

U.S. National Science Foundation

Alexandria, VA 22314

Conflict-of-Interests and Confidentiality Statement for NSF Panelists

Includes members of proposal review panels; site visitors; and committee of visitors.

1. Your Conflicts of Interests.

Your designation as an NSF panelist, review panel member, site visitor, or committee of visitors member is considered a "special" Government employee appointment. Therefore, you must be aware of potential conflict situations that may arise. The attachment to this form lists the entities and individuals that pose a conflict of interest for you. If any of these individuals or entities come before you during your NSF work, **immediately stop** your NSF work and contact your NSF program officer. This official will determine how the matter should be handled and will tell you what further steps, if any, to take.

2. No Use of "Insider" Information.

It is likely you will have access to information not generally available to the public, therefore you must not use that information for your personal benefit or make it available for the personal benefit of any other individual or organization. This is to be distinguished from the entirely appropriate general benefit of learning more about the Foundation, learning from other panel members, or becoming better acquainted with the state of a given discipline.

3. Your Obligation to Maintain the Confidentiality of Proposals and Applicants.

The Foundation receives proposals in confidence and protects the confidentiality of their contents. For this reason, you must not copy, quote, or otherwise use or disclose to anyone, including your graduate students or post-doctoral or research associates, any material from any proposal you are asked to review.

4. Confidentiality of the Review Process and Reviewer Names.

NSF keeps reviews and your identity as a reviewer of specific proposals confidential to the maximum extent possible, except that we routinely send to principal investigators (PIs) reviews of their own proposals without your name, affiliation, or other identifying information. Please respect the confidentiality of all principal investigators and of other reviewers. Do not disclose their identities, the relative assessments or rankings of proposals by a peer review panel, or other details about the peer review of proposals.

Unauthorized disclosure of any confidential information could subject you to sanctions.

YOUR CERTIFICATION

Your Potential Conflicts.

I have read the list of affiliations and relationships in the attached Ethics Law and Conflicts of Interest Summary for NSF Panelists, Site Visitors, and COV Members that could prevent my participation in matters involving such individuals or institutions. To the best of my knowledge, I have no affiliation or relationship that would prevent me from performing my panel duties. I understand that I must stop my NSF work and immediately contact the NSF program officer if a conflict exists or arises during my service. I further understand that I **must sign and return this Conflict Statement to the program officer before I may serve.**

Maintaining the Confidentiality of Others.

I will not divulge or use any confidential information, described above, that I may become aware of during my service.

Your Identity as a Reviewer will be Kept Confidential (Does not apply to Committee of Visitors).

I understand my identity as a reviewer of specific proposals will be kept confidential to the maximum extent possible, except that copies of written reviews that I submit will be sent to the principal investigator(s) without my name and affiliation.

Member's Name (please print) _____

Member's Signature: _____ Date: _____

Name of Panel: _____

Directorate/Division: _____

Ethics Law and Conflicts of Interest Summary for NSF Panelists, Site Visitors, and Committee of Visitors Members

As an NSF proposal review panel member, site visitor, or committee of visitors member, you are considered a “special” Government employee while performing your NSF duties. This is a summary of the major conflict of interest rules that apply to you as a special Government employee.¹ Your careful adherence to these rules should foster public confidence that NSF review processes are not tainted by improper influences.

CONFLICTS OF INTEREST

If any of the institutions, other entities, or individuals listed below are listed on or involved in any way in a proposal, site visit, or other NSF matter on which you are working, IMMEDIATELY STOP YOUR NSF WORK AND CONTACT YOUR PROGRAM OFFICER. In some of these situations, a waiver may be possible, but only with the proper NSF ethics authorization.

Institutions/Entities

- ◆ An institution or other entity where you are currently employed as a professor, adjunct professor, visiting professor, or similar compensated position, including employment as a consultant or advisor.
- ◆ An institution or other entity where your spouse, your minor child, someone living in your household, or business partner is currently employed as a professor, adjunct professor, visiting professor, or similar position, including employment as a consultant or advisor.
- ◆ An institution or other entity that is currently considering you, your spouse, your minor child, someone living in your household, or your business partner for employment.
- ◆ An entity in which you, your spouse, minor child, member of your household, or business partner owns securities.
- ◆ An institution or other entity where you were employed within the last 12 months, even if you no longer work there now.
- ◆ An institution or other entity that gave you an honorarium or award within the last 12 months.
- ◆ An institution or other entity where you, your spouse, your minor child, someone living in your household, or your business partner has an arrangement for future employment or reemployment. This includes seeking or negotiating for employment with the institution or other entity.

¹ For specific rules, see 18 U.S.C §§ 201-209, E.O. 12674 (as amended), 5 C.F.R. Parts 2635 and 5301, and 45 C.F.R. Part 680. This summary assumes that you will not perform work for NSF on more than 60 days in any 365-day period. If you work for more than 60 days during such a period, you will become subject to additional restrictions, and you should contact the Ethics Team in the Office of the General Counsel about them.

