

Closeout for M98120032

The complainant met with us on October 26, 1998, to discuss information he received from NSF about the declination of his proposal. Because he had received two different explanations of how reviewers were chosen to evaluate his proposal, he alleged that the Program Officer (PO)¹ had, either on her own or acting on behalf of her Program Leader (PL),² intentionally biased the review process against his proposal by selecting reviewers predisposed to decline his proposal. Because we were unsure if the complainant's concerns were more properly addressed by us or NSF management, we reviewed the documents the complainant provided, as well as others, before deciding to begin our inquiry. Based on our review, we opened a case on December 2, 1998.

The complainant submitted a pre-proposal as the first step in a multi-stage process involving the evaluation of a pre-proposal and, contingent upon a satisfactory review, a full proposal and a site visit. The complainant's pre-proposal ranked well enough (receiving two Excellent ratings among the five individual ratings) in the review process to make it to the next step (submission of a full proposal). The complainant's full proposal did not fare as well and was not selected for the next stage (a site visit). The complainant wondered if the two reviewers who had rated his pre-proposal as excellent were deliberately not used to evaluate his full proposal and asked the PO how the proposal reviewers were selected.

The PO told us she discussed the complainant's question and the selection process with the PL. The PL sent the complainant an e-mail stating that all pre-proposal panelists were asked to review the full proposal, and those who agreed to review it, did. The PL told us the e-mail was meant to reflect general policy guidance for the review process, rather than being specific to one proposal.

The complainant requested a reconsideration³ of his proposal, which was handled by the designated reconsideration official (AD), who consulted with a senior Program Officer (SPO).⁴ After talking to the SPO in the course of the reconsideration, the PO wrote a diary note explaining her selection of reviewers. The content of that diary note was consistent with what the AD wrote to the complainant in response to his request for further explanation about how the proposal reviewers were chosen. In that letter, the AD told the complainant that the reviewers were selected to review the full proposals on the basis of availability and expertise. Regarding the two reviewers who gave the pre-proposal an excellent,

¹ (footnote redacted).

² (footnote redacted).

³ A reconsideration can be requested by a PI when his/her proposal has been declined, and the PI believes NSF's standard procedure has not been followed or a serious mistake has been made. It is an independent evaluation carried out by the Assistant Director of the directorate in which the proposal was submitted, and assesses the substantive and procedural decisions related to the proposal.

⁴ (footnote redacted).

Closeout of M98120032

the AD told the complainant one reviewer was unable to review any of the full proposals (Reviewer 1), and the other asked to review only one (Reviewer 2). The AD explained that Reviewer 2's expertise was most relevant to another proposal.

We spoke to the five pre-proposal reviewers (four of whom also provided reviews of the invited full proposals as well). All said they were not subject to any pressure or bias, either from NSF or otherwise, to rate any of the pre-proposals or full proposals either positively or negatively. All reviewers stated that the evaluation and ratings they gave all the pre-proposals and full proposals were based on their own opinions. Regarding availability to review full proposals, Reviewer 1 confirmed that he had told the PO that he was too busy to review any of them. Reviewer 2, who reviewed only one full proposal, told us he was asked to review only one full proposal, but he had not requested to review only one, and he could have reviewed another if asked. (In fact, none of the panelists indicated that they had any constraints such that they asked to review only one proposal.) Reviewer 1 understood from the PO that the PO was giving him that proposal to review because it was in his area of expertise. The remaining pre-proposal reviewers each reviewed two full proposals.

We interviewed the PO to ask about the discrepancies among (1) the statements made in the PL's e-mail, (2) the PO's diary note and the AD's letter, and (3) the reviewers' accounts. She told us there was a discrepancy between what she told the PL and what was in the PL's e-mail, in that her description to the PL was broader than the e-mail reflected.

The contradiction between the PO's statements and the statements of the reviewers was in whether the reviewers were specifically asked about their availability. The PO stated that she found out that Reviewer 2 had administrative duties and that he requested to review only one proposal. We could not resolve the discrepancy between the reviewers' and PO's recollections. Regardless, there is no evidence that she selected the reviewers to obtain a particular result, or that her PL influenced her selection of reviewers. NSF guidelines for choosing reviewers afford Program Officers latitude and flexibility in their choice of individual reviewers.⁵ We found no evidence that the PO's actions were inconsistent with the guidelines. Based on the information we have, a preponderance of the evidence does not support the allegation. This inquiry is closed and no further action will be taken on this case.

We note that following the reconsideration, the complainant (through his attorney) wrote to NSF to complain about the reconsideration and review processes and to claim bias. NSF's Office of General Counsel (OGC) responded that (1) the

⁵ The *Proposal and Award Manual* is a compendium of NSF internal proposal and award policies and procedures intended for internal NSF staff use. It replaces NSF Circulars, Bulletins, and Staff Memoranda directly related to the NSF proposal and award system. The relevant section is "Selection of Ad Hoc Reviewers"—122.4.

Closeout of M98120032

next step in NSF's reconsideration process required the complainant's University to join his request, and it declined to do so⁶; and (2) the reconsideration and review processes appeared to have been carried out in agreement with NSF's policies. As described above, our conclusion about the review of the complainant's proposal is consistent with OGC's.

cc: Integrity, IG

⁶ The President of the complainant's University notified OGC that it accepted NSF's decision on the complainant's proposal as final.