

## CLOSEOUT FOR M-95060023

On 14 June 1995 [REDACTED] program director in [REDACTED] in the Directorate [REDACTED] brought an allegation of misconduct in science to OIG's attention. The complainant, [REDACTED], is a faculty member in [REDACTED]. The complainant alleged that an unknown ad hoc reviewer violated the confidentiality of peer review when he contacted [REDACTED] (the third party), a faculty member in [REDACTED] to discuss the complainant's NSF proposal. The NSF proposal, [REDACTED], entitled [REDACTED] was submitted by the complainant with co-PIs [REDACTED] in the [REDACTED] and [REDACTED] in the [REDACTED]. The complainant explained that he was informed about the reviewer's breach of confidentiality of peer review by one of the proposal's co-PIs who, in turn, had learned about it from the third party.

OIG contacted the third party who identified the reviewer as [REDACTED] (the subject), a faculty member in [REDACTED]. The third party told OIG that the subject asked him about the third party's inclusion as a participant but not a co-PI in the proposal. He explained that, before the subject's question, he was unaware that he had been included in the proposal. The third party said that he and the subject discussed nothing else about the proposal. Immediately after their conversation, the third party said he discussed the subject's call with one of the co-PIs on the proposal. He said the co-PI showed him a copy of the proposal including the section that contained a reference to the use of the third party's laboratory to perform a specific test. The third party explained that he would have preferred it if the PIs had informed him in advance about the proposed use of his laboratory, but he thought the issue was insignificant.

OIG contacted the subject who explained that, prior to his review of the complainant's proposal, he had reviewed two similar NSF proposals in which the complainant and the third party were co-PIs. Consequently, when he received the complainant's proposal, he was curious about the use of the third party's laboratory without his inclusion as a co-PI. The subject said that, in a conversation about other matters, he inadvertently asked the third party about his role in the proposal. He said they discussed nothing else about the proposal. He did not consult with the NSF program officer before he asked the third party about his role in the proposal because the question was "harmless" and "off-the-cuff."

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OIG confirmed that the subject had reviewed two earlier NSF proposals on which the third party and the complainant were co-PIs. The complainant's proposal contained a single statement that referred to the third party's laboratory as the location at which a particular test would be performed.

OIG determined that the subject violated the confidentiality of peer review when he contacted the third party and discussed the complainant's proposal without first consulting the program officer to learn if this would be appropriate. However, the subject's discussion with the third party focused on a single issue related to the use of the third party's laboratory in the proposal. OIG concluded that, in this case, given the limited scope of the discussion, the subject's action did not rise to the level of misconduct in science according to NSF's Misconduct in Science regulation (45 C.F.R. §689).

This inquiry was closed and no further action will be taken.

cc: Staff Scientist, Deputy AIG-Oversight, AIG-Oversight, IG