

## **Guidance for DOE Office of Science Committee of Visitors Reviews**

Issued by the Deputy Director for Science Programs

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### **Introduction**

This document provides guidelines for scheduling and conducting Office of Science (SC) Committee of Visitors (COV) reviews, distributing COV reports, and responding to findings and recommendations.

Committees of Visitors are charged by the science program Federal Advisory Committees (FAC) with assessing (1) the efficacy and quality of the processes used to solicit, review, recommend, monitor, and document application, proposal, and award actions and (2) the quality of the resulting portfolio, including its breadth and depth and its national and international standing.

The portfolio of activities under review by a COV includes all actions administered by the program for the period under review, including funding at national laboratories, universities, and other activities handled by the program.

The Deputy Director for Science Programs (SC-2) maintains a database of all COV reports and responses. They are available to the public on the SC web site.

### **Scheduling and Timing of COV Reviews**

Programs that recommend or award funds are to be reviewed by a COV at regular intervals of three years. For new research programs, it may be appropriate to wait longer than three years for the first COV, but any deviation from the three year COV interval requires SC-2 guidance and approval. Special initiatives are to be evaluated periodically, in a broader context, to determine their progress and impact.

The COV reviews can be scheduled throughout the fiscal year but should be timed for presentation of the report to the FAC at its next scheduled meeting after the COV review. When determining the schedule, staff may take into account dates of prior reviews, new and reorganized programs, significant personnel changes, major budgetary changes, and other circumstances that have affected or are expected to affect the programs.

The relevant Associate Director will maintain and keep a three year schedule of COV reviews and keep the FAC Designated Federal Official, the FAC chair, and SC-2 informed of the schedule.

### **COV Relationship to the Federal Advisory Committee**

The program Federal Advisory Committees operate in accordance with the Federal Advisory Committee Act (FACA, Public Law 92-463, October 6, 1972) and all FACA Amendments, Federal Regulations and Executive Orders. A COV is a subcommittee that reports to a chartered

FAC rather than to the agency. As such, it does not meet the definition of an advisory committee under FACA and is not subject to FACA procedural requirements. COV meetings are not announced in the Federal Register and are not required to be open to the public.

The COV report, with findings and recommendations, is presented to the FAC at a scheduled meeting open to the public. The report is reviewed, discussed, modified if necessary, and approved by the FAC. The program's response to the COV findings and recommendations is presented at a subsequent scheduled meeting of the FAC.

### **COV Membership**

The COV chair is selected and appointed by the chair of the FAC in consultation with the relevant SC manager (defined as the head of the program being reviewed, such as the Division Director if a division is being reviewed or the Associate Director if an office is being reviewed). The COV chair should be a person that sees the relevant research fields from a high level; has leadership skills and sound judgment; is very organized; has deep and broad experience in the field; has national and international knowledge of the field; is familiar with peer review and critical decision making; and understands strategic portfolio planning.

The FAC Chair, in consultation with the COV Chair and the relevant SC manager, is responsible for assembling the committee. The COV membership will have significant scientific expertise across all covered areas, and the topical subject matter expertise coverage should not rely upon one person alone. At least twenty-five percent of the committee members will be people who do not receive direct research support from the program being reviewed. Some but not all members of a COV may be selected from a previous COV. Any person with an action pending (e.g., application or proposal under review, progress report pending approval) in a program under review will not participate as a COV member for that program. At least one member of the COV will also be a member of the affiliated FAC. The committee will be balanced and drawn from a broad field of qualified reviewers from academia, DOE national laboratories, other federal agencies, private sector entities, and other appropriate institutions.. The FAC chair should also consider a number of other balance factors, including institution, geographic region, diversity, etc. In the end, the COV will constitute an exceptional group of recognized scientists with broad research expertise in the designated program areas.

### **Organization of a COV**

A COV is established by a charge letter from the Director of the Office of Science (SC-1) to the chair of the FAC delineating the scope of the assessment. Subsequently, the chair of the FAC issues a charge letter to the COV chair. The Associate Director is responsible for making sure COV reviews are held according to the established three-year schedule.

