

Closeout for M99070038

On 23 July 1999, we received an allegation that the subject¹ plagiarized text and graphics, from one of two nearly identical papers, into his own NSF proposal. Our inquiry into the allegation determined that the subject had apparently not distinguished the copied text or provided any authorship credit to the original author. 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 university determined that the subject had committed plagiarism and it recommended five actions:

1. Place a letter of reprimand in the subjects personnel file.
2. Suspend the subject from submitting any proposals for one year.
3. Withdrawal of all the subjects pending proposals.
4. Review all the subject's proposals during the calendar year following the one-year suspension.
5. Subject participation in an appropriate training program.

Our review of the institution's report determined that the investigation was thorough, fair and accurate. 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 20 June 2001 letter reflecting his decision and this memo constitute the closeout for this case.

¹ Redacted

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DEPUTY DIRECTOR

June 20, 2001

CERTIFIED MAIL --RETURN RECEIPT REQUESTED

[REDACTED]

Re: Notice of Misconduct in Science Determination

[REDACTED]

The National Science Foundation's (NSF) Office of Inspector General (OIG) issued an investigative report in which it found that you submitted a proposal to NSF that plagiarized text and figures from two conference papers. A copy of the Investigative Report is enclosed.

The OIG sent you a copy of the draft investigative report in June, 2000 and apprised you that you could submit comments on their report by July 15, 2000. You did not submit any comments on the report.

Scientific Misconduct and Proposed Sanctions

The Foundation's administrative record indicates that you submitted a proposal to the NSF entitled [REDACTED]

[REDACTED] investigated an allegation of plagiarism in connection with the proposal and found the proposal contained copied material from two conference proceedings¹ without acknowledging the source materials, and without their permission. [REDACTED] found that you acted in reckless disregard of the accepted standards of the academic community. IIT concluded that this constitutes plagiarism, as well as a serious deviation from accepted practices within the scientific community. The Office of Inspector General agreed with [REDACTED] conclusion.

[REDACTED]

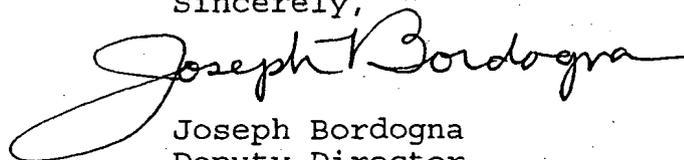
through December 31, 2001, you must simultaneously submit a copy of the document along with a separate written certification to the Associate Inspector General for Scientific Integrity, Office of Inspector General, 4201 Wilson Boulevard, Arlington, Virginia 22230. The certification shall state that you have reviewed NSF's Misconduct in Science Regulation (45 C.F.R. Part 689) and that the document contains no plagiarized material.

- For the same time period, if you submit any documents to NSF, you must ensure that your Department Chairperson or the equivalent simultaneously submits an assurance to the Office of Inspector General that, to the best of that person's knowledge, the document does not contain any plagiarized material.

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. 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 any questions about the foregoing, please call Lawrence Rudolph, General Counsel, at (703) 292-8060.

Sincerely,



Joseph Bordogna
Deputy Director

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

bcc: L. Rudolph, OGC
C. Boesz, OIG
[REDACTED] OIA

Confidential



Office of Inspector General

Investigation Report

OIG Case M99070038

AUGUST 25, 2000

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Summary

The Office of Inspector General (OIG) has concluded that the subject¹ incorporated, without attribution and distinction,² text and graphics from one or both of two nearly identical papers^{3,4} (the “first paper” and the “second paper”) into a proposal⁵ that he submitted to the National Science Foundation (NSF), and by doing so committed misconduct in science. The subject’s institution investigated the allegation and found that the subject’s action with respect to the text and graphics constituted plagiarism and therefore misconduct in science.

We recommend that NSF take three 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.
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.
3. For the same period, NSF should require the subject to submit institutional assurances, signed by individuals designated by the Chair of the subject’s Department, 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 the signee’s knowledge, those documents contain no plagiarized material.

