

CLOSEOUT OF M93060031

This case was brought to the attention of OIG by [REDACTED] the director of the [REDACTED] in the Directorate [REDACTED]. On [REDACTED] a program director (PD) in his division, [REDACTED] had received a telephone call from [REDACTED] of the Dept. of [REDACTED] University. [REDACTED] ("the candidate") had been an NSF Young Investigator (NYI) candidate in [REDACTED] but his application was declined. He stated that two panelists told him that he was ranked first in the competition, and gave him other confidential details of the panel deliberations. He wished to know the reasons for the declination, given his high ranking, and what he understood had occurred during the panel deliberations. The PD told the candidate that it was not correct to say that he had been ranked first, and it was not appropriate for him to receive the type of information he was requesting. The candidate also called the division director (DD), who told him that the panel deliberations and rankings are confidential information. The DD told the candidate that some panelists had violated the confidentiality of the deliberations, a breach of professional ethics, and that he intended to bring the matter to the attention of the IG.

OIG sought to evaluate the panel's alleged breach of confidentiality, to determine what happened, and who was involved. The candidate was contacted by telephone, and informed that OIG was looking into the handling of his NYI proposal. The candidate expressed his concern that although he was very highly ranked his proposal had been declined, perhaps because of factors not specified in the NYI announcement. The candidate claimed that he could not remember who told him about his ranking.

The panel members were also contacted by telephone and asked whether they had any information about a breach of confidentiality with regard to the ranking of a candidate considered for an NYI award on [REDACTED]. Three panelists said that they were unaware of any breach of confidentiality. Three other panelists spoke at greater length, revealing that panelists differ in their knowledge of and attitudes to confidentiality requirements. For example, one panelist said that it is quite common for candidates to claim that they know their ranking, and to try to find about their ranking. Another stated that candidates frequently learn their rankings, and that the confidentiality of the review process is breached more frequently than one would expect.

The OIG inquiry confirmed that the candidate had approached at least two panelists seeking information. However, it was not possible to conclude on the basis of this information that the candidate actually received information from panelists; he may have guessed at his ranking. Nor was it possible to determine, if information was leaked, which panelist was responsible. Therefore, OIG determined that there was not enough evidence to warrant pursuing these allegations further.

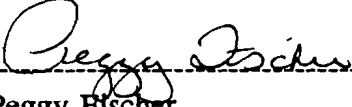
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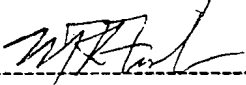
This case is closed without a finding of misconduct. However, we did send a letter to the NYI candidate expressing NSF's view that breaches of confidentiality in peer review may constitute violation of NSF's misconduct in science and engineering regulation (45 C.F.R. § 689).



Concurrence:

 8/13/93
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