

CLOSEOUT FOR M97050017

This case came to OIG on May 9, 1997, when we received an anonymous letter raising three concerns about ethical improprieties in NSF's administration of the proposal review process in NSF's [REDACTED] competition (the competition). The competition was administered by the [REDACTED] program in the [REDACTED] (the division). Our review of NSF records suggested a fourth concern.

The competition posed unusual problems for NSF. The proposals in the competition included numerous "partner" institutions, making it difficult for NSF to find knowledgeable reviewers who were unaffiliated with any of the institutions that were listed as partners in any of the proposals in the competition. The proposals did not request funds for many of the institutions listed as partners.

The first concern was that [REDACTED] (the first subject) of the [REDACTED] (the university) was both a member of the NSF panel that reviewed proposals for the competition and a faculty member at a university that was a partner in one of the proposals the panel reviewed. According to § 681.21(b)(1) of NSF's Conflicts of Interests Rules and Standards of Conduct (NSF's Conflicts Manual),¹ current employment at an institution automatically disqualifies a person from handling proposals and awards from that institution. OIG determined that the proposal in which the first subject's university was listed as a partner did not request funds for the university. NSF's Office of General Counsel advised the division that a partnership like this did not create a conflict of interests that would bar someone from serving on the review panel. OIG received no evidence or allegation suggesting that the first subject had any other undisclosed conflict of interests that would bar him from serving on the panel.

The second concern involved the membership of NSF's [REDACTED] (the task force), which issued a report that led NSF to design the competition and solicit proposals for it. The anonymous complainant alleged that the home institutions of all but one of the task force members were included as partners in the proposals NSF chose to fund as a result of the competition. The complainant implied that proposals that included participation by task force members or their home institutions had an unfair advantage in the competition.

¹ Conflicts Manual § 681.25(d) instructs NSF officials to use the standards in § 681.21 to guide them in determining whether peer reviewers have a conflict of interests.

Section 680.21(d) of NSF's Conflicts Manual provides that "where a general policy determination of the Government might . . . affect the home institution of an NSF officer or employee, but only in the same manner as all similar institutions, the officer or employee may participate in that determination." According to this standard, NSF could appropriately include employees of potential applicant institutions as members of the task force. The anonymous complainant presented no evidence that task force members' home institutions had any special advantage in the competition (i.e., that they were not "treated in the same manner as all similar institutions"). The complainant's implied view that they had a special advantage is purely speculative and lacks substance.

The third concern was that the first subject's association with a key participant in one of the proposals in the competition should have barred the first subject from serving on the review panel. The first subject was the principal investigator for an award that funded a workshop (the workshop award).² The workshop occurred while the competition was in progress. Dr. [REDACTED] (the key participant), a key participant in one of the successful proposals in the competition, was listed in the workshop proposal as a potential member of the workshop organizing committee.

OIG learned that the workshop proposal originated from a federal interagency working group and that NSF officials played major roles in identifying candidates for membership in the organizing committee. Some of these officials were involved in administering the competition and aware of this shared involvement. There is no evidence or allegation that the key participant was the first subject's hand-picked, like-minded collaborator or had the kind of close relationship with the first subject that might compromise the first subject's objectivity in reviewing the key participant's work. We concluded that there was no evidence that the first subject's relationship with the key participant should have caused him to be excluded from the review panel.

As previously noted, NSF's Conflicts Manual (§ 681.25(d)) instructs NSF officials that the standards in § 681.21, which govern program officers' conflicts of interests, should guide them in determining whether peer reviewers have a conflict of interests. Section 681.21(c)(5) lists "collaboration on a project or on a book, article, report, or paper within the last 48 months" as a relationship that NSF officials should bring to the attention of a conflicts official. Participation in such collaborations does not normally or automatically disqualify a person from reviewing a collaborator's work. OIG concluded that it was reasonable to interpret the key participant's shared involvement in organizing the workshop as not being a collaboration within the meaning of this provision and as not creating a conflict of interests. We concluded that it was a matter of judgment as to whether the first subject should have brought this shared involvement to the attention of an NSF conflicts official, but that failing to do so was clearly not a serious impropriety.

² The award was [REDACTED], entitled "[REDACTED]".

The fourth concern is that an NSF program officer in the division, [REDACTED] (the second subject), had an unresolved conflict of interests arising from the workshop award. The second subject was employed as a member of the faculty of the first subject's university and was working at NSF as part of an Intergovernmental Personnel Act agreement. NSF records list the second subject as the program officer responsible for the workshop award, even though the second subject's employment creates a conflict of interests that automatically disqualifies him from handling this award.

OIG examined the program jacket for the workshop award. Both the proposal text and the diary notes in the jacket indicated that for the most part another program officer in the division, [REDACTED] (the other program officer), handled the award, and that the second subject had not participated in any decisions about the handling of the award. OIG interviewed the other program officer, whose account of how the award was handled gave no indication that the second subject played a role in the matter. The division director confirmed this account.

We concluded that the anonymous complainant's concerns lacked substance. This inquiry is closed and no further action will be taken on this case.

cc: AIG-O, IG