

CLOSEOUT FOR M92110046

This case was brought to the attention of OIG by [REDACTED], a program officer in the Division of [REDACTED] at NSF, on November 24, 1992. At the panel meeting of the [REDACTED], one of the panelists, [REDACTED] of [REDACTED] (the complainant), had alleged that a proposal to the program contained material plagiarized from a published article. The proposal was [REDACTED], entitled [REDACTED] (the first proposal). It was submitted by [REDACTED] (the first subject), [REDACTED], and [REDACTED] (the subjects), all of whom are affiliated with the [REDACTED]. The article that was the source of the allegedly plagiarized material was [REDACTED] and [REDACTED]. [REDACTED] The complainant further alleged, in a conversation with OIG, that the first subject had plagiarized the same material, a paragraph describing a laboratory procedure, in other manuscripts that the complainant had received from journals for peer review. The complainant had destroyed these manuscripts and therefore could not substantiate this allegation.

OIG examined the first proposal and noted that a paragraph that appears in [REDACTED] was nearly identical to a paragraph that appeared in the published article. OIG examined the subjects' other NSF proposals and determined that the same paragraph appeared in [REDACTED] a proposal submitted by the first subject and entitled [REDACTED]. OIG determined that the article was cited in both proposals, but that neither proposal indicated that the passage in question used language taken directly from the article.

OIG wrote to the subjects requesting their comments and explanations concerning the allegation. In her reply, the first subject took sole responsibility for including the passage in question in her proposals; the replies of her co-PIs also indicated that she had been responsible for including the passage. She explained that she had omitted a citation for the passage due to "an unintentional oversight." She also noted another instance

in the first proposal where the same passage appeared without attribution. The first subject submitted revised proposal pages for the three instances in which she had copied the passage from the article without attribution. These revisions retained the words of the article and did not explicitly state that the words were being quoted. Instead, the revisions stated that the subject intended to follow procedures "as described by" the authors of the article.

OIG determined that an investigation was warranted. We notified the first subject's university of the allegation and agreed to defer our investigation to give the university an opportunity to undertake and complete its own.

The university's Research Integrity Committee conducted an investigation. It interviewed the first subject and several of her collaborators and it probed the origins of other methodological descriptions in her proposals. It affirmed the conclusion of OIG's inquiry regarding the three instances in which the subject had copied the paragraph from the article into her own work without attribution.

It also found another instance in which the subject had used a paragraph written by another scientist that described a research method without indicating that this was a quotation or citing the source. In this instance, however, it found evidence that the subject had been given prior permission by the author to use this material in her own writings. The committee concluded that using material by permission of the author(s) but without proper citation, though wrong, was not a serious deviation from accepted practice in the scientific community and hence not misconduct in science. OIG accepts this conclusion.

The university's investigating committee concluded that the subject had also not committed misconduct in science when, without permission, she copied material from the article into her proposals and did not appropriately reference it. The committee based its conclusion on its assessment of the subject's intent. It stated that the wrongful act of including the passage from the published article in the subject's proposal without attribution "did not occur with any intent to appropriate the work, claim it as original to herself or in any way attempt to diminish the contributions of" the authors of the article. The committee based these conclusions on (1) the subject's "demeanor, sincerity and openness (and the confidence expressed in her by her colleagues)" and (2) the fact that in numerous instances in her proposal she properly cited the work from which she was found to have copied. The committee further argued that the subject could not have intended to deceive, since she surely would have known that her proposal would be read by experts in her field who would have detected her deception.

OIG concluded that the evidence in the investigation report

indicated that the subject copied the material knowingly. The investigating committee stated that the subject "obviously knew" that she was "copying the methods" in the article, and it offered no evidence that the subject did not know that she was copying the description of the methods. The committee also offered evidence that the subject had a motive for copying the method description from the article, finding that the subject's "lack of facility and confidence in English" made her apprehensive about describing in her own words a method not currently available in her laboratory. The committee cited this as "in substantial measure" explaining her decision to use the exact words from the article. Although the committee twice asked the subject why she omitted to state that she was quoting the method description from the article, the subject did not provide a cogent reply to this question. OIG rejected the university committee's contention that the subject's deception, because it was easily detectable, could not have been intended.

Nonetheless, several factors, no one of which alone would disqualify an act from being misconduct, mitigate the seriousness of what the subject did. First, as the investigating committee noted, the failure to cite the article is an isolated incident in the context of a proposal in which the article is frequently cited. Second, as the committee also noted, the subject made clear the source of her ideas. The only originality of the passage that the subject copied lay in its original combination of words. Third, the passage itself was only one paragraph long. Fourth, the subject did not have a convenient, ethically appropriate alternative to what she did. It would have been stylistically odd for her to quote a standard method description in the body of her proposal. Had she rewritten the description in her own words, however, her limited command of English made it possible that, in doing so, she would have inadvertently conveyed an incorrect meaning. Fifth, the subject was an inexperienced investigator trained in another country.

OIG asked the Dean whether the university considered the subject's action, if done knowingly, to be a serious deviation from accepted practice and hence misconduct in science. The Dean replied that, in view of the total set of circumstances surrounding the action, the university did not view the subject's act as misconduct. Where the seriousness of a clearly inappropriate act is in question, OIG gives great weight to the university's assessment of whether, in its local ethical environment, the act was considered misconduct.

The university investigating committee recommended that the university issue a reprimand to the subject in the form of a letter from the Dean about appropriate citation and quotation, and the Dean has sent such a letter. The chair of the investigating committee has also spoken to the subject about this matter, reiterating this same message. OIG concluded that the subject's university has officially recognized the inappropriateness of what

the subject did and taken suitable action, while deciding that her behavior, though inappropriate, did not rise to the level of misconduct in science.

This case is closed without a finding of misconduct in science. No further action will be taken.

cc: Deputy AIG-O, IG