- ◆ An institution or other entity where you are currently a member on a visiting committee or similar body. (Certain exceptions may apply. Please contact your program officer if the department, school, or facility involved in the NSF matter is different from the one you are advising as a member of the visiting committee or similar body.)
- ◆ An institution or other entity where you or someone living in your household is enrolled as a student. (Certain exceptions may apply. Please contact your program officer if your household member is enrolled in a different department or school from the one involved in the NSF matter to which you are assigned.)
- ◆ An institution or other entity, including a professional society or association, in which you are an officer, member of a governing board, chairperson of a committee, or hold another office in which you have fiduciary responsibilities to the institution. (Ordinary membership in a professional society or association is not considered an office.)
- ◆ Business owned by you, your spouse, minor child, someone living in your household, or your business partner.

Individuals

- ◆ A family member like your spouse, child, sibling, parent, or other relative with whom you have a close personal relationship.
- ◆ An individual with whom you have a relationship, e.g. close personal friendship, that would cause you or a reasonable person familiar with the relationship to question your impartiality or judgment.
- ◆ Your PhD thesis advisor or PhD thesis student, whether current or past.
- ◆ An individual with whom you collaborated on a project, book, article, report, or paper within the last 48 months.
- ◆ An individual with whom you co-authored a book, article, report, or paper within the last 48 months.
- ◆ An individual with whom you co-edited a journal, compendium, or conference proceedings within the last 24 months.
- ◆ Your business or professional partner or anyone with whom you seek to have a business, contractual, or other financial relationship.

Recognizing the above affiliations or relationships and immediately contacting your program officer is critically important. Under federal criminal law, you may not work on a matter in which you or someone whose financial interests are imputed to you has an interest in the matter. The financial interests of your spouse, minor child, business partner, along with certain organizations, including your employer (e.g. home institution), are imputed to you. This means that the interests of these individuals and entities are treated as your interests. When one of them is involved in a matter, it's as if you yourself are involved in the matter. In addition, under federal regulations, you may not work on a matter in which a member of the public may question your impartiality because of your relationship with certain individuals or entities involved in the matter.

MISUSE OF POSITION

You must not use or disclose information not generally available to the public that you learn as part of your NSF service.² This includes not disclosing that you served on a particular panel, the identity of any other panel members, or the content or nature of any proposals, reviews, or recommendations. All proposals and proposal-related information is protected under the Privacy Act of 1974. Under these rules, you are prohibited from sharing proposals and proposal-related information with any student, colleague, or other individual not authorized to have access. You are further prohibited from plagiarizing any proposal. Failure to follow these legal requirements will be treated as a matter of research misconduct and referred for investigation by the NSF Office of the Inspector General (OIG). You also are prohibited from uploading the content of any proposal, review information, or other proposal-related records to any non-approved generative artificial intelligence (AI) tool for any purpose. Such actions are considered a breach of confidentiality and may also be referred to the OIG for investigation.

You must not use your NSF affiliation, including title, for private gain (whether your own or someone else's). You may, however, include your NSF affiliation, including title, as part of a larger biography, as long as it is not given any additional prominence.

REPRESENTATION

A criminal statute bars you from representing someone else before any Federal Government official on a matter involving specific parties, if you participated in that same matter as a panelist. The law also bars you from accepting compensation for such representation done by others. For example, if you review a proposal for an award while at NSF and then go and work for the awarded entity, you may not contact another Federal agency about that award.

ACCEPTING GIFTS

While working for NSF, you cannot accept gifts offered to you because of your service as an NSF reviewer, panel member, site visitor, or committee of visitors member. If you are offered such a gift, please contact the Ethics Team in the Office of the General Counsel for guidance.

FOREIGN GOVERNMENTS

You may not accept a gift from a foreign government or international organization on the days you are working for NSF. If you are offered such a gift, please contact the Ethics Team, as exceptions may apply.

You may not serve as an agent of a foreign principal, as defined in the Foreign Agents Registration Act, 22 U.S.C. § 611 et seq.

² Whistleblower Protection: This document is consistent with and does not supersede, conflict with, or otherwise alter your obligations, rights, or liabilities created by existing statute or Executive Order relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection.

POLITICAL ACTIVITIES

On the days you are serving as a reviewer, panel member, site visitor, or committee of visitors member, you may not engage in partisan political activities, like wearing campaign clothes/buttons/insignia, displaying campaign or political party signs, or displaying a political banner in the background during a virtual panel. The relevant provisions of the Hatch Act applicable to you during your service prohibit you from engaging in partisan political activities on government premises, using government resources, or during government time. Partisan political activities are any activities geared toward the success or failure of a partisan candidate, political party, or partisan political group.

For general ethics/conflicts questions, please contact any member of the OGC Ethics Team at: coi@nsf.gov

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