

NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A13020024

Page 1 of 1

We investigated an allegation of plagiarism in an NSF Proposal¹ with a PI² and co-PI³ (Subject). Both agreed that the co-PI bore responsibility for the content of the Proposal. After reviewing evidence and interviewing the Subject, we concluded, based on a preponderance of the evidence, that the Subject recklessly plagiarized.

OIG also interviewed the cognizant Program Officer and found that the portion of the Proposal with copied text had been a strong factor in the funding decision. The institution decided to terminate the award early, resulting in more than \$160,000 in federal funds put to better use.

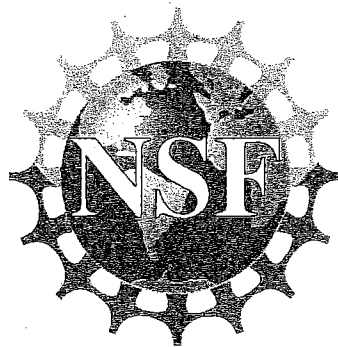
We submitted a Report of Investigation to NSF and the Chief Operating Officer within the Office of the Director took actions based on our report.

This memo, the attached Report of Investigation, and the Chief Operating Officer's letter constitute the case closeout. Accordingly, this case is ***closed*** with no further action taken.

¹

[REDACTED]

National Science Foundation Office of Inspector General



Report of Investigation Case Number A13020024

May 30, 2014

**This Report of Investigation is provided to you
FOR OFFICIAL USE ONLY.**

It contains protected personal information, the unauthorized disclosure of which may result in personal criminal liability under the Privacy Act, 5 U.S.C. § 552a. This report may be further disclosed within NSF *only* to individuals who *must* have knowledge of its contents to facilitate NSF's assessment and resolution of this matter. This report may be disclosed outside NSF only under the Freedom of Information and Privacy Acts, 5 U.S.C. §§ 552 & 552a. Please take appropriate precautions handling this report of investigation.

Executive Summary

- Allegation:** Plagiarism in an NSF proposal.
- OIG Inquiry:** OIG identified 3 sources from which approximately 79 lines of text were copied into an NSF Proposal with 30 embedded references and 6 embedded quotes. The Proposal had both a PI (Subject1) and co-PI (Subject2). During our inquiry, we determined that Subject2 was responsible for the content of the Proposal.
- OIG Investigation:** OIG interviewed the cognizant Program Officer and found that the copied text from the Proposal was material to the funding decision. OIG also interviewed Subject2 and reviewed relevant documents. During the investigation, the institution decided to close the award.
- OIG's Assessment:**
- **The Act:** Subject2 plagiarized 79 lines from 3 sources into 1 NSF Proposal.
 - **Intent:** Subject2 acted recklessly.
 - **Significant Departure:** Subject2's actions are a significant departure from the accepted practices of the research community.
 - **Standard of Proof:** The preponderance of the evidence supports the conclusion regarding the act and intent, and therefore a finding of research misconduct.
- OIG Recommendation:**
- Send Subject2 a letter of reprimand notifying her that NSF has made a finding of research misconduct.
 - Require Subject2 to certify completion of an RCR course.
 - Require Subject2 to submit certifications for 2 years.
 - Require Subject2 to submit assurances from her employer for 2 years.
 - Bar Subject2 from participating as a reviewer, advisor, or consultant for NSF for a period of 2 years.