Program offices provide logistical support to the COV chair, including providing background materials and local arrangements to facilitate the COV review. The program offices may work with a contractor to provide this support to the COV. All arrangements will be in compliance with applicable DOE financial guidance and regulations.

Travel expenses are paid for all participating COV members but honoraria are not paid to any COV members.

After issuance of the charge letter, the COV chair may want to meet with program managers to receive an overview of the program and to plan the details of the review.

The relevant SC manager will send, either electronically or through a password-protected website, background information to the COV members. This information will include university and national laboratory review procedures, overview presentations on the portions of the program being reviewed, descriptions of core research activities and/or facilities, the report of the last COV, the program response to the last COV report, a draft agenda for the COV, and other information deemed useful by the program such as abstract books, proceedings of investigator meetings, and/or workshop reports. The relevant funding opportunity announcements for the time period will also be included.

The COV process includes a site visit for the committee to review documents and meet with SC program managers. The initial session is generally a plenary meeting, with an introduction to the process provided by the COV chair and possibly the FAC chair. One or more program managers may also deliver overview presentations in the plenary session. The COV may then form smaller breakout groups that evaluate specific parts of the program. Program managers may meet with the breakout groups to provide subprogram overview presentations and to answer breakout group questions. Program managers and support staff members will make themselves available at all times during the COV for follow-up questions and to retrieve any requested documentation. Before leaving, the COV chair may provide a closeout briefing covering preliminary findings. An optional but good practice is to schedule on-site writing time at the end of the review for a core team of COV members.

### **Scope of COV Reviews**

Each COV review will provide SC with information on the efficacy and quality of the program's processes and the effect of the award process on the portfolio. The COV will consider application, proposal, and award actions completed during the previous three fiscal years. For each COV review, the chair of the FAC will prepare a written charge to the COV asking for evaluation using the core COV review criteria listed below as well as program-specific criteria of interest to SC and identified in the SC-1 charge letter to the FAC. The charge to the committee will also identify the fiscal years under review and denote the components of the program to be reviewed.

The core COV charge components are:

1. Assess the efficacy and quality of the processes used during the past three years to:
  - a. solicit, review, recommend, and document application and proposal actions and
  - b. monitor active awards, projects and programs.
2. Within the boundaries defined by DOE mission and available funding, comment on how the award process has affected:
  - a. the breadth and depth of portfolio elements, and
  - b. the national and international standing of the portfolio elements

Program-specific charge components may include current government performance measures as appropriate.

Topics to be investigated by the COV can include but are not limited to selection of an adequate number of highly qualified reviewers who are free from bias and/or conflicts of interest; use of SC merit review criteria; adequacy of documentation; characteristics of the award portfolio; usefulness of progress reports on previously funded research; quality of overall technical management of the program; relationships between award decisions, program goals, and the DOE mission; significant impacts and advances that have developed since the previous COV review and are demonstrably linked to DOE investments; and the response of the program to recommendations of the previous COV review.

### **Information Provided to the Committee**

COV members will be given access to all program documentation completed during the period under review, including applications, proposals, review documents, and other requests. COV members may request, at their discretion and according to their criteria, that a representative sample of the program portfolio be provided. In response, the program may suggest a sample of actions, including new, renewal, and supplemental applications and proposals, awards, and declinations. In addition, the COV members may also choose to review files through a random selection process. COV members will have access to interim and final reports upon request.

COV members are required to keep confidential the names and comments of reviewers and information related to awards and declinations. Each COV member signs one of the conflict of interest and confidentiality statements included in Appendix A of this document. The forms were developed in collaboration with DOE General Counsel. Federal employees and DOE national laboratory employees will sign the form labeled, "Federal and Laboratory Member." All others will sign the form labeled, "Non-Federal and Non-Laboratory Member." Members of the COV will not review any application, proposal or action with which they have been determined to have a conflict of interest. COV members will not review any funding request from their own institution or any funding request in which they collaborated or participated. COV members will not review any funding requests for which they were reviewers. DOE General Counsel will be consulted if any questions about conflicts of interest arise.

