



NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

## CLOSEOUT MEMORANDUM

Case Number: A13060074

Page 1 of 1

We investigated an allegation of plagiarism in an NSF-supported publication. We concluded, based on a preponderance of the evidence, that the Subject<sup>1</sup> knowingly plagiarized in two publications, and that this act was a significant departure from accepted practices. We recommended NSF make a finding of research misconduct, and send the Subject a letter of reprimand; require certifications and assurances for two years; bar the Subject from serving as a peer reviewer, advisor, or consultant for NSF for two years; and require the Subjects to complete a responsible conduct of research training program. NSF accepted our recommendations.

This memo, the attached Report of Investigation and the letter from NSF, constitute the case closeout. Accordingly, this case is closed.

1

# National Science Foundation Office of Inspector General



## Report of Investigation Case Number A-13060074

August 13, 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*

**University Investigation and Actions:**

- Based on their inquiry and investigation, the university made a finding of research misconduct based on the Subject's plagiarism and self-plagiarism in multiple publications;
- The university directed that the publications be retracted, and issued a public censure of the Subject, who had retired from the university.

**OIG's Investigation and Assessment:**

- The Subject plagiarized in two review publications citing NSF support;
- The Subject's actions were a significant departure from the standards of the relevant research community;
- The Subject acted knowingly;
- The Subject's research misconduct was part of a pattern of behavior;
- The Subject's misconduct had an impact on the research record due to the retraction of two review publications citing NSF support.

**OIG recommends that NSF:**

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.
- For a period of two years, require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
  - the Subject submit a certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication; and
  - the Subject submit an assurance from a responsible official of his employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.
  - Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.

### Background

A university<sup>1</sup> notified our office that it had moved from an inquiry to an investigation in response to an allegation of plagiarism in publications authored by one of its faculty members. The Subject<sup>2</sup> is a former PI on an NSF award.<sup>3</sup> NSF acknowledgement appears in some publications described in the allegation, and these publications are cited in the annual and final reports for the award. We determined there was substance to the allegation, and referred an investigation to the university.<sup>4</sup>

### University Inquiry and Investigation

The university Vice-Chancellor appointed<sup>5</sup> an individual<sup>6</sup> to conduct an inquiry. The allegations were discussed with the Subject, who asserted that he provided due credit to the original sources from which he derived material. However, the inquiry concluded that the Subject may have committed scholarly misconduct by failing to properly attribute the work of others. Accordingly, the university initiated an investigation and appointed an investigation committee (IC). The IC examined documents provided by the complainants, individually interviewed the complainants and the Subject, and then held a hearing at which both were present. The IC composed a report, and provided it to both the Subject and complainants for comments. The final report, with recommendations, was sent to the Vice Chancellor for Research and Graduate Studies at the university.<sup>7</sup>

The allegations received by the university included self-plagiarism. The university policy states: "Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit." Transcripts of the hearing contain a discussion of self-plagiarism, and the IC was advised that self-plagiarism could be considered within university policy as a form of plagiarism.<sup>8</sup>

<sup>1</sup> An email to our office was sent by [REDACTED]. It conveyed a letter addressed to [REDACTED] of the university dated April 10, 2013 (Tab 1) that described the conclusions of an inquiry into the allegation. Subsequently, [REDACTED] composed a letter to us dated June 18, 2013 officially notifying us of the investigation.

<sup>2</sup> [REDACTED]  
<sup>3</sup> [REDACTED]  
<sup>4</sup> [REDACTED] was made PI, and a new coPI was added; these changes were approved by the NSF Program Officer on May 21, 2013.

<sup>4</sup> Our referral letter is at Tab 3.

<sup>5</sup> University policy is included with this report at Tab 4.

<sup>6</sup> [REDACTED] at the university.

<sup>7</sup> The university provided these materials on a CD, the contents of which are at Tab 5.

<sup>8</sup> The discussion included comments by an unidentified speaker stating that the HHS/Office of Research Integrity (ORI) considered self-plagiarism an actionable form of plagiarism, and that ORI's conclusion is controlling for all allegations involving federal funding. This is incorrect.

At the hearing,<sup>9</sup> the complainants presented a side-by-side comparison of documents, displaying the Subject's publications next to alleged source documents. The Subject responded to questions from the IC with his claim that he had provided appropriate attribution and references in all of his publications, and had paraphrased material taken from the references. He denied that he committed plagiarism. The IC reported no additional examination of the documents, nor did the IC examine any documents not presented to them by the complainants.