OIG’s Inquiry

It was alleged that the subject’s proposal contained material that had been plagiarized from the first paper. Our comparison of the subject’s proposal and the first paper revealed that approximately 50 lines of text and 2 graphics in the subject’s proposal (the first two paragraphs and figures 1 and 2 on pages 1-2, a portion of the second paragraph on page 7, and portions of the first two paragraphs on page 9) were identical or substantially similar to material in the first paper (the first two paragraphs and figures 1 and 2 of section I on pages 1-2, a portion of the first paragraph on page 3, and the second and third paragraphs on page 3, respectively). The identical and substantially similar text and graphics are presented in the subject’s proposal without attribution and distinction.

¹ Redacted

² 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.

³ Redacted

⁴ Redacted

⁵ Redacted

We wrote to the subject and asked him to explain the presence of the apparently plagiarized material in his proposal.⁶ The subject admitted to copying and paraphrasing the specified text and graphics found on pages 1 and 2 of his proposal.⁷

I thought it would be convenient to adopt some existing accurate description by researchers closely tied with industry when I wrote the proposal. I do have some basic concept of the copyright. But I thought . . . it should be fine to adopt [an existing description] for the . . . purpose of explaining . . . the problem This is perhaps where I went wrong

Among all the existing publications that explained the background, I found [the source papers] did the best. I . . . copied and paraphrased the first portion indicated in your letter. But let me iterate again that it serves **only** as **background** information

Regarding the portion of the second paragraph on page 7, the subject stated "I do not agree that it is plagiarism."⁸ He based his argument on the observation that he used the unattributed and undistinguished identical and substantially similar text to introduce a problem that was conceptually different than the problem the authors of the source papers originally used the material to introduce.

As for the portions of the first two paragraphs on page 9, the subject, using an argument similar to the one he offered concerning the material on page 7, claimed, "I really can't understand why the reformulation of a more difficult problem by the same argument . . . is a [sic] plagiarism."⁹

We concluded, based on the evidence and the subject's response to our inquiry letter, that the allegation was substantive. On October 25, 1999, we formally deferred the investigation of this case to the subject's institution.¹⁰

Institution's Investigation

On January 21, 2000, we received the report issued by the committee appointed by the Vice President and Chief Academic Officer of the subject's institution to investigate the allegations of scientific misconduct against the subject.¹¹ In summary, the report stated:¹²

⁶ See Appendix 4: OIG's Inquiry Letter (sent August 13, 1999).

⁷ See Appendix 5: Subject's Response to OIG's Inquiry Letter (received August 26, 1999), p. 3 (original emphasis). It was through the subject's response to our inquiry letter that we learned about the second paper. The second paper is nearly identical to the first paper. Our comparison of the subject's proposal and the second paper revealed that the approximately 50 lines of text and 2 graphics in the subject's proposal, which are identical and substantially similar to material in the first paper, are also identical and substantially similar to material in the second paper.

⁸ *Id.*, p. 4.

⁹ *Id.*, p. 6.

¹⁰ See Appendix 6: OIG's Deferral Letter (sent October 25, 1999).

¹¹ See Appendix 7: Committee's Investigation Report (received January 21, 2000).

¹² *Id.*, p. 4.

it is the committee's view that [the subject] copied figures and portions of text into his proposal without acknowledging the source of the material, that this action constitutes plagiarism and therefore scientific misconduct, and that he did it with careless disregard for the accepted standards of the academic community.

