

## Closeout for M99060033

Our office received an allegation that the subject<sup>1</sup> plagiarized text into an NSF proposal. Our inquiry into the allegation determined that the subject had apparently copied text, from a proposal previously submitted to NSF, into his own proposal. We determined there was sufficient substance to warrant an investigation. We notified the subject's institution and deferred our investigation to the institution.

The institution conducted an investigation and provided us with a copy of their investigation report. The institution determined that the subject had committed plagiarism and that his plagiarism was an act of scientific misconduct. The institution recommended the following actions:

1. Place a letter of reprimand in the subject's personnel file.
2. Subject must certify that all his pending proposals do not contain plagiarism.
3. Withdrawal of any proposals on which the subject can not make the certification in action 2 above.
4. Demonstrate to the institution his intent to provide students, under his research supervision, with instruction on the proper conduct of scientific research.
5. Subject should certify for three years (until 1 July 2003) that any proposals he submits contain no plagiarism.

Our review of the institution's report determined that the investigation was thorough, fair and accurate and we concur with its conclusions. Based on the institution's report and our own investigation, we determined that the subject committed misconduct in science. Our investigation report and the NSF Deputy Director's (DD) 19 Oct 2001 letter reflecting his decision and this memo constitute the closeout for this case. In his letter, the NSF DD imposes a two-year requirement for certifications to be submitted to OIG with all NSF proposals.

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

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<sup>1</sup> Redacted

**NATIONAL SCIENCE FOUNDATION**

4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OCT 19 2001

OFFICE OF THE  
GENERAL COUNSEL

**CERTIFIED MAIL --RETURN RECEIPT REQUESTED**

[REDACTED]

Re: Notice of Misconduct in Science Determination

Dear Dr. [REDACTED]:

The National Science Foundation's (NSF) Office of Inspector General (OIG) issued an investigative report in which it found that you plagiarized text in a collaborative proposal from a prior collaborative proposal submitted to NSF. A copy of the investigative report is enclosed. NSF has concluded that you committed misconduct in science when you engaged in plagiarism in the collaborative proposal you submitted to NSF's [REDACTED] in 1998.

**Scientific Misconduct and Proposed Sanctions**

The Foundation's administrative record indicates that you submitted a collaborative proposal to the NSF entitled [REDACTED] 1998. [REDACTED] investigated an allegation of plagiarism in connection with the proposal and found the proposal contained copied material from a proposal previously submitted to NSF in [REDACTED] 1997. You appeared to be the only common element found between the two proposals, as [REDACTED] was a co-principal investigator on the source proposal.

[REDACTED] found that you acted grossly negligent and in reckless disregard of the accepted standards of the academic community when you committed the plagiarism at issue. The Office of Inspector General agreed with [REDACTED] conclusion.

Under NSF's regulations, "misconduct" is defined to include "plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from activities funded by NSF." 45 CFR § 689.1(a). By submitting a proposal to NSF that copies the ideas or words of another without adequate attribution or distinction, as described in the Investigation Report, you misrepresented someone else's work as your own. I therefore agree with [REDACTED] and OIG that this constitutes plagiarism and a serious deviation from accepted practices under NSF's regulations. 45 CFR § 689.1(a).

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 § 689.2(a). Group I actions include issuing a letter of reprimand conditioning awards on prior approval of particular activities from NSF; and requiring certifications on the accuracy of reports or assurances of compliance with particular requirements. 45 CFR § 689.2(a)(1).

In deciding what response is appropriate, NSF has considered the seriousness of the misconduct, whether it was deliberate or careless; whether it was an isolated event or part of a pattern; and whether the misconduct affects only certain funding requests or has implications for any application for funding involving the subject of the misconduct finding. 45 C.F.R. § 689.2(b).

I have considered several mitigating factors in this case. First, [REDACTED] determined that this was an isolated case of plagiarism as it was "unable to verify a pattern of offense." Second, the Committee found that, though serious enough to constitute misconduct in science, the act committed was "near the lowest threshold of seriousness." Third, you acted recklessly, rather than intentionally. Finally, the plagiarized text was background information, rather than a description of the proposed research.