In both the inquiry and the investigation the Subject consistently asserted<sup>10</sup> that he provided appropriate credit to the authors of the publications from which he incorporated text. He asserted that quotation marks are not necessary, given the citation and reference he provided. The Subject explained that his reuse of his already published work in a new publication was proper because the subsequent publication was directed to a different audience.<sup>11</sup>

The IC report concluded that the Subject committed plagiarism and self-plagiarism in seven publications;<sup>12</sup> the report does not differentiate between incidents of plagiarism and self-plagiarism. Two of the seven papers identified as containing plagiarized text acknowledged NSF support. The IC report discussed the Subject's practice of introducing the source of copied material, but then using verbatim text without quotation marks.<sup>13</sup> The IC report also noted the Subject's changes within the copied text, such as removal of an attribution in the original source.<sup>14</sup> The IC concluded that the Subject's past experience as an editor or associate editor of professional journals, along with his long academic career, should have made him aware of the standards for scholarly citation.<sup>15</sup> Further, the IC noted that the Subject clearly knew of the proper use of quotation marks to identify the reuse of the exact text written by others.<sup>16</sup> Lastly, the IC noted that a reader of the publications would be unable to differentiate the words of the Subject from those of the author of the source from which the Subject copied text.<sup>17</sup> The IC report stated the Subject acknowledged that the sources identified in the allegations were used as sources of text in the Subject's publications.<sup>18</sup> One of the Subject's publications with NSF support has a coauthor; the IC did not establish the contribution of the coauthor to this publication.

The IC concluded, by a preponderance of the evidence,<sup>19</sup> that the Subject committed plagiarism,<sup>20</sup> recklessly and knowingly,<sup>21</sup> the plagiarism was a departure from the accepted

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<sup>9</sup> Audio transcripts of the interview and the hearing are included with the university report at Tab 5.

<sup>10</sup> Subject responses are included in the material at Tab 5.

<sup>11</sup> Subject's response letter (13.6.4) (Tab 5C).

<sup>12</sup> Investigation report, page 8 (Tab 5D). The publications are listed on pages 1-2 of the final investigation report.

<sup>13</sup> Investigation report, pages 5-6 (Tab 5D).

<sup>14</sup> Investigation report, page 6 (Tab 5D).

<sup>15</sup> Investigation report, page 7 (Tab 5D).

<sup>16</sup> Investigation report, pages 6 and 8 (Tab 5D).

<sup>17</sup> Investigation report, page 7 (Tab 5D).

<sup>18</sup> Investigation report, page 8 (Tab 5D).

<sup>19</sup> Investigation report, page 8 (Tab 5D).

<sup>20</sup> Investigation report, page 10 (Tab 5D).

<sup>21</sup> Investigation report, page 8 (Tab 5D).

practice of the relevant scholarly community,<sup>22</sup> and the plagiarism was part of a pattern of behavior by the Subject.<sup>23</sup> The IC recommended:<sup>24</sup>

1. University affiliation
  - a. The committee would have recommended dismissal, but since the respondent has announced his retirement, this action is moot. Nonetheless, action should be taken to remove any affiliation between the University and [the Subject].
  - b. Emeritus or any form of affiliate status must not be conferred upon the respondent's retirement.
  - c. The respondent should not be granted any resources usually available to retirees (office space, e-mail/computer resources, letterhead, etc.)
2. Censure
  - a. It is critical that the University state publicly that it does not condone plagiarism. As such, the committee recommends that [the Subject] be publicly censured.
3. Mitigation
  - a. [Organization], in cooperation with the University, including members of Research and Graduate Studies, and [organization], must take proper course of action to mitigate consequences of the respondent's plagiarism on the institution, including notification and other measures to journals, funding agencies, co-authors, scholarly associations, etc.

The censure document published by the university<sup>25</sup> states:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Retractions of publications authored by the Subject have been noted in public blogs.<sup>26</sup>

**OIG's Investigation**

We contacted the Subject to solicit his comments on the University report. The Subject expressed surprise that we were involved in "another similar investigation."<sup>27</sup> We confirmed with the university that it had provided a copy of our referral letter to the Subject; therefore, he was duly informed of our investigation. He declined to "repeat back and forth allegations and responses," denied that he committed plagiarism, and asserted that he meticulously cited the work of others in the publications assessed in the university investigation.

<sup>22</sup> Investigation report, page 8 (Tab 5D).

<sup>23</sup> Investigation report, page 13 (Tab 5D).

<sup>24</sup> Investigation report, page 12 (Tab 5D).