OIG's Inquiry

We wrote¹ to a PI (Subject1)² and co-PI (Subject2)³ of an NSF Proposal⁴ which had 79 lines of apparent plagiarism, as well as 30 embedded references, comprising the bulk of the Works Cited section, and 6 embedded quotes from 3 apparent sources.⁵

Subject1 wrote that she "played no role in research, authorship, or editing review of this proposal."⁶ Instead, her role was to provide "consulting on the programmatic feasibility of the project."⁷ Subject2 agreed, stating that Subject1 "agreed to act as the PI in order to allow me to pursue the grant."⁸

Subject2 claimed that she, not Subject1, held responsibility for the Proposal. She did, however, explain that the grants office had asked her to provide portions of the proposal at different times; they then edited what she sent them and compiled the proposal. She also stated she had had no experience with academic writing, stating that she had previously worked as an attorney and legal writing focuses on citing the source. Subject2 stated that she produced a draft literature search for the grants office despite having "no background in academic research and little experience."⁹ She wrote that she had believed, because a literature review's purpose was to relay others' ideas and work, it would be known that none of the work was her own and "this contributed to my sloppiness with quotation marks..."¹⁰ In summary, she stated, "My concern was citing the source documents rather than the language."¹¹

Based on our inquiry, we concluded that Subject1's actions did not rise to the level of research misconduct and we make no recommendations about Subject1 in this report. However, we concluded that there was sufficient evidence to proceed to an investigation of Subject2's actions.

OIG's Investigation

Because the institution¹² did not have procedures in place to investigate the allegation, OIG conducted the investigation¹³ and requested further information from the Subject.¹⁴

¹ Tab 1, Inquiry Letters.

² [Redacted]
³ [Redacted]

⁴ Tab 2, [Redacted]

⁵ Tab 3, Sources.

⁶ Tab 4, Subject1 Response, p.1.

⁷ Tab 4, Subject1 Response, p.1.

⁸ Tab 4, Subject2 Response, p.2.

⁹ Tab 4, Subject2 Response, p.4.

¹⁰ Tab 4, Subject2 Response, p.7.

¹¹ Tab 4, Subject2 Response, p.8.

¹² [Redacted]

¹³ 45 CFR Part 689.

¹⁴ Tab 5, Investigation Letter.

Reviewing Subject2's CV,¹⁵ we found that her background was not in academia, nor did she have apparent prior research writing experience in a specifically academic context.

Subject2 stated that her training as a lawyer was a factor¹⁶ that led her to be more concerned with citing text than with always using quotation marks. In response, we reviewed the Proposal and found that she did not cite the source after text was copied verbatim. Because of her legal background, we reviewed the current student handbook¹⁷ for the institution where she received her law degree, and subsequently was an instructor, in order to assess the accepted practices for that specific community. We found the law school's definition of plagiarism¹⁸ consistent with most scientific disciplines. The school's handbook states that lack of "appropriate citation or attribution at the point of the presentation of such words...is sufficient to permit an inference of plagiarism."¹⁹ The handbook further states, "Plagiarism also violates the legitimate expectation of an instructor that written work offered by someone as his or her own was truly prepared solely by that person and not in whole or in part by someone else."²⁰ The next paragraph stresses the mandatory nature of quotation marks for verbatim copying. These passages demonstrate that accepted practices for attorneys to avoid plagiarism match those of other communities.

We interviewed Subject2 via telephone during which she repeatedly stated that she was unfamiliar with the literature review process and had never heard of a literature review before her institution's grants office asked her to write one. She stated that her understanding of "the point of [the literature review] was to evidence to the grant department that I had a meritorious or worthy idea," to show "whether [the idea] had any intellectual merit that would warrant" writing a proposal, but not necessarily to write a document that "was going to be incorporated wholesale into the grant."²¹

We asked Subject2 to clarify her responsibility for various sections of the document. She indicated that the Proposal was a collaboration between her and her institution's grants office. She stated that most sections of the Proposal were written in a joint effort with, or entirely by, the grants office. However, Subject2 accepted responsibility for being the sole author of the literature review where all of the copied text was located. At the same time, she believed she was submitting a draft and that the grants office would have checked her work before creating the final draft. She also stated that she was sent the final product for review "a day or two, sometime shortly before submission."²²

Subject2 stated that she understood the definition of plagiarism, stating, "If somebody said to me, [Subject2], write an academic research paper, I can tell you for sure I would have gone and found resources on campus..."²³ When asked why she did not use quotation marks, she

¹⁵ Tab 6

¹⁶ Tab 4, Inquiry Response, Subject2 Response and Tab 6, Response Letter, p. 5.