Another consideration is the actions already taken by [REDACTED] to address the misconduct. [REDACTED] took the following steps in June of 2000 to address the misconduct: (1) it issued a written reprimand; (2) it required certifications to the Vice Provost of Research that no pending proposal contains plagiarized material; (3) it required certifications for a period of three years that the future proposal submissions do not contain plagiarized material; and, finally, (4) it required you to draft a letter evidencing your "intent to assure that students conducting research under [your] supervision are instructed as to the proper definition of plagiarism and proper conduct in science."

In light of these mitigating factors, I conclude, consistent with the recommendations of OIG, that the following sanctions should be imposed to adequately protect the interests of the Federal government:

- (1) this letter shall serve as an official reprimand for having engaged in the scientific misconduct
- (2) you must submit certifications to OIG, for two years, in conjunction with any documents you submit to NSF for which you have authorship responsibilities stating that, to the best of your knowledge, those documents contain no plagiarized material

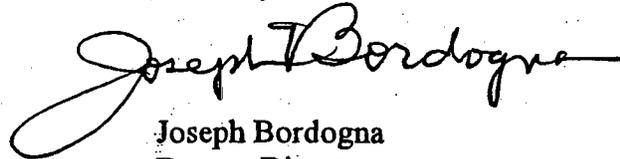
This finding of misconduct in science does not preclude you from applying for NSF funding in the future or serving as a merit reviewer.

### Procedures Governing Appeals

Under NSF's regulations, you have 30 days after receipt of this letter to submit an appeal of this decision, in writing, to the Director of the Foundation. See 45 CFR § 689.9(a). Any appeal

should be addressed to the Director at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. For your information we are attaching a copy of the applicable regulations. If you have an questions about the foregoing, please call Lawrence Rudolph, General Counsel, at (703) 292-8060.

Sincerely,

A handwritten signature in black ink, reading "Joseph T. Bordogna". The signature is written in a cursive style with a large, looping initial "J".

Joseph Bordogna  
Deputy Director

Enclosures (2)  
Investigative Report  
NSF's Misconduct in Science Regulations

Confidential



# Office of Inspector General

## *Investigation Report*

OIG Case M99060033

MARCH 30, 2001

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## Summary

The Office of Inspector General (OIG) has concluded that the subject<sup>1</sup> committed plagiarism. The subject incorporated, without attribution and distinction,<sup>2</sup> text from one proposal<sup>3</sup> (the "source proposal") submitted to the National Science Foundation (NSF) into a separate proposal<sup>4</sup> (the "collaborative proposal") subsequently submitted to NSF. The subject's institution conducted an investigation into the allegation of plagiarism and found that the subject did plagiarize and that his plagiarism was an act of scientific misconduct.<sup>5</sup> We concur with the institution's finding.

We recommend that NSF find that the subject committed misconduct in science and take the following actions. First, NSF should send a letter of reprimand to the subject informing him that NSF has made a finding of misconduct in science against him. Second, for 2 years from the final disposition of this case, NSF should require the subject to submit certifications to OIG, in conjunction with any documents authored by the subject for submission to NSF, stating that those documents contain no plagiarized material.

## Background

We received an allegation that the collaborative proposal contained material also contained in the source proposal. The sole common denominator between these two proposals appeared to be the subject: he was a co-PI in the collaborative proposal and [REDACTED] a co-PI for the source proposal. We initially identified approximately 27 lines of text in the collaborative proposal, specifically the "Introduction and Background," as identical or substantially similar to material in the "Project Hypothesis" section of the source proposal. The identical and substantially similar text is presented in the collaborative proposal without attribution and distinction.

## OIG's Inquiry

We wrote to the subject and asked him to explain the presence of the identified material in the collaborative proposal.<sup>6</sup> In his written response, the subject admitted that he did "paraphrase" the material from the source proposal.<sup>7</sup> He also stated that the information

<sup>1</sup> [REDACTED]

<sup>2</sup> The term "distinction" is used to indicate a method, such as font, indentation, quotation marks, or other means, used so that the reader can differentiate between copied material and original material in the document.

<sup>3</sup> [REDACTED]

<sup>4</sup> [REDACTED]

<sup>5</sup> [REDACTED]

<sup>6</sup> [REDACTED]

<sup>7</sup> See Appendix 3: Provost's Letter of Reprimand (dated June 29, 2000).

<sup>6</sup> See Appendix 4: OIG's Inquiry Letter (dated August 13, 1999).