To facilitate the COV review, each program will prepare and distribute to the COV members a summary report on program performance that covers the period under review and reflects the portfolio of activities for the program(s) being reviewed. Examples of information and data to be provided in the summary report include:

1. Information on issuance of new solicitations and guidelines;
2. Description of merit review process(es);
3. Tabulation of new, renewal, and supplemental applications and proposals received, awarded, and declined;
4. Tabulation of new awards, continuing awards, and terminated awards;
5. Examples of awardee results (e.g., research highlights) reported during the period under review.

The COV members are also provided with the most recent COV report and the response to that report.

### **COV Reports and Program Responses**

The COV prepares a report using as guidance the template in Appendix B of this document. The report is presented by the chair to the full FAC at a public meeting. Office of Science staff may assist a COV by calling attention to factual errors and ensuring that confidential information is not revealed in the draft report. The draft COV report will be sent by the COV chair to the FAC chair prior to the FAC meeting at which the report will be reviewed.

The COV report:

1. will address the COV charge, describe the method of review, including the number of files it examined and the method for selecting them, and the nature of other information provided by the programs under review;
2. will include any COV findings, recommendations, or suggestions; and
3. will include in an appendix the charge letter to the FAC, the charge letter to the COV, the review agenda, and a list of COV members.

The COV report will include all components of the COV reporting template and may also include additional sections at the discretion of the COV.

The FAC reviews and modifies the report, if needed, prior to acceptance. This review process includes public deliberation at a FAC meeting. Following acceptance, the report is transmitted by the FAC chair to the Director of the Office of Science (SC-1) and released publicly on the advisory committee website. Courtesy copies of the report are sent to the relevant Associate Director and to the Deputy Director for Science Programs. A response to the report is written by the Associate Director of the Office of Science for the program element under review, approved by SC-2, transmitted to the FAC chair, and posted on the SC website within 30 days of the acceptance of the report by the FAC.

The Deputy Director for Science Programs posts each COV report and program response on the SC website. Official copies of the reports and responses are maintained on the SC website. Links to these official report copies will be added to each FAC website.

The program's response to the COV report will include a dated table that details the findings, recommendations, and the response from the program. A template for the program response is included in Appendix C of this document.

Findings and recommendations that require SC-wide response are to be referred by program management to SC-2 for follow-up.

## Responsibilities

The Director of the Office of Science (SC-1) is responsible for:

- issuing a charge letter asking the FAC to perform the COV;
- receiving the COV report from the FAC; and
- advising SC-2 on appropriate management actions needed in response to the report.

The Deputy Director for Science Programs (SC-2) is responsible for:

- issuing overarching guidance to be followed for all COV reviews;
- approving the program response to the COV report; and
- maintaining the archive of COV reports and responses on the SC website .

The Associate Director of the Office of Science for the program element under review is responsible for:

- ensuring that procedures described in this guidance and in FACA regulations are met;
- establishing and supporting the COV in accordance with the provisions of this guidance;
- supporting the chair of the cognizant FAC in defining the goals and issues the COV will address and assisting in the selection of a chair and members of the COV;
- writing a response, obtaining SC-2 approval for the response, and facilitating SC-2 website posting within 30 days of the acceptance of the report by the FAC;
- presenting the response at a FAC meeting;
- ensuring COV review of program components on a three year cycle;
- maintaining a list of scheduled COV reviews and keeping SC-2 apprised of it; and
- posting reports on the relevant FAC website.

The Federal Advisory Committee chair is responsible for:

- charging the COV with a letter to the COV chair delineating the scope of the assessment;
- establishing, in consultation with the COV chair and the program, the COV committee;
- ensuring discussion, modification, and consideration of acceptance of the COV draft report at a scheduled meeting of the advisory committee; and
- transmitting the final report to SC-1 with a copy to the Associate Director and SC-2.

The COV chair is responsible for:

- setting the dates for the COV review;
- meeting with the program manager(s), either in person or by telephone, prior to the review to become familiar with the program structure and to preview issues that may be considered during the review;
- sending, with assistance from SC support staff, background information to the committee at least one month before the review;
- keep confidential information accessed during the COV;
- ensuring that a draft report is written after the review and submitted to the chair of the FAC for discussion at the next Advisory Committee meeting.

