined the minority report. OIG determined that it essentially focused on issues appropriately considered in a tenure review. OIG further concluded that (1) it was fruitless in this instance to speculate on the mixture of personal and professional motives that had caused members of the

⁷ The [REDACTED]

⁸ We emphasize that the judgments expressed in this paragraph are investigative conclusions that have not been tested in an NSF adjudication.

⁹ Dr. [REDACTED]

¹⁰ Dr. [REDACTED]

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department to reach different decisions about whether the junior faculty member should receive tenure; (2) there was abundant evidence in the records of the university's investigation suggesting that various members of the department had strong personal feelings about either the subject or the junior faculty member that might have affected their actions during the tenure review; (3) the university committee grounded its judgments about the motives of the subject and her husband in witness impressions and interpretations of casual comments; and (4) as the university committee concluded, there was no evidence that university officials at higher levels had retaliated against the junior faculty member by denying him tenure. In the absence of more compelling evidence of either retaliatory action or intent, OIG decided there was insufficient substance to this matter to warrant pursuing it further.

This investigation is closed and no further action will be taken on this case.

cc: Integrity, IG