<sup>7</sup> See Appendix 5: Subject's Response to OIG's Inquiry Letter (dated "September 7, 1998").

paraphrased was provided to him by [REDACTED],<sup>8</sup> one of the PIs listed on the source proposal.<sup>9</sup> As to why the subject did not distinguish the copied material in some way from his otherwise original proposal materials, he explained that, "as the information that was recycled was strictly limited to background and the interpretation of the primary literature, only references to the primary literature were retained."<sup>10</sup>

We wrote to the [REDACTED] and asked for his recollection of the subject's interaction with the source proposal.<sup>11</sup> He stated that he did not provide the subject with a copy of the source proposal or any information contained therein.<sup>12</sup> The [REDACTED] added that his recollection was that the subject first saw the source proposal when the subject visited his laboratory during an unrelated research expedition.<sup>13</sup>

We subsequently learned that the same lines of text first identified as duplicative in the collaborative proposal, appeared again in a pre-proposal<sup>14</sup> submitted to NSF after the collaborative proposal was declined. The subject was listed as PI on the pre-proposal.<sup>15</sup>

Based on the subject's response and the information supplied by the subject's former Ph.D. advisor, we concluded that the allegation was substantive. On January 10, 2000, we formally deferred the investigation of this case to the subject's institution.<sup>16</sup>

### Institution's Inquiry

The subject's institution first conducted an inquiry into the allegation that the collaborative proposal contained material that had been plagiarized by the subject from the source proposal. On January 24, 2000, we received the inquiry report issued by the Vice Provost for Research of the subject's institution.<sup>17</sup> The Vice Provost had asked the [REDACTED] whether it is implied in his laboratory that students and postdoctoral researchers may incorporate material from declined proposals into their own documents.<sup>18</sup> The [REDACTED] informed the Vice Provost that such an implicit understanding does not exist.<sup>19</sup> Consequently, the Vice Provost for Research "concluded that there is sufficient substance to the allegation to warrant an investigation."<sup>20</sup>

<sup>8</sup> [REDACTED]

<sup>9</sup> See Appendix 5: Subject's Response to OIG's Inquiry Letter.

<sup>10</sup> *Id.*

<sup>11</sup> See Appendix 6: OIG's Information Request to Former Ph.D. Advisor (dated November 29, 1999).

<sup>12</sup> See Appendix 7: [REDACTED] Response to OIG's Information Request (dated December 1, 1999).

<sup>13</sup> *Id.*

<sup>14</sup> See [REDACTED]

<sup>15</sup> *Id.*

<sup>16</sup> See Appendix 9: OIG's Deferral Letter (dated January 10, 2000).

<sup>17</sup> See Appendix 10: Vice Provost's Inquiry Report (dated January 18, 2000).

<sup>18</sup> *Id.*, at 2.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

### Institution's Investigation

The institution appointed a three-member committee to investigate the allegation of plagiarism. On July 7, 2000, we received the committee report.<sup>21</sup> The committee reviewed the written materials in question and interviewed the subject as well as the other individuals who were primarily involved in the development of the proposals.

In summary, the committee stated:

[T]he preponderance of evidence indicates that there was serious deviation on the part of [the subject] from accepted standards of scientific conduct. Specifically, the Committee has concluded that plagiarism did occur and that it resulted from gross negligence (recklessness) on the part of [the subject]. . . . [The subject's] insistence that his actions did not constitute misconduct and the approach he takes to developing proposals, including using verbatim language from source documents without sufficient care to identify and attribute the language properly, are likely to lead to further episodes of plagiarism unless corrected. . . .<sup>22</sup>

The committee described a total of approximately 34 lines of text as plagiarized from the source proposal into the collaborative proposal and the pre-proposal.<sup>23</sup>

The institution's Provost stated his concurrence with the committee's conclusion that the subject committed an act of scientific misconduct in a letter to the subject dated June 29, 2000.<sup>24</sup>

### Institution's Resolution

The committee "determined that by most criteria the act committed by [the subject], though serious enough to warrant a finding of misconduct, was near the lowest threshold of seriousness."<sup>25</sup> The committee recommended formally imposing four actions:<sup>26</sup>

1. The Provost should send a letter of reprimand to the subject and place a copy of it in the subject's personnel file.

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<sup>21</sup> See Appendix 11: Committee's Investigation Report (dated June 1, 2000).