## Appendix A

### Conflict of Interest and Confidentiality Statements

This appendix contains two conflict of interest and confidentiality forms:

- (1) Conflict-of-Interest Statement for the Non-Federal and Non-Laboratory Member
- (2) Conflict-of-Interest Statement for the Federal and Laboratory Member

Phrases highlighted in **yellow** should be changed to reflect the particulars of the COV review. These forms were developed in collaboration with the DOE Office of General Counsel. Each COV member should be sent a copy of the relevant form in advance of the review. The attached statement must be signed and returned before a person can participate in a COV review.

## Basic Energy Sciences Advisory Committee

### Committee of Visitors

#### ***Conflict-of-Interest and Confidentiality Statement for the Non-Federal and Non-Laboratory Member***

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As a member of a Committee of Visitors (COV), you will have an important responsibility to provide an assessment of various issues related to **Basic Energy Sciences (BES)** management processes. This assessment will be provided to the Office of Science through the **Basic Energy Sciences Advisory Committee (BESAC)**. You will be asked to provide your views as a representative of the **basic energy sciences** community.

As a COV member, you are required to recuse yourself from participating in any meeting, study, recommendation, or other Committee activity that could have a direct and predictable effect on the companies, organizations, or agencies with which you are associated or in which you have a financial interest.

Your designation as COV member requires that:

- If you handle proposals or other applications, you must be aware of potential conflict situations. Examples of potentially biasing affiliations or relationships are listed on the back of this form. Should any conflict arise during your term, you must bring the matter to the attention of the Director, Office **of Basic Energy Sciences**. The Director, **Office of Basic Energy Sciences** will determine how the matter should be handled and will tell you what further steps, if any, to take.
- If your designation gives you access to information not generally available to the public, 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 Department, learning from other advisory committee/review panel members, or becoming better acquainted with the details of a given discipline.

*Please read the examples of possible conflicts of interest on page 2 and complete the attached form on page 3 indicating your acceptance of the conflict of interest guidelines.*

## Examples of possible conflicts of interest.

1. Affiliation with an applicant institution. A conflict may be present if you have/had:
  - Current employment at the institution as member of the scientific staff, professor, adjunct professor, visiting professor, or similar position.
  - Current employment or are being considered for employment at the institution.
  - Any formal or informal re-employment arrangement with the institution.
  - Current membership on a visiting committee or similar body at the institution.
  - Ownership of the institution's securities or other evidences of debt.
  - Any office, governing board membership, or relevant committee chairpersonship in the institution.
  - Current enrollment as a student.
  - Received and retained an honorarium or award from the institution within the last 12 months.
2. Relationships with an investigator, project director, or other person who has a personal interest in the proposal or other application.
  - Known family or marriage relationship.
  - Business or professional partnership.
  - Employment at the same institution within the last 12 months.
  - Past or present association as thesis advisor or thesis student.
  - Collaboration on a project or on a book, article, report, or paper within the last 4 years.
3. Other affiliations or relationships
  - Interests of the following persons are to be treated as if they were yours: any affiliation or relationship of your spouse, of your minor child, or a relative living in your immediate household or of anyone who is legally your partner that you are aware of and that would be covered by Items 1 or 2 above.
  - Any other relationship, such as close personal friendship, that you think might tend to affect your judgments or be seen as doing so by a reasonable person familiar with the relationship.

**NON-FEDERAL, NON-LABORATORY COV MEMBER  
ACCEPTANCE OF THE CONFLICT OF INTEREST AND CONFIDENTIALITY STATEMENT**

I have read the list of possible conflicts on the back of this form and understand that I must contact the appropriate DOE official if a conflict exists or arises during my term of service. I also will not divulge any confidential information, including but not limited to information on unfunded applications and proposals, information from reviews, investigator and reviewer identities, and deliberative information, I may become aware of during my term. I further understand that I must sign and return this Conflict of Interest and Confidentiality Statement to **Diane Marceau, U.S. Department of Energy, SC-14, 19901 Germantown Road, Germantown, Maryland 20874-1290** before serving as a COV member.

Please complete the shaded areas.