¹⁷ Tab 7 Student Handbook

¹⁸ Tab 7, Student Handbook, p. 58 [p. 60 of PDF]

¹⁹ Tab 7, Student Handbook, p. 58 [p. 60 of PDF].

²⁰ Tab 7, Student Handbook, p. 59 [p. 61 of PDF].

²¹ Quotes from audio interview.

²² Quotes from audio interview.

²³ Quotes from audio interview.

stated that the document “contains language that was just in a draft that I sent to the grants department.” When asked why she had cited and quoted certain sentences, she stated that she did so if she “thought a sentence was a particularly novel idea, something that was germane.”²⁴

We noted that in the official review analysis, the cognizant NSF Program Officer²⁵ (PO) had written that because Subject1 and Subject2 were employed at a small institution, they were typically “not the kinds of PIs NSF usually funds, but they did their homework, putting their proposal together very carefully, referring to the literature on learning in just the right ways.”²⁶ OIG subsequently interviewed the PO and found that the portion of the Proposal with copied text had been a strong factor in the funding decision. The PO stated that, because the proposal was so well-written, it seemed like the Subjects understood and knew how to apply the literature. She stated that all of these impressions were critical to her decision to fund the proposal. She said she believed that if the copied text had not been in the Proposal, or had been phrased differently, she would not have awarded the money to the institution. She stated she had initially had reservations about funding the proposal, but the excellent literature review had left her with the impression that the Subjects had a very strong handle on the material and they would be able to effectively implement the project.

During our investigation, the grant was closed which resulted in \$162,288 in federal funds put to better use.

OIG’s Assessment

A finding of 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 the evidence.²⁷

The Act

Subject2 admitted her responsibility for the 79 lines of text copied from the Sources into her NSF proposal. Subject2’s unattributed copying is consistent with NSF’s definition of plagiarism²⁸ and represents a significant departure from accepted community practices.

Intent

We conclude that Subject2 recklessly plagiarized. We agree that the Proposal was constructed in a piecemeal fashion; Subject2 sent the text in question via email to the grants office, rather than by inserting it into a Proposal draft herself. Subject2 stated she thought she was collaborating with the grants office and that someone would have checked her work before using it in the final proposal. Despite this, Subject2 knew when she provided material to the

²⁴ Quotes from audio interview.

²⁵ [REDACTED]

²⁶ Tab 8, Program Officer Review Analysis, p. 4.

²⁷ 45 C.F.R. 689.2(c).

²⁸ 45 C.F.R. 689.1(a)(3)

grants office that it contained verbatim text from scholarly articles. Once she knew that portions had been used in the Proposal, she should have reviewed and revised the Proposal before it was submitted to NSF.

Before the Proposal was submitted to NSF, the institution's grants office sent Subject2 a copy of the complete Proposal. We find that a reasonable person would have exercised diligence to ensure no plagiarism appeared in the Proposal. As the author of the portion containing copied text, it was her responsibility to check and add necessary quotation marks and proximate citations. By not taking the opportunity to do so, Subject2's actions were extremely reckless.

Standard of Proof

The preponderance of the evidence supports the conclusion that Subject2 recklessly plagiarized and that her actions were a significant departure from the accepted practices of all relevant research communities. We therefore conclude that Subject2's actions constitute research misconduct.

OIG's Recommended Disposition

When deciding what appropriate action to take upon a finding of misconduct, NSF must consider:

- (1) How serious the misconduct was;
- (2) The degree to which the misconduct was knowing, intentional, or reckless;
- (3) Whether it was an isolated event or part of a pattern;
- (4) Whether it had a significant impact on the research record, research subjects, other researchers, institutions or the public welfare; and
- (5) Other relevant circumstances.²⁹

Seriousness

The copied text directly resulted in the decision to fund this Proposal. As a result, other proposals were prevented from being awarded. This raises the level of seriousness of her actions. In NSF's assessment, the background and literature review sections were vital indicators of the PI's ability to authoritatively summarize previous research to demonstrate expertise and currency in the field. Copied analyses and evaluations of secondary texts in the Proposal, including the use of other authors' chosen pertinent quotations, misrepresented Subject2's background knowledge, resulting in both NSF reviewers and the NSF Program Officer being misled.

