



## Case: Plagiarism and Violation of Confidential Peer Review

### Allegation:

OIG informed that a proposal contained text plagiarized from a declined NSF proposal, reviewer suspected of plagiarism.





# The Process: Inquiry, Investigation, Adjudication:

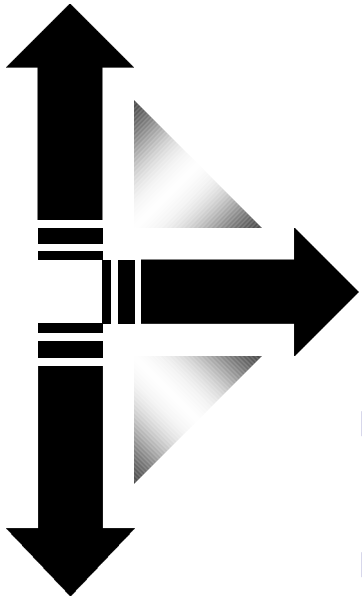
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OIG conducts inquiry, to determine if allegation has substance, what does this mean?

Gather and review evidence

- source proposal, PI's proposal
- examine reviewer history
- Contact PI and requested explanation for text and request that source proposal author not be used as reviewer
- Determine sufficient substance
- Defer investigation

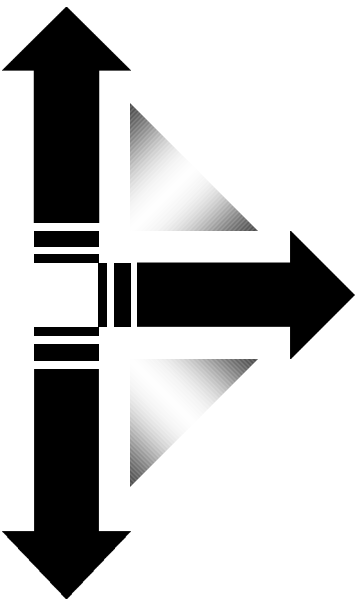




## The Facts after OIG Inquiry

- ❑ Copied text (methodology, rationale, statistical package) identical to material in source proposal
- ❑ PI was not reviewer (received proposal from reviewer with request for assessment)
- ❑ No permission from NSF to share proposal
- ❑ PI claimed author barred by Department practice from review
- ❑ Found same material (plus more) in funded NIH-proposal (insertions were in response to reviewer comments)
- ❑ Private communication with subject to learn facts...letter opened within department
- ❑ Coordinate deferral with ORI





**You are the responsible University official,  
notified of the allegations, what must  
you consider and what must you do?**

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- Review university's policies
- Review existing evidence
- Inform subject, university counsel
- Confidentiality and Conflict of Interests
- FOIA and Privacy Act
- IF REQUIRED--initiate inquiry: Convene and brief inquiry committee
- Timely, thorough, document-based



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## Facts after University Inquiry

- ❑ Department policy did not exclude author
- ❑ Effort to hide plagiarism by barring author from peer review
- ❑ Multiple abuses (apparent plagiarism and violation of confidential peer review)
- ❑ Possible evidence of pattern and self-deception
- ❑ Sufficient substance to proceed





## What should you, as the Institutional Official, do next?

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- Initiate Investigation
- Notify NSF Office of Inspector General (OIG)
- Provide inquiry report
- Accept deferral of investigation
- Consider offer for on-site help
- Convene and brief investigation committee





# Facts after University Investigation

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- ❑ Subject's NSF proposal contained 5 sections of text copied from author's confidential proposal
- ❑ No permission from author, author not barred from review
- ❑ Text was not offset or attributed
- ❑ Subject understood proposal was confidential
- ❑ Statements to OIG on statistical package, a methodology, rationale for experiments were "routine"
- ❑ Statistical package was not available to subject
- ❑ Actions were "improper, knowing, willful."
- ❑ Single instance
- ❑ preponderance of the evidence supported conclusions
- ❑ misconduct in science





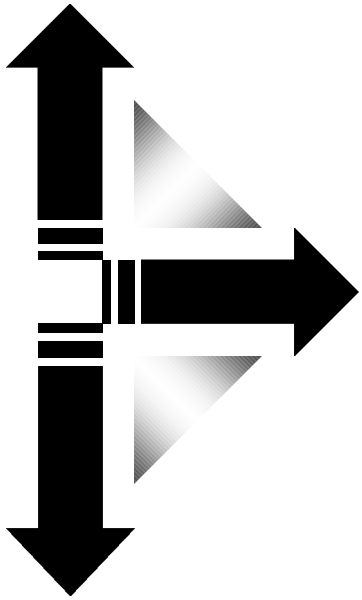
## University Adjudication

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- ❑ Prevent subject from being PI on Federal grant or contract for 3 years
- ❑ Bar from peer review for 3 years
- ❑ Inform all co-investigators of finding for 3 years
- ❑ Provide OIG with complete investigation report
- ❑ Noted could not implement recommendation 1 and 2. Did not renew subject's appointment. Relocated him to different institute and retained NIH grant







## What does our Office do?

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- Assess report and attachments
- Determine Federal interest
- Seek additional information from investigating committee
- Conduct additional investigation to gather facts for Federal case



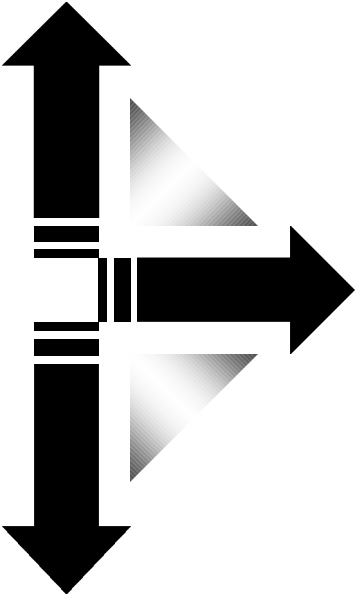


# Complete Investigative Facts

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- ❑ In review of evidence, found additional plagiarism in previously submitted proposals
- ❑ Additional plagiarism contradicted subject's testimony that he had never done this before (not an isolated instance).
- ❑ Subject plagiarized text from two different sources into four different proposals
- ❑ Selectively copied and inserted materials in response to reviewer comments
- ❑ Acknowledged actions were improper
- ❑ Understood principles of confidential peer review, timing showed copied proposal for later use





## What do we consider when assessing whether this is misconduct and what to recommend?

- Substantive matter?
- Need to protect Federal interest?
- Is institution action sufficient?
- Documentable evidence?
- Need to correct record, prospective impact
- What were actions in prior, similar cases?
- Send report with recommendation to adjudicator (NSF's Deputy Director)



# Adjudication:

## What finding and actions should NSF take?

### Prior to NSF's Adjudication:

- Through voluntary settlement agreement, ORI , required subject certify for 3 years to accuracy of proposals
- Subject barred from peer review
- in ALERT system for 3 years

NSF's adjudication followed discovery of additional plagiarism and dishonesty

- Debar for 2 years
- Barred from peer review for 2 years

Subject appealed to NSF's Director. Director upheld Deputy Director's decision.