Name:	
Organization:	
Mailing Address:	
Business Phone:	(     ) _____ - _____
<b>BES</b> Program to be assessed:	<b>Chemical Sciences, Geosciences, Biosciences Division Office of Basic Energy Sciences</b>
Dates of review:	<b>April 22-25, 2007</b>
Location of review:	<b>BES/DOE Germantown Office</b>
Issues to be assessed:	Considering fiscal years <b>2005, 2006, and 2007</b> , the panel will assess the processes used to solicit, review, recommend, and document proposal actions and monitor active projects and programs.
Signature:	
Date:	

## Basic Energy Sciences Advisory Committee

### Committee of Visitors

#### ***Conflict-of-Interest and Confidentiality Statement for the Federal and Laboratory Member***

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As a member of a Committee of Visitors (COV), you will have an important responsibility to provide an assessment of various issues related to **Basic Energy Sciences (BES)** management processes. This assessment will be provided to the Office of Science through the **Basic Energy Sciences Advisory Committee (BESAC)**. You will be asked to provide your views as a representative of the basic energy sciences community.

As a Federal or Laboratory COV member, you are subject to the same standards of conduct applicable to you as a full-time Federal or Laboratory employee. In this regard, section 208(a), title 18, United States Code, prohibits you from personally and substantially participating as a COV member in any particular matter in which to your knowledge you, your spouse, minor child, general partner, organization in which you serve as officer, director, trustee, general partner, or employee, or any organization with whom you are negotiating or have any arrangement concerning prospective employment, has a financial interest.

Further, please note that section 219(a), title 18, U.S. C., makes it a criminal offense for a “public official” to be or act as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938.

Your designation as COV member requires that:

- If you handle proposals or other applications, you must be aware of potential conflict situations. Examples of potentially biasing affiliations or relationships are listed on page 2. Should any conflict arise during your term, you must bring the matter to the attention of the Director, Office of **Basic Energy Sciences**. The Director, **Office of Basic Energy Sciences** will determine how the matter should be handled and will tell you what further steps, if any, to take.
- If your designation gives you access to information not generally available to the public, 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 Department, learning from other advisory committee/review panel members, or becoming better acquainted with the details of a given discipline.

*Please read the examples of possible conflicts of interest on page 2 and complete the attached form on page 3 indicating your acceptance of the conflict of interest guidelines.*

## Examples of possible conflicts of interest.

1. Affiliation with an applicant institution. A conflict may be present if you have/had:
  - Current employment at the institution as member of the scientific staff, professor, adjunct professor, visiting professor, or similar position.
  - Current employment or are being considered for employment at the institution.
  - Any formal or informal re-employment arrangement with the institution.
  - Current membership on a visiting committee or similar body at the institution.
  - Ownership of the institution's securities or other evidences of debt.
  - Any office, governing board membership, or relevant committee chairpersonship in the institution.
  - Current enrollment as a student.
  - Received and retained an honorarium or award from the institution within the last 12 months.
  
2. Relationships with an investigator, project director, or other person who has a personal interest in the proposal or other application.
  - Known family or marriage relationship.
  - Business or professional partnership.
  - Employment at the same institution within the last 12 months.
  - Past or present association as thesis advisor or thesis student.
  - Collaboration on a project or on a book, article, report, or paper within the last 4 years.
  
3. Other affiliations or relationships
  - Interests of the following persons are to be treated as if they were yours: any affiliation or relationship of your spouse, of your minor child, or a relative living in your immediate household or of anyone who is legally your partner that you are aware of and that would be covered by Items 1 or 2 above.
  - Any other relationship, such as close personal friendship, that you think might tend to affect your judgments or be seen as doing so by a reasonable person familiar with the relationship.

**FEDERAL OR LABORATORY COV MEMBER**  
**ACCEPTANCE OF THE CONFLICT OF INTEREST AND CONFIDENTIALITY STATEMENT**

I have read the list of possible conflicts on the back of this form and understand that I must contact the appropriate DOE official if a conflict exists or arises during my term of service. I also will not divulge any confidential information, including but not limited to information on unfunded applications and proposals, information from reviews, investigator and reviewer identities, and deliberative information, I may become aware of during my term. I further understand that I must sign and return this Conflict of Interest and Confidentiality Statement to **Diane Marceau, U.S. Department of Energy, SC-22.1, 19901 Germantown Road, Germantown, Maryland 20874-1290** before serving as a COV member.

Please complete the shaded