<sup>22</sup> *Id.*, at 1.

<sup>23</sup> *Id.*, at 7. As mentioned above, we initially identified 27 lines of text. The committee determined that the subject had plagiarized 41 lines of text from the source proposal into the draft he prepared for inclusion in the collaborative proposal. The PI deleted 7 of the plagiarized lines of text from the draft when editing the collaborative proposal, leaving 34 lines. The pre-proposal submitted by the subject contained the same 34 lines as the collaborative proposal.

<sup>24</sup> See Appendix 3: Provost's Letter of Reprimand.

<sup>25</sup> See Appendix 11: Committee's Investigation Report, at 1.

<sup>26</sup> *Id.*, at 15.

2. The subject should certify to the Vice Provost for Research that his pending proposals do not contain plagiarized material. The subject should withdraw any pending proposals for which he is unable to make this certification.
3. The subject should demonstrate to the Provost his intent to provide students conducting research under his supervision with instruction on the proper conduct of scientific research, including a special emphasis on the impropriety of plagiarism.
4. The subject should certify, for a period of three years, that any proposals he submits do not contain plagiarized material.

The Provost accepted the committee's report and adopted its formal recommendations in full.<sup>27</sup> The status of the sanctions imposed by the institution, as described above, are as follows:<sup>28</sup>

1. The Provost sent an official letter of reprimand to the subject on June 29, 2000;
2. The subject has certified that the one proposal for funding that was pending did not contain any plagiarized material. That proposal was subsequently not funded;
3. The subject has indicated that he has not submitted any new proposals;
4. The subject has provided assurances that he is instructing his students in the appropriate conduct of scientific inquiry, including special attention to avoiding plagiarism.

#### OIG's Assessment

We believe the institution's investigation report describes a fair, accurate, and thorough evaluation of the facts relevant to the allegation. We have used the institution's report in forming our own conclusion and in recommending a finding of misconduct in science.

~~NSF defines misconduct in science, in relevant part, as "[f]abrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from activities funded by NSF . . . ."~~<sup>29</sup> Before recommending a finding of misconduct in science against a subject, we assess whether a preponderance of the evidence<sup>30</sup> supports a conclusion that the subject committed a bad act with a level of culpable intent (minimally, gross negligence) that justifies taking action against the subject.

~~In deciding what actions are appropriate when misconduct is found, NSF officials should consider the seriousness of the misconduct, the intent with which the misconduct was~~

<sup>27</sup> See Appendix 3: Provost's Letter of Reprimand.

<sup>28</sup> See Appendix 12: Provost's Letter to OIG (dated February 7, 2001).

<sup>29</sup> 45 C.F.R. § 689.1(a)(1).

<sup>30</sup> 45 C.F.R. § 689.2(d).

committed, whether the misconduct was an isolated event or part of a pattern, and finally the relevance of the misconduct to other funding requests or awards.<sup>31</sup>

### Subject's Act

The subject admitted that he "paraphrased" or "recycled" the text from the source proposal.<sup>32</sup> He indicated that he did not attribute or distinguish this material because "the information that was recycled was limited to background and the interpretation of primary literature," and that [REDACTED] had given him implied permission to do so.<sup>33</sup>

We concur with the committee's determination that "the text in question is almost completely verbatim, with only a few modest changes and is, therefore, not an instance of paraphrasing."<sup>34</sup> The subject's explanation that he believed he could "recycle" text materials does not account for the subject's failure to properly attribute and distinguish the copied text in the collaborative proposal. Regardless of whether the subject had [REDACTED] implied permission to use the text in the collaborative proposal, he was still obligated to properly attribute and distinguish the copied text as the creation of the actual author.

We conclude that a preponderance of the evidence demonstrates that the subject copied approximately 34 lines of text without attribution and distinction from the source proposal into material intended for incorporation into the collaborative proposal. Our conclusion concurs with that of the institution's investigation committee.<sup>35</sup>

### Subject's Intent

The subject told the committee that he had taken notes from the source proposal.<sup>36</sup> He also explained that his notes included verbatim text that was not identified or distinguished as such and this text was later inadvertently incorporated in an unattributed and undistinguished manner when he used his notes to prepare material for the collaborative proposal.<sup>37</sup> The committee concluded that the subject's "technique of copying language verbatim without identifying it as such is likely to lead to plagiarism, however unintentional, and thus represents gross negligence and recklessness."<sup>38</sup>

We concur that the subject was at least grossly negligent when he copied 34 lines of verbatim text from the subject proposal into his notes without noting their source, and then later using these notes to prepare materials for the collaborative proposal.<sup>39</sup>

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<sup>31</sup> 45 C.F.R. § 689.2(b).

