

CLOSEOUT FOR M93120064

The events involved in this case came to the attention of OIG on November 9, 1993, when we received a memorandum from [REDACTED] (the supervisor), Head of the [REDACTED] of the Division [REDACTED] at NSF. He was concerned about inflammatory public comments that [REDACTED] (the complainant) had been making about [REDACTED] (the program officer), the NSF Program Director for [REDACTED] and [REDACTED] supervisee. OIG then received an allegation of misconduct directly from the complainant. In a letter dated December 6, 1993, the complainant said that the peer review process at NSF "is completely corrupted by conflict of interest, utterly devoid of any scientific integrity and honesty. It tilts the playing field in favor of those who got there first, regardless of the merit or contributions of newcomers." He also complained about the scientific competence and professional courtesy of [REDACTED] of [REDACTED] (the reviewer), who had read and commented on an informal proposal written by the complainant. The reviewer first received this proposal when the complainant had sent it to him directly, and later received it again when the program officer solicited his opinion of it.

The sequence of events leading up to this complaint began, apparently in late 1992, when the complainant sent the reviewer a draft of a paper and inquired about possible funding sources for future work. The reviewer suggested that the complainant contact an appropriate NSF program. Following this suggestion, the complainant sent "a draft of the same paper and an informal proposal to extend the work" to the program officer. The program officer wrote to the complainant that he had "reviewed your draft proposal, discussed it with two external reviewers, and talked to the [REDACTED] group within NSF." He said that his reviewers "noted many flaws in the approach" and enclosed the comments of the reviewer "with a short personal note blackened." The complainant was able to read the personal note by holding the paper up to the light, and was thus able to identify the reviewer.

The complainant recounted the story of his treatment by the reviewer and the program officer in a message sent out for general distribution on an electronic mail network. He reiterated his charges of cronyism and incompetence in a subsequent letter to the program officer and in his letter to OIG.

The facts the complainant provided do not in any way support an allegation of misconduct in science. What the complainant labels as conflict of interest is really a challenge to one of NSF's established and considered criteria for selecting reviewers--seeking researchers actively working in the same specialty to review proposals (see Proposal and Award Manual, Section 122.4). NSF instructs program officers to be conscious of possible biases in the selection of reviewers and alert to indications of bias in the reviews they receive. NSF has extensive guidelines (See NSF Manual 15, "NSF Conflict-of-Interests Rules and Standards of Conduct") that seek to minimize conflicts of interest, and there is no allegation that NSF guidelines were not followed in this case. The complainant likewise presents no evidence of dishonesty or lack of integrity. He alleges that NSF does not judge the contributions of new scientists on merit, but the evidence he supplies indicates that both the program officer and the reviewers whose opinions he sought made substantive scientific evaluations of his informal proposal. While it is possible that these scientific judgments were mistaken, scientific error, as such, is not misconduct.

OIG discussed the handling of the informal proposal with the program officer. We noted that his actions had breached the confidentiality of the reviewer's identity and subjected him to public attacks on his competence and integrity. The program officer told us that he has apologized to the reviewer. We also discussed with him the proper technical measures to redact confidential material.

OIG also asked him whether he believed it was appropriate for program officers to send draft proposals out for informal review. He told us that management in his division, when this incident originally came to light, informed him that it was not. OIG noted that NSF's formal review process safeguards the anonymity of reviewers and that following it would have prevented the breach of confidentiality that occurred in this case. We further explained that inexperienced researchers, such as the complainant, who want expert advice about their work can either contact experts in their fields directly or submit proposals for formal review, so that program officers need not circumvent normal NSF procedures to help such researchers get feedback on their work. OIG also told the program officer that sponsoring informal review processes can undermine our normal review process and open the agency to charges of favoritism. The program officer affirmed that he now recognized the pitfalls of this practice. He pointed out that, as a new employee with sole responsibility for his program and with the position normally responsible for his immediate supervision vacant at the time, he had not been fully acquainted with agency procedures when this incident took place.

OIG is satisfied that no misconduct in science took place here and that this is an isolated incident and not part of a pattern that needs to be brought to the attention of NSF management. This

case is closed and no further action will be taken.

cc: Signatories
Inspector General