

CLOSEOUT FOR M98110033

This matter arose as a result of a telephone call from Dr. [REDACTED] (the first researcher) of [REDACTED] (the university) to OIG. The first researcher is affiliated with the NSF-supported [REDACTED] (the center) and is also the principal investigator (PI) for an NSF grant to the university.² The first researcher expressed concern that an unnamed student had failed to supply the first researcher with data that the student had collected as part of an NSF-supported project under the first researcher's direction. The first researcher indicated that his concern over the matter was heightened by the fact that the student was now working with Dr. [REDACTED] (the second researcher), a former collaborator of the first researcher at the university and the center. The first researcher noted that his relations with the second researcher were poor, and he alleged that the center had severed the second researcher's affiliation with it because the second researcher had failed to share data in accordance with NSF policy.

OIG informed the first researcher that his university, as the institution responsible for the award under which his data were collected, was responsible for keeping "records pertinent to a grant,"³ including data records. OIG advised him that he should seek help from responsible administrators at his university in securing access to those records. OIG noted that he might also seek to enlist the program manager's assistance in helping him resolve the situation.⁴

The program manager who recommended the first researcher's award (and who also manages NSF's award to the center), was Dr. [REDACTED] of the [REDACTED]. The program manager had previously been the subject of an anonymous, largely unspecific, complaint to OIG that had included an allegation of bias in favor of the second researcher. OIG's inquiry into the specific components of that complaint (OIG Case # M97080024) had concluded that the complaint lacked substance and did not raise credible and substantive program management issues. However, OIG noted that certain comments the first researcher

¹ The site is supported by [REDACTED], entitled "[REDACTED]". The awardee institution is [REDACTED]. The principal investigators for the award are [REDACTED], [REDACTED], and [REDACTED].

² The award is [REDACTED], entitled "[REDACTED]".

³ *Grant Policy Manual* (NSF 95-26) 350a.

⁴ The program manager later informed OIG that the first researcher had consulted her about this matter and that they had discussed how best to resolve it.

made in his telephone call to OIG, although they did not constitute an allegation that the program manager had acted improperly, again raised the possibility that she might be biased in favor of the second researcher. OIG further noted that NSF had made a recent award to the second researcher.⁵ OIG decided, in light of these repeated intimations of bias, to examine the award jackets for the center and the recent award to the second researcher to assess whether they showed evidence that the program officer had acted inappropriately.

NSF program records for the center indicated that the second researcher's relationship to the center ended for several reasons, including scientific and personal conflicts and differing priorities for use of center funds. According to a memorandum written by the center PI, the second researcher believed that his available grant funds would not permit him to comply with specific requirements of the center's data access policy. These requirements were not a part of NSF's openness policy, and the memorandum gave no indication that the second researcher's actions violated that policy. Likewise, the memorandum did not suggest that the second researcher had acted in ways that would raise questions about continued NSF support for the second researcher's project. The award records contained no evidence of unreasonable bias by the program officer and ample information that tended to support her recommendations regarding the second researcher.

OIG's review of the award records led us to raise two other issues with the program manager.

First, OIG noted that the proposal that led to the second researcher's award mentioned his association with the center and that two of the merit reviews commented on the relationship between the researcher's work and that of the center. OIG further noted that, in the time between the submission of the merit reviews and the program manager's recommendation that NSF fund the proposal, the program manager had learned that the second researcher was no longer associated with the center. Although the program manager provided a cogent oral analysis of the relevance of this changed circumstance to her recommendation that NSF fund the second researcher's proposal, we noted that her analysis of this issue was not documented in NSF's program file. After our conversation, the program manager decided to place a written account of her analysis in the file.

Second, OIG noted that the program manager, in making her funding recommendation concerning the second researcher's proposal, had used a proposal review from a scientist who, according to the program file, was at the second researcher's university. This reviewer appeared to have a biasing affiliation, as an employee of the university, that would disqualify him as a reviewer. The file contained no information to indicate that the reviewer in fact did not have this disqualifying affiliation. The program manager affirmed that she was aware of

⁵ The second researcher's recent award is [REDACTED]. The project is entitled "[REDACTED]" [REDACTED]. The award is a fund transfer to [REDACTED] (the federal agency). NSF had previously supported this project under an award to the university ([REDACTED]) with the same title. After the second researcher left the university and took a position with the federal agency, NSF cancelled the earlier award.

NSF's rules regarding reviewer conflicts of interests and how they applied to situations such as this. She told us that it was her recollection that the reviewer changed institutional affiliations at approximately the time he submitted his review, and she offered to make further inquiries to determine whether there had actually been a conflict of interests. OIG noted that, without this review, the file contained sufficient information to justify a recommendation to fund the proposal. OIG suggested that, since further inquiry into this matter would have no prospective substantive effect, it would be sufficient to note the possible conflict of interests in the file and record her judgment that excluding the review from consideration would have had no effect on her funding recommendation. The program manager elected to write a note to this effect and supplied a copy to her division director.

OIG concluded that it had no reason to believe that these two issues suggested the need for further corrective action of any kind. By adding documentation to the file as described above and calling the relevant information to her division director's attention, the program manager has enabled the division director to make his own independent assessment on this point.

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

cc: Acting IG, Senior Advisor to the IG, Legal, Investigations