

CLOSEOUT FOR M-95110043

On 12 November 1995, OIG received a letter from the complainant¹ in which he alleged that, because he and his co-workers were members of a minority group², NSF had discriminated against them in the review and subsequent declination of his proposal.³ The complainant also alleged that the program's proposal processing and review of his proposal was a "sham review" because it 1) used *ad hoc* reviewers that were not competent to review his proposal, 2) included *ad hoc* reviewers that were part of a "good old boys circle," that supported its own members' work "keep[ing] out new players," at least one of which had a conflict of interest with his proposed project, as evidenced by his remarks in his review about his own similar research projects, and 3) was not reviewed as part of the same competition as the original proposal would have been, which meant there were no funds available. Finally, the complainant alleged that NSF's reconsideration process had been "mishandled" because it had not addressed his concerns adequately and completely.

The complainant explained that, after he submitted his proposal, he received no response from NSF for two months. When he contacted NSF to learn what had happened to his proposal he said that he was told that NSF officials improperly disposed of his proposal. The program invited him to resubmit a copy of the proposal, which he did.

The complainant's resubmitted proposal was reviewed by five *ad hoc* reviewers and received three poor and two fair ratings. The proposal was declined. The program officer told OIG that, if the proposal had been reviewed positively, he would have found the funds necessary to fund it even though it was reviewed separately from the original competition. The complainant requested a reconsideration by the Assistant Director (AD).⁴ After the complainant received no response from NSF for two months about his request for a reconsideration, he contacted NSF. He said that he was told that the AD, to whom he had sent the request, was on administrative leave. OIG learned that the complainant's request, that had been addressed to the AD on administrative leave, had been forwarded directly to him by NSF, and he had "assumed (wrongly) that the letter had been seen at NSF," and he did nothing. The complainant's request for a reconsideration was sent to the new AD.⁵ The new AD's reconsideration upheld the program's declination decision. It

¹ The complainant, [REDACTED] is [REDACTED]

² The complainant said that he and his co-workers were [REDACTED]

³ NSF proposal [REDACTED] entitled [REDACTED] was submitted by the complainant as the sole PI, but he listed three other key personnel in the proposal, [REDACTED] A biographical sketch for each was included in the proposal. [REDACTED]

⁴ [REDACTED] was the AD from the Directorate [REDACTED]

⁵ [REDACTED] was the new AD from the Directorate [REDACTED]

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determined that the processing, review, and evaluation of the complainant's proposal was done properly and that the selected reviewers were competent to review the proposal.

The complainant requested a reconsideration by the Deputy Director (DD).⁶ The DD's reconsideration determined that the complainant's proposal had been evaluated properly and fairly in accordance with NSF's policies and procedures. The DD upheld the original declination of the proposal. She acknowledged that NSF's administrative handling of his proposal was well below NSF's usual standards. She also explained that NSF could not explain the loss of the complainant's original proposal and that, although it was possible that the complainant's proposal never reached NSF, nevertheless, NSF would assume the responsibility for its loss. In addition, she acknowledged and apologized for the confusion the complainant encountered when he attempted to learn about the status of his original proposal, but explained that once the staff had become aware of the matter, it took appropriate action. She also apologized for problems associated with his initial request for a reconsideration.⁷

OIG learned that the NSF Proposal Processing Group (PPG) had no record of the complainant's original proposal. We were told that proposals received by PPG are assigned numbers, except those that exceed the page limitation without a written waiver, or that do not identify the NSF program. The complainant's proposal did not fall into either category. Even when a number is not assigned to a proposal by PPG, we were told that the NSF program is notified before a proposal is rejected for length or lack of program information. If a proposal is rejected, we were told that the applicant is notified by PPG. As it was explained to OIG, the only way a proposal could bypass PPG would be if the applicant addressed the proposal directly to the NSF program. When this happens, the NSF program is expected to send the proposal to PPG for log-in. The NSF program officers and administrators did not remember receiving the complainant's original proposal. OIG could find no evidence that the complainant's original proposal ever arrived at NSF.

OIG examined the complainant's concern that the reviewers were part of an "old boys circle" and that at least one of the reviewer's remarks suggested that he had a conflict of interest (COI) with the complainant because the reviewer was actively involved in the same research. OIG determined that the reviewer in question had extensive experience with work being performed by many scientists in the area represented by the complainant's proposal and that his remarks were the natural result of his experience. OIG also determined that there was no evidence of a COI between any of the reviewers and either the complainant or the three key personnel listed in his

⁶ The NSF Deputy Director was [REDACTED]

⁷ The Deputy Director's reconsideration referred to Program Announcement NSF [REDACTED] is the specific competition to which the complainant had submitted his proposal. The complainant actually submitted his proposal under Program Announcement NSF [REDACTED] (subsequently revised as [REDACTED] entitled [REDACTED])

[REDACTED] OIG determined that this error had no bearing on the DD's conclusions. The program under which the complainant submitted his proposal was not an issue in this case and, even if it had been, the program referred to by the DD supports similar research to that presented in the complainant's proposal.

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proposal. Further, OIG determined that there was no evidence that the reviewers were in any way involved in a group effort to deny new PIs from receiving support. The reviewers were drawn from small businesses and universities. We were informed that the NSF program was interested in supporting new PIs, especially those with institutional affiliations such as the complainant's. There is no substance to the allegation that any of the *ad hoc* reviewers had a COI with the complainant, or that there was any group effort to decline the subject's proposal.

The complainant alleged that discrimination was a factor in the declination of his proposal. One of these program officers pointed out that the program officers in the Division to which the complainant submitted his proposal were members of several different minority groups. Several program officers who handled the complainant's proposal explained that, until the complainant told them what his minority status was, they had not noticed. OIG's review of the documents could find no substance to the complainant's allegations that discrimination contributed in any way to the processing or declination of his proposal.

This case is closed, and no further action will be taken.

cc: Staff Scientist, Attorney, AIG Oversight, IG