

CLOSEOUT FOR M-94120040

OIG received allegations from the complainant¹ in a 9 November 1994 letter addressed to NSF's Deputy Director (DD), a copy of which was forwarded to our office by the DD. In this letter, the complainant requested a reconsideration of his declined NSF proposal (earlier proposal).² The complainant, who had submitted his earlier proposal to an NSF program's targeted competition,³ claimed that the group that reviewed his earlier proposal was composed of dishonest *ad hoc* reviewers and panelists. He alleged that the group, through the auspices of the NSF program, served the special interests of industry and academia in advancing a failed "technology"⁴ and, because his earlier proposal "contained preliminary but extremely damaging information" about the "technology," the group had a conflict of interests in reviewing his proposed project. Further, the complainant said that the same group, who declined his earlier proposal, supported another proposal on the "technology" submitted by the subject⁵ with three co-PIs. The complainant alleged that the subject's proposal was funded as a result of the group's conflict of interests: both the group and the subject supported the "technology." The complainant alleged that the subject, as well as others, were responsible for the continued "fraudulent" research conducted at several private and government facilities⁶ that supported the development of the "technology." The complainant alleged these activities were "fraudulent" because, even though, for example, the subject knew the "technology" did not work, he still continued to encourage its development using government funds. The complainant also expressed concern about the prompt reporting of research data compiled by the subject and his co-PIs from their NSF proposal to the National Databases, organizations supported by NSF to maintain a comprehensive resource database of specialized and updated research information. Finally, the complainant expressed his concern about the proper handling of another of his NSF proposals, hereinafter the later proposal.⁷

¹ The complainant, [REDACTED]

² The earlier proposal, [REDACTED]

³ The NSF program was [REDACTED]

NSF Announcement [REDACTED]

⁴ The "technology" refers to [REDACTED]

⁵ The subject, [REDACTED]

was submitted [REDACTED]

⁶ These groups included [REDACTED]

⁷ The later proposal, [REDACTED]

CLOSEOUT FOR M-94120040

The complainant requested reconsiderations by the cognizant Assistant Director⁸ (AD) and subsequently by the DD. The AD's reconsideration determined that the three *ad hoc* reviewers of the complainant's earlier proposal were experts in the field, representing an [REDACTED] firm, a university and a national laboratory. The AD's reconsideration upheld the declination and concluded that the complainant's earlier proposal had been fairly and properly handled. The DD's reconsideration determined that none of the *ad hoc* reviewers had an apparent "conflict of interest or other source of bias with respect to the" complainant. It stated that the complainant's earlier proposal lacked a clear research plan and was generally inadequate. Finally, it stated that there was evidence that the complainant "may have already come to a conclusion about the result of the proposed research." The DD concluded that the complainant's earlier proposal had been processed and evaluated fairly and upheld the declination decision.

Prior to this present inquiry, OIG conducted an inquiry into allegations of misconduct in science brought to our attention by the complainant that were related to concerns about the "technology." In the previous inquiry, the complainant alleged that scientists affiliated with several institutions falsified research results for the "technology." In addition, the complainant alleged that, after he completed a one-year standard NSF grant that focused on the "technology," he was denied further funding because of NSF program mismanagement of his proposal and because of NSF reviewers' retaliation against him. The allegations in the earlier inquiry were determined to have no substance and the case was closed.⁹ As part of the earlier inquiry, OIG learned that the complainant was involved in a scientific dispute with other researchers regarding the potential effectiveness of the "technology."

In the present inquiry, the complainant's main concern again focused on NSF's continued support of research associated with the "technology." First, the group referred to by the complainant as having a conflict of interests in reviewing both his earlier proposal and the subject's proposal consisted of 12 panelists and 2 *ad hoc* reviewers common to the consideration of both proposals. In addition, each proposal was reviewed by one additional *ad hoc* reviewer that was different. The group included scientists and engineers from the academic, federal and private sectors. OIG could find no evidence that suggested that members of the group were united in support of the "technology." OIG reviewed information about the subject, the subject's co-PIs, and the complainant, such as their work affiliations, their collaborators and their co-authors on recent publications, and could find no evidence of an actual or apparent conflict(s) of interests between any of them and the members of the groups that considered either proposal. OIG concluded that there was no substance to any of the complainant's allegations of conflict(s) of interests or bias associated with the consideration of either proposal.

OIG determined that the subject's active involvement with the continued study of the "technology" was not "fraudulent" as alleged by the complainant. The continued reevaluation

⁸ The Assistant Director for [REDACTED] was [REDACTED]

⁹ Case Number M-93120066 was closed [REDACTED]

CLOSEOUT FOR M-94120040

of the "technology" is part of a common process associated with the development and improvement of technologies in general. OIG concluded that this allegation involved a scientific difference of opinion between the complainant and the subject and, as such, was not an issue of misconduct in science. Further, OIG reviewed the complainant's similar concerns about other scientists conducting research on the "technology." Similar to the conclusion in the earlier inquiry (M-93120066), OIG concluded that the complainant's concerns about the "technology" were related to a substantive scientific dispute with these other scientists. OIG concluded that his concerns were programmatic matters and best addressed through the scientific debate that is part of the NSF proposal submission and review process.

OIG reviewed the complainant's concern that the subject and his co-PIs failed to submit research results from their NSF award to the National Databases. The award letter "encouraged" rather than required the subject and his co-PIs to provide this information to the National Databases. NSF provides support for the organizations that manage these Databases, but does not place specifications on its PIs or the Database organizations about the style, collection, or timeliness of reports that are submitted to them. We uncovered no concern that could be considered to be misconduct in science and determined that, in this case, this is an administrative issue and not an issue of misconduct in science.

With respect to the complainant's concern that his later proposal was mishandled by the NSF program because he had not received copies of any *ad hoc* reviews, OIG learned that the program had declined the complainant's later proposal because it was substantially similar to previously declined proposals¹⁰ he had submitted to the program. The program reviewed the later proposal internally. *NSF Manual #10, Proposal and Award Manual*, section 122.3, states that "[t]he Foundation prefers that all proposals be reviewed by four to eight reviewers. When fewer than three written reviews . . . constitutes the external peer review, a justification for recommending action on this basis is given on NSF Form 7, 'Review Record,' or its equivalent." The Form 7 in the later proposal's program jacket stated that the proposal was "[e]xempt from peer review in reference to NSF Manual 122.3" Attached to the Form 7 is a copy of a FAX to the complainant discussing the similarity of his earlier declined proposals. Further, the Grant Proposal Guide (NSF 95-27, page 15) states that for a declined proposal, if the "explanation does not satisfy the PI, he/she may request additional information from the cognizant Program Officer." NSF's declination letter to the complainant stated that, if he "would like any more information about [the] declination" he should "contact the program officer" involved. OIG determined that, in this case, the review of the complainant's later proposal was appropriate.

This case was closed and no further action will be taken.

cc: Staff Scientist, Attorney, AIG Oversight, IG

¹⁰ The complainant's later proposal (see footnote #7) was determined to be similar to prior NSF proposals