<sup>25</sup> The [REDACTED] (Tab 6).

<sup>26</sup> The retractions are highlighted in the blog Retraction Watch (Tab 7). The papers appear on the publisher's web site marked with a "Retracted" watermark.

<sup>27</sup> The Subject's comments are included at Tab 8.

We assessed whether the university's investigation report was fundamentally accurate and complete, and whether the university followed reasonable procedures. We conclude that the report was generally accurate with respect to the publications that were described in the original allegation. The university process allows comments by both the complainant and the Subject on the draft copy of the investigation report. The complainants noted that the IC considered only alleged plagiarism in publications that were presented to it by the complainants. The complainants urged a broader-reach for the investigation, pointing out that plagiarism in other publications might also put the university at risk. However, the IC did not examine any additional publications, nor did the IC examine any proposals submitted to NSF or to other funding agencies by the Subject.<sup>28</sup> Our review indicates the Subject does not have an extensive NSF proposal history. The two most recent proposals, one of which was funded, are collaborative proposals rather than single institution or single PI proposals. We established that the project description for an awarded proposal<sup>29</sup> did not contain any of the plagiarized text identified in the IC report in the Subject's publications.

We noted earlier that the IC did not establish the involvement of any coauthors in preparing publications in which it concluded plagiarism had occurred. The IC did not confirm through independent assessment allegations of copied text brought forth by the complainants, although the factual basis of the side-by-side document comparison during the hearings was not challenged by the Subject. Although the Subject claimed that his composition of publications was based on handwritten notes prepared during reading of source documents, the IC did not examine any of these notes to confirm the veracity of the Subject's claim.

In part, the university made its finding of research misconduct based on "self-plagiarism," which is the reuse of the Subject's words in multiple publications.<sup>30</sup> "Self-plagiarism" is not accommodated within the NSF and Federal-wide definition of plagiarism. Therefore, our evaluation of the university's process, results, conclusions, and actions considers only the alleged copying of text authored by others, and which can support a finding of research misconduct under the Federal definition. Accordingly, we considered the Subject's two review papers that acknowledged NSF funding. We annotated these publications, highlighting text copied from the publications of others; a total of approximately 180 lines of text were copied into the Subject's two review publications.<sup>31</sup> Although one publication appears as a source of copied text for both of the Subject's two review papers, different portions of text were copied. Substantial blocks of text are copied from the publications of others without being enclosed in quotation marks in each of the Subject's publications.

A finding of research misconduct by NSF requires that 1) there be a significant departure from accepted practices of the relevant research community, that 2) the research misconduct be committed intentionally, or knowingly, or recklessly, and that 3) the allegation be proved by a preponderance of the evidence.<sup>32</sup>

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<sup>28</sup> Current and pending support declarations submitted with the Subject's NSF proposals demonstrate that the Subject had research funding from the [REDACTED].

<sup>29</sup> [REDACTED].

<sup>30</sup> The IC report stated that these actions were a violation of copyright as well as plagiarism.

<sup>31</sup> The annotated review papers (MS1 and MS2) and the annotated source publications for each of the Subject's two publications that acknowledge NSF support are at Tab 9.

<sup>32</sup> 45 C.F.R. §689.2(c).

### Acts

Approximately 180 lines of text copied verbatim from the publications of other authors appear in the Subject's two publications that acknowledge NSF support, and none of this text is differentiated with quotation marks or by other means.

### Level of intent

The Subject confirmed during the university investigation that he used the source documents when composing his publications. Therefore, we conclude that he knowingly copied text from the sources indicated.

### Significant departure

The Subject has consistently claimed that he provided appropriate credit to the authors. We do not find this claim credible, and we agree with the IC that the Subject's verbatim copying of text without the use of quotation marks was a significant departure from the accepted standards of the relevant research community.

Based on the Subject's actions, which are a significant departure from accepted practice and were committed with a culpable intent, we conclude that the Subject committed 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.<sup>33</sup>

### Seriousness

The extent of copied text in the Subject's two publications is significant in its own right. The Subject's insistence that he provided appropriate credit to the authors of the source publications elevates the seriousness of his actions. Additionally, the plagiarism occurred in review articles, which are likely to be cited by other researchers in the same field. Although the articles are now retracted, the retraction notice states solely that the retraction occurred because of "identified unattributed areas of overlap with a number of other publications."<sup>34</sup> The value of any remaining original composition or conclusions in the review paper is therefore almost entirely negated.

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<sup>33</sup> 45 C.F.R. § 689.3(b).