We were concerned about a finding of misconduct without a level of culpable intent on the part of the subject, and on March 1, 2000, we requested clarification regarding the committee's determination of the subject's state of mind.¹³ On March 17, 2000, we received a letter from the Chairman of the committee explaining that the committee believed "[the subject] acted with 'reckless disregard,'" and that the summary statement should actually read, in part, "he did it with reckless disregard for the accepted standards of the academic community."¹⁴

Institution's Resolution

The committee considered as mitigating factors the subject's lack of training in professional academic conduct, his cultural background, his junior status, and his sincerely held beliefs that his actions were not wrong.¹⁵ It recommended five actions:¹⁶

1. Placement of a letter of reprimand, sent to the subject by the Vice President and Chief Academic Officer, in the subject's personnel file until December 31, 2001, at which time it may be removed if there are no other instances of academic misconduct involving the subject between the date of the letter and the December 31, 2001.
2. Suspending the subject from submitting any proposals for any external funding until December 31, 2000.
3. Withdrawal of the subject's pending proposals.¹⁷
4. Review of any proposals the subject intends to submit during the 2001 calendar year by an individual designated by the Chair of the subject's department.
5. Participation of the subject in an appropriate training program to be designed in consultation with institutional officials.

The committee also made a general recommendation that the institution establish a formal program for training graduate students and faculty, in particular new and junior faculty, in matters of professional misconduct.

The Vice President and Chief Academic Officer of the Main Campus accepted the committee's report and enacted its recommendations in full.¹⁸

¹³ See Appendix 8: OIG's State of Mind Letter (sent March 1, 2000).

¹⁴ See Appendix 9: Committee's Explanation Letter (received March 21, 2000).

¹⁵ See Appendix 7: Committee's Investigation Report, p. 4-5.

¹⁶ *Id.*, p. 5.

¹⁷ Redacted

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 report as the basis of our own conclusions about misconduct in science.

NSF defines misconduct, in relevant part, as "fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from activities funded by NSF" (45 C.F.R. § 689.1(a)(1)). A finding of misconduct in science against a subject requires that the subject both committed a wrongful act and did so with a level of culpable intent that justifies taking action against the subject. In order to make a finding of misconduct, the subject must have acted, minimally, with gross negligence. NSF's standard of proof in evaluating each element of misconduct in science is a preponderance of the evidence.

The Act

The subject admitted to both the committee and OIG that he copied material from the two papers.¹⁹ However, he offered four reasons why his actions were not plagiarism:²⁰

1. He provided a citation to one of the papers in his proposal, if he had intended to plagiarize he would not have done so.
2. He doesn't need to plagiarize because, as his publication record makes evident, he knows the subject matter well enough.
3. The material he copied is only background information, he was not presenting the author's method as his own.
4. Copying text and figures without acknowledging the source is an unacceptable practice in publications designed for a wide audience, but it is acceptable in proposals that are to be read only by a few reviewers.

We do not find the subject's arguments to be persuasive. While it may be true that on page 5 of his proposal the subject included a citation to the second paper,²¹ this citation was not made in connection with any of the copied and paraphrased material. Furthermore, a single citation would hardly be sufficient attribution for the volume of copied and paraphrased material in the subject's proposal. As for the subject's level of expertise in his field and background nature of the material in question, such information is entirely irrelevant to the

¹⁸ See Appendix 10: Vice President and Chief Academic Officer's Letter of Reprimand (received January 21, 2000). The Vice President and Chief Academic Officer of the subject's institution sent this letter to the subject and placed a copy in his personnel file on January 12, 2000.

¹⁹ See Appendix 7: Committee's Investigation Report, p. 3 and Appendix 5: Subject's Response to OIG's Inquiry Letter, p. 3.

²⁰ See Appendix 7: Committee's Investigation Report, p. 3.

²¹ See Appendix 3: Subject's NSF Proposal.

fact that unattributed and undistinguished copied and paraphrased material was incorporated into his proposal. And finally, in regard to proposal authorship:²²

NSF expects strict adherence to the rules of proper scholarship and attribution. The responsibility for proper attribution and citation rests with authors of a research proposal; all parts of the proposal should be prepared with equal care for this concern. Serious failure to adhere to such standards can result in findings of misconduct in science.

