



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: A03060032

Page 1 of 2

While reviewing an awardee's¹ annual report, we identified discrepancies with other documents in the award jacket.² Specifically, the Human Subjects box on the cover page was unchecked while the independent evaluator's report stated that program was updating its Institutional Review Board (IRB) materials. Additional inconsistencies were found, including an unchecked Human Subjects box on NSF's Action Processing Form³ (APF). Further investigation of the awardee revealed that identifying information about minors participating in the project was publicly available on the organization's web site. We recommended that the awardee remove the identifying information from public view pending completion of our investigation, and it did so. We recommended that NSF suspend the award pending IRB review of the entire project. NSF suspended the award.

We worked with the awardee, its IRB, and NSF to achieve compliance. We ensured that relevant information was provided to the IRB. This information included, among other things, a copy of the original proposal, which the IRB had not seen previously. After reviewing all the materials, the IRB issued a letter stating that the project was non-exempt, involving not greater than minimal risk. NSF then lifted the suspension.

Because of the awardee's inexperience in award management, we also recommended that NSF require the awardee: to submit the results of each subsequent IRB review over the life of the award; to certify its attendance at professional grants management training; and to treat the award as an at-risk award. NSF has accepted these recommendations with the exception that grants management training was recommended to, rather than required of, the awardee.

While the awardee was resolving the IRB issues, we learned that the web pages that revealed identifying information about minors are part of the awardee's non-NSF-supported activities. However, the awardee had erroneously used NSF funds in these activities, thereby establishing a connection between NSF support and these activities. We agreed with the awardee that crediting the NSF grant account for the erroneous payment would sever the connection between NSF and these non-NSF-supported activities.⁴ The awardee provided documentation that the NSF account had been credited a reasonable amount; then the awardee reactivated the web pages.

We also reviewed the 17 other awards in the NSF program⁵ that funded the awardee and identified several internal NSF program issues. We found a lack of compliance with and understanding of the Human Subjects (HS) regulations⁶ within the program office. All of the

¹ [REDACTED], a small non-profit organization with no previous experience administering a federal grant

² [REDACTED]

³ NSF Form 1036

⁴ Otherwise, the awardee would have needed to request a change of scope for the NSF award and receive additional IRB approval.

⁵ [REDACTED]

⁶ 45 C.F.R. part 690 Protection of Human Subjects



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Page 2 of 2

program's awards involved HS issues. The program officer⁷ had not coded the relevant APF section for any of the 17 awards. Only 7 proposal cover pages indicated HS-related research. Of those, NSF had received only 3 IRB certifications when the awards were approved while 4 were pending. When discussing this with NSF, we were informed that the relevant sections of the *Grant Proposal Guide* (GPG) and *Proposal and Award Manual* (PAM) could be read as inconsistent with each other, possibly resulting in confusion as to the program officer's responsibilities.

We recommended that NSF: ensure that all the award jackets in the program were corrected to reflect the exempt/nonexempt status of the projects including appropriate documentation; ensure that all grants and program officers in the affected directorate receive refresher training in HS compliance; provide information on the web-based training effort; ensure that relevant program announcements contain advisory language about HS requirements; ensure that the GPG and PAM instructions are consistent with each other; amend the *Prospective New Awardee Guide* (PNAG) to contain a review of compliance issues such as HS requirements; and ensure that its outreach efforts contain sessions on HS compliance.

The affected directorate⁸ informed us that they: have corrected the award jackets, including documentation; have begun annual awareness training for division directors and staff; and are working to identify programs most likely to have HS implications, to add a hard edit in proposal processing for those programs, and to perform semi-annual analyses to check the process.

At the agency level, NSF reported that the web-based training effort is operational, is being edited, and will be publicized to program staff. NSF stated its belief that: the GPG is the appropriate vehicle for informing prospective awardees about HS requirements but it will revise the PAM to clarify program officers' responsibilities; and the purpose of the PNAG is the assessment of financial viability, thus inclusion of HS compliance information would be inappropriate. NSF agreed to research additional outreach methods and to make an informal assessment of program areas involving large-scale HS research, which may require refresher training for NSF personnel.

Accordingly, this case is closed.

7

8