

CLOSEOUT FOR M96110042

On 21 November 1996, a Deputy Division Director¹ informed OIG of an allegation she had received from a scientist.² The scientist alleged that an *ad hoc* reviewer³ had received two proposals⁴ for review. The PIs for the two proposals were direct competitors. Allegedly, the reviewer, in violation of the confidentiality of merit review, contacted PI #1⁴ and discussed the contents of the two proposals. Allegedly, the reviewer told PI #1 that PI #2's⁴ proposal contained certain data and suggested that PI #1 submit comparable preliminary data to strengthen her proposal. Allegedly, PI #1 told a student⁵ about the conversation with the reviewer and the student, in turn, told PI #2. The Division noted that PI #1 had submitted an update to her proposal in time for the panel review and that the update contained preliminary data.

The Division informed OIG that the reviewer had a pending proposal⁶ at NSF and the curriculum vitae included in it identified PI #1 and PI #2 as his research collaborators. The two PI's proposals each included a citation to a paper⁷ co-authored by PI #1, PI #2, and the reviewer. The reviewer's proposal was submitted before he received the two proposals for merit review. However, he had not contacted NSF to discuss any possible conflict of interest he might have with the two PIs when he subsequently received their proposals for review. NSF's Proposal Evaluation Form (NSF Form 1) instructs reviewers to disclose any affiliation that might be considered a conflict of interest, and in the absence of such disclosure NSF assumes that the reviewer has no conflicting affiliations. According to NSF's Conflict-of-Interest Rules and Standards of Conduct (Manual 15) in force at the time, collaborative relationships within 48 months preceding the requested review are considered to be potentially biasing. Program officers told OIG that they take this restriction seriously and have disqualified reviewers because of existing or past collaborative relationships.

In response to OIG's inquiry, PI #1 said that she had not been contacted by any reviewer about her proposal. She said she had learned from a previous proposal submission that updating the

¹ Dr. [REDACTED] is the Deputy Division Director for the Division of [REDACTED] in the Directorate for [REDACTED].

² The scientist is Dr. [REDACTED]. He is the Associate Chairman for [REDACTED] at [REDACTED].

³ The Division deduced that the reviewer was Dr. [REDACTED], a faculty member in the Department of [REDACTED] at The University of [REDACTED].

⁴ Proposal [REDACTED] titled, "[REDACTED]", was submitted by Dr. [REDACTED] (PI #1). PI #1 is a faculty member in the Department of [REDACTED] at [REDACTED] University. Proposal [REDACTED] entitled, "[REDACTED]" was submitted by Dr. [REDACTED] (PI #2). PI #2 is a faculty member in the Department of [REDACTED] at [REDACTED] University. PI #2 is the spouse of the *ad hoc* reviewer.

⁵ The student, Dr. [REDACTED], was a graduate student in PI #2's laboratory.

⁶ Proposal [REDACTED] is entitled "[REDACTED]"

⁷ The paper is, [REDACTED] and [REDACTED], 1992. "[REDACTED]"

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submission with preliminary data was a good idea. She had submitted the update this time because of that experience, not in response to a reviewer's prompting. OIG also contacted the student who said that he had spoken with PI #1 and that the PI did know that her proposal was in competition with PI #2's. According to the student, PI #1 did not say how she knew this nor did she say that she had been contacted by a reviewer. The student said the two PIs had attended a scientific meeting and may have exchanged information at the meeting.

In response to OIG's inquiry about violation of confidential merit review and possible undisclosed conflicts of interest the reviewer said that he was an experienced reviewer, he understood and respected the rules, and he had not contacted PI #1 in violation of those rules. He said that he knew both PIs but he had no current collaborative relationship with them. He characterized his prior collaboration with them as "limited" and said he had disclosed it in his proposal because, even though the research for the paper was completed in 1991, the paper was finally published in 1992 (technically within the 48 month restriction period). He said he had provided PI #1 with a test compound used in the paper and experiments he had conducted in 1988 were repeated and included in the paper. PI #1's work on the project with PI #2 was independent of him. He said he had not disclosed his past collaborative relationship with the PIs to the NSF program officer when he received the two proposals for review because he did not feel his past affiliation created a conflict of interest and he felt he could be objective in his review.

OIG concluded that there was no evidence that the reviewer had contacted PI #1 or that he had violated the confidentiality of merit review. Although the reviewer had failed to disclose to NSF affiliations that created the appearance of a conflict of interest when he received the proposals for review, it is doubtful that the relationship he described would be considered disqualifying or limiting. However, for the merit review process to work as fairly and objectively as possible it is NSF, not the reviewers, that must determine whether a reviewer's collaborative relationships disqualify or limit his or her review activities. OIG told the reviewer that he should have disclosed this relationship to NSF before he submitted his reviews or, at the latest, along with them and instructed him to disclose relevant collaborative relationships in the future.

This inquiry is closed and no further action will be taken in this case.

cc: Staff Scientist, AIG-Oversight, IG