<sup>32</sup> See Appendix 5: Subject's Response to OIG's Inquiry Letter and Appendix 11: Committee's Investigation Report, at 8.

<sup>33</sup> See Appendix 5: Subject's Response to OIG's Inquiry Letter.

<sup>34</sup> See Appendix 11: Committee's Investigation Report, at 8.

<sup>35</sup> See Appendix 11: Committee's Investigation Report, at 7.

<sup>36</sup> *Id.*, at 9.

<sup>37</sup> *Id.*, at 9-10.

<sup>38</sup> *Id.*, at 10.

<sup>39</sup> The subject provided no evidence to corroborate his professed method of copying verbatim text when taking notes. We find it doubtful that anyone would copy verbatim text from an introduction/background section of a proposal for possible reference use at a later time. However, in light of the relatively minor nature of the misconduct here, we do not believe it is important to establish whether the subject's actions were knowing or willful rather than grossly negligent.

The subject maintains that "no scientific misconduct was intended, implied, or attempted."<sup>40</sup> The committee attributed this statement to the subject's failure to comprehend the definition of plagiarism and to his method of note-taking without proper citation.<sup>41</sup> Nonetheless, it is incumbent upon the subject, as a member of the scientific and engineering community, to familiarize himself with the appropriate standards of conduct and behave accordingly. The subject's failure to properly record and attribute the original proposal materials represents an act of gross negligence.

#### Seriousness of Subject's Actions

The subject presented a significant amount of unattributed and undistinguished text written by another as his own. The committee concluded that although "the volume of plagiarized material was comparatively small . . . the act of plagiarism committed by [the subject] [was] sufficiently serious to be classified as misconduct in science."<sup>42</sup> We agree that the subject's grossly negligent actions in copying and presenting the text without attribution or distinction was a serious deviation from the accepted standards of practice of the scientific and engineering community.

#### Subject's Actions as an Isolated Event or Repeated Behavior

The committee stated that it "was unable to verify a pattern of offense."<sup>43</sup> The committee determined that the submission of the pre-proposal was not evidence of a pattern because the subject did not submit the unattributed and undistinguished copied text on more than one occasion with regard to both the collaborative proposal and pre-proposal. The committee based this determination on the fact that the collaborative proposal's lead PI fashioned the pre-proposal out of material he extracted from the collaborative proposal.<sup>44</sup> We agree that these separate submissions are not indicative of a pattern of behavior.

We are not aware of other evidence demonstrating that the subject has on past occasions misappropriated text.

#### Conclusion

The subject seriously deviated from accepted practice when he included 34 lines of unattributed and undistinguished copied text into material intended for incorporation into the collaborative proposal. The subject's actions were at least grossly negligent. We conclude that the subject committed misconduct in science (plagiarism).

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<sup>40</sup> See Appendix 5: Subject's Reply Letter; see also Appendix 11: Committee's Investigation Report, at 8-9.

<sup>41</sup> See Appendix 11: Committee's Investigation Report, at 10.

<sup>42</sup> *Id.*, at 13.

<sup>43</sup> *Id.*, at 11.

<sup>44</sup> *Id.*

### OIG's Recommended Disposition

Based on this information, and in consideration of the circumstances discussed above, we recommend that NSF take two actions as a final disposition in this case:

1. NSF should send a letter of reprimand to the subject informing him that he has been found to have committed misconduct in science.<sup>45</sup>
2. For a period of 2 years, NSF should require the subject to submit certifications to OIG, in conjunction with any documents the subject submits to NSF or with any documents submitted to NSF for which the subject has authorship responsibilities, stating that, to the best of his knowledge, those documents contain no plagiarized material.<sup>46</sup>

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<sup>45</sup> This is a Group I action (see 45 C.F.R. § 689.2(a)(1)(i)).

<sup>46</sup> This is a Group II action (see 45 C.F.R. § 689.2(a)(2)(i)).