Pattern

Because this was Subject2's only academic work, we concluded that there was no apparent pattern of plagiarism.

²⁹ 45 C.F.R. 689.3(b).

Recommendations

Based on the evidence, OIG recommends that NSF:

- Send Subject2 a letter of reprimand notifying her that NSF has made a finding of research misconduct.³⁰
- Require Subject2 to certify to the Assistant Inspector General for Investigations (AIGI) her completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.³¹ The instruction should be in an interactive format (*e.g.*, an instructor-led course) and specifically include instruction on plagiarism.

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

- Bar Subject2 from participating as a peer reviewer, advisor, or consultant for NSF.³²
- Require for each document (proposal, report, etc.) to which Subject2 contributes for submission to NSF (directly or through her institution),
 - Subject2 to submit a contemporaneous certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication.³³
 - Subject2 to submit contemporaneous assurances from a responsible official of her employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.³⁴

Subject2's Response to OIG's Draft Investigation Report

Via her attorney, Subject2 replied to say that there were no additional comments about the ROI's conclusions.³⁵

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

³¹ This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

³² A Group III action 45 C.F.R. 689.3(a)(3)(ii).

³³ This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

³⁴ A Group I action 45 C.F.R. 689.3(a)(1)(iii).

³⁵ Tab 9, Subject2's response to Draft ROI.

NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF THE
DIRECTOR

NOV 05 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

[REDACTED]
[REDACTED]

Re: Letter of Reprimand

Dear [REDACTED]:

While a part-time adjunct professor at [REDACTED] ("College"), you served as a Co-Principal Investigator ("Co-PI") and primary author on a National Science Foundation ("NSF") proposal that contained plagiarized material: approximately 79 copied lines and embedded text. The proposal was funded by NSF based on the information you provided. This plagiarism is documented in the attached Investigative Report prepared by NSF's Office of Inspector General ("OIG").

Research Misconduct

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; and
- (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).

The OIG's investigation identified unattributed copying contained in the proposal that you accept responsibility for preparing which was submitted to NSF and received funding. As the primary author, you bore responsibility for preparing the proposal and you admit that you failed to include proper citation for 79 copied lines and embedded text. This information permits me to conclude that your actions meet the applicable definition of plagiarism, as set forth in NSF's regulations.

Pursuant to NSF's regulations, the Foundation must also determine whether to make a finding of research misconduct based on a preponderance of the evidence. 45 CFR § 689.2(c). You admit that you failed to review the proposal prior to its submission, which constitutes reckless behavior. Accordingly, we have determined that, based on a preponderance of the evidence, the plagiarism was committed recklessly and constituted a significant departure from accepted practices of the relevant research community. We are, therefore, 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 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, NSF has considered your lack of experience, mitigating circumstances with regard to the direction provided by the College, your sincere contrition as expressed in your responses to the OIG, and other relevant circumstances. See 45 CFR § 689.3(b).

Based on the foregoing, we are imposing the following actions on you:

- You are required to complete a comprehensive responsible conduct of research training course within one year from the date that the research misconduct determination becomes final, and provide documentation of the program's content. The instruction should be in an interactive format (e.g., an instructor-led course, workshop, etc.) and should include a discussion of plagiarism.

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

Appeal Procedures for Finding of Research Misconduct

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], Assistant General Counsel, at (703) 292-[REDACTED].

Sincerely,



Richard O. Buckius
Chief Operating Officer

Enclosures:
Investigative Report
45 CFR Part 689