<sup>34</sup> The retraction for MS1 is at Tab 10.



### Pattern

The Subject's plagiarism was part of an established pattern of composition of his publications, in which significant blocks of text reappeared exactly, or with minor changes, in his composition. This copying is evident in two recent publications containing research work supported by NSF, and the IC further established that plagiarism occurred in publications dating back to 2000. The Subject's conduct thus occurred over a period of years, establishing a pattern of behavior.

### Impact on the Research Record

The Subject's plagiarism has led to the retraction of two NSF-sponsored review publications. Each of these reviews was cited fewer than ten times before the retraction notices appeared.

We provided a copy of the draft report of investigation to the Subject for comments. We received no response.

### OIG's Recommendations

We recommend that NSF:

- Send the Subject a letter of reprimand notifying him that NSF has made a finding of research misconduct.<sup>35</sup>
- Require the Subject to certify to the Assistant Inspector General for Investigations (AIGI) his completion of a responsible conduct of research training program and provide documentation of the program's content within 1 year of NSF's finding.<sup>36</sup>
- For a period of two years, require for each document (proposal, report, etc.) to which the Subject contributes for submission to NSF (directly or through his institution),
  - the Subject submit a certification to the AIGI that the document does not contain plagiarism, falsification, or fabrication,<sup>37</sup> and
  - the Subject submit an assurance from a responsible official of his employer to the AIGI that the document does not contain plagiarism, falsification, or fabrication.<sup>38</sup>
  - Bar the Subject from participating as a peer reviewer, advisor, or consultant for NSF.<sup>39</sup>

<sup>35</sup> A Group I action 45 C.F.R. 689.3(a)(1)(i).

<sup>36</sup> This action is similar to Group I actions 45 C.F.R. 689.3(a)(1).

<sup>37</sup> This action is similar to 45 C.F.R. 689.3(a)(1)(iii).

<sup>38</sup> A Group I action 45 C.F.R. 689.3(a)(1)(iii).

<sup>39</sup> A Group III action 45 C.F.R. 689.3(a)(3)(ii).

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DIRECTOR

FEB 26 2015

**CERTIFIED MAIL—RETURN RECEIPT REQUESTED**

[REDACTED]  
[REDACTED]  
[REDACTED]

*Re: Notice of Research Misconduct*

Dear [REDACTED]:

While you were employed at the [REDACTED] (“University”), you authored two publications sponsored by the National Science Foundation (“NSF”), which contained 180 lines of copied text.

The University appointed an Investigating Committee (“IC”) to conduct an investigation into this matter. The IC investigation looked at both self-plagiarism and plagiarism of text from others. The IC concluded that you recklessly and knowingly committed plagiarism. As a result, you were directed to retract the publications, and the University publically censured you. The IC noted that they would have recommended your dismissal, but you retired.

The NSF’s Office of Inspector General (“OIG”) conducted a separate investigation of this matter that focused on your copying of text authored by others, and concluded that research misconduct occurred.

**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 Investigative Report describes in detail the significant amount of plagiarized material contained in two review publications that you published, which were sponsored by NSF.

You were responsible for preparing the two published papers, in which approximately 180 lines of text was copied verbatim from other authors. In your response to the IC, you claimed that you provided appropriate credit to the other authors. This claim is not credible, as you failed to use quotation marks or other means to differentiate the copied text.

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). Based on information in both the OIG Investigative Report and the IC investigation, it is clear that you were not granted permission by the authors of the source documents to copy material from the publications. I am, 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 actions to impose for research misconduct, I have considered the seriousness of the misconduct, which indicates that you knowingly committed plagiarism by submitting two publications, supported by NSF, which contained plagiarism. The plagiarism led to the retraction of two NSF-sponsored review publications.

In addition, the investigation determined that the plagiarism was part of an established pattern, which occurred over a period of years, dating back to 2000. I have also considered other relevant circumstances. *See* 45 CFR § 689.3(b).

Based on the foregoing, I am 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.
- For a period of two years from the date that the research misconduct determination becomes final, I am requiring that you submit contemporaneous certifications that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- For a period of two years from the date that the research misconduct determination becomes final, you are required to submit contemporaneous assurances by a responsible official of your employer that any proposals or reports you submit to NSF do not contain plagiarized, falsified, or fabricated material.
- For a period of two years from the date that the research misconduct determination becomes final, you are prohibited from participating as a peer reviewer, advisor, or consultant for NSF.

All certifications, assurances, and 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 enclosing 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