Similarly, the committee determined that the subject's actions and explanations were contrary to accepted standards of practice in the subject's institutional community, the subject's professional community, or any other professional community with which the members of the committee were associated.²³

We conclude that the subject, as demonstrated by a preponderance of the evidence, copied and paraphrased approximately 50 lines of text and 2 graphics without attribution and distinction from one or both of the first and second papers into his proposal. Our conclusion concurred with that of the committee.²⁴

The Subject's Intent

The act of copying directly from a source into one's own document intrinsically requires an awareness of that act. The scientific and engineering community, as well as NSF,²⁵ routinely state expectations regarding adherence to the tenets of professional conduct.²⁶ The subject's responsibility to familiarize himself with such standards and behave accordingly is unequivocal.

The subject stated not only that he copied material from the papers,²⁷ but also that this action was based on a conscious decision to "adopt some existing accurate description by researchers closely tied with industry when [he] wrote the proposal."²⁸

In the opinion of the committee's expert reviewer, the subject "acted with knowing disregard in copying the material."²⁹ The committee concluded that "he did it with reckless disregard for the accepted standards of the academic community."³⁰

We conclude that the subject, as demonstrated by a preponderance of the evidence, acted culpably when he copied and paraphrased approximately 50 lines of text and 2 graphics without attribution or distinction from the papers into his proposal.

²² NSF Grant Proposal Guide (GPG) (NSF 99-2), p. 1.

²³ See Appendix 7: Committee's Investigation Report, p. 3.

²⁴ *Id.*

²⁵ See Footnote 22.

²⁶ Redacted

²⁷ See Appendix 7: Committee's Investigation Report, p. 3 and Appendix 5: Subject's Response to OIG's Inquiry Letter, p. 3.

²⁸ See Appendix 5: Subject's Response to OIG's Inquiry Letter, p. 3.

²⁹ Redacted

³⁰ See Appendix 9: Committee's Explanation Letter.

Conclusion

Based on our conclusions regarding the subject's actions and intent, we conclude that the subject committed misconduct in science when he plagiarized 50 lines of text and two graphics from published material authored by others into his NSF proposal.

OIG's Recommended Disposition

As specified under § 689.2(b) of NSF's misconduct in science and engineering regulation, 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 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.

Seriousness

The amount of plagiarism in this case (approximately 50 lines of text and 2 graphics) is significant. The subject's actions seriously deviated from the accepted standards of practice of the scientific and engineering community. Additionally, when he submitted his proposal to NSF, the subject falsely certified that "the text and graphics herein . . . unless otherwise indicated, are the original work of the signatories or individuals working under their supervision."³¹

Isolated Event or Pattern

The committee's expert reviewer stated that he found no additional evidence of plagiarism among the subject's published papers or book chapters.³² Likewise, the committee member who reviewed 14 documents authored or co-authored by the subject against selected references, found no other instances "in which [the subject's] documents included copied or paraphrased text . . . or copied figures."³³ We concur with the committee "that there is no evidence of a systematic pattern of plagiarism on the part of [the subject]."³⁴

Recommended NSF Action

We believe the actions taken by the subject's institution should be more than sufficient to protect NSF's interest. However, in order to convey to the subject the seriousness NSF attaches to his actions, NSF should take measures which reinforce those of the subject's institution.

We recommend that NSF take three 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.³⁵

³¹ See Appendix 11: Subject's Signed Certification Page.

³² Redacted

³³ Redacted

³⁴ See Appendix 7: Committee's Investigation Report, p. 4.

³⁵ This is a Group I action (see 45 C.F.R. § 689.2(a)(1)(i)).

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.³⁶
3. For the same period, NSF should require the subject to submit institutional assurances, signed by individuals designated by the Chair of the subject's Department, 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 the signee's knowledge, those documents contain no plagiarized material.³⁷

Subject's Response

The subject did not respond to our original invitation,³⁸ or to our numerous additional requests, to provide comments or rebuttal regarding the findings and recommendations presented in this report.

³⁶ This is a Group II action (see 45 C.F.R. § 689.2(a)(2)(ii)).

³⁷ This is a Group II action (see 45 C.F.R. § 689.2(a)(2)(ii)).

³⁸ See Appendix 12: OIG's Invitation Letter (sent June 16, 2000).