

Closeout of M90040021

This case involves [REDACTED] (the "subject"), who at the time relevant to this case held a [REDACTED] position at the University [REDACTED] (the "institution"). The subject submitted proposal [REDACTED] entitled "[REDACTED]" (the "proposal"), to the [REDACTED] Program (the "first program"), Division [REDACTED], in what was then called the Directorate [REDACTED]. The proposal was received by the first program on [REDACTED] and was initially handled by the first program's Program Director, [REDACTED].

The PD informed OIG that she had observed a panel review in which extraneous consideration of the alleged emotional illness of the subject occurred, which in the PD's opinion turned into ridicule of the subject. The PD said that one of the panelists asserted that because of the subject's emotional illness, the subject must not have been the real author of the six articles that the subject had recently published. According to the PD, the subject's proposal began the review with "High Priority" written reviews, and ended with a low score and no funding as a result of the panel's discussion of the subject's alleged emotional illness.

If NSF's decision on the subject's proposal was negatively affected by consideration of her physical or mental impairment, that decision could constitute discrimination under section 504 of the Rehabilitation Act. However, that section only provides for action to be taken by the victim of such discrimination, and in this case the victim is unaware of what happened. Nonetheless, we regarded this allegation very seriously because the integrity of the peer review process is fundamental to the scientific enterprise.

Examination of the proposal jacket revealed that the PD's statements about the merit review of the proposal were mistaken. In fact, the panelists' reviews — written before the panel meeting — consistently rated the scientific merit of the proposal below the level the first program was ultimately able to fund: the first program was able to fund fewer than half of the 49 proposals rated as "High Priority" overall, and the subject's proposal was one of 122 rated "Fund If Possible" overall (none of which was funded).

We found that, in the performance of her previous NSF grant, the PI had obtained extensions on the grant's termination date because she had been hospitalized. In the "Results from Prior NSF Support" section of the instant proposal, the PI discussed the effect her illness had on her work under the previous grant, and explained that a new treatment had rendered her "virtually symptom-free" and fully able to work at her previous fully capacity.

We interviewed, in person or over the telephone, all of the cognizant NSF program staff and most of the members of the review panel. The panel discussion touched on the subject's medical condition only briefly, and one panelist did mention, from his personal knowledge, what the specific nature of the PI's medical condition was. The consensus of the panel members, however, was that the discussion focused on the fact of the PI's recovery, which the PI had

herself put at issue in her proposal, and the conclusion of the discussion was favorable with regard to that issue.

Subsequently, the PI did receive an NSF award for a proposal she had submitted to another program, and it was partly funded by the first program.

We concluded that there had been an improper contribution by one panel member to the discussion of the subject proposal, but it had no effect on either the conclusion of the panel discussion or on the funding decision regarding the proposal. We talked with the NSF Division Director for the first program, and he told us he would talk to his program staff to emphasize to them the importance of keeping panel discussions focused on the scientific issues and the information in the official administrative record.

Accordingly, this case is closed.

  
  
Counsel to the Inspector General

concur:

 3/31/93  
James J. Zwolenik  
Assistant Inspector General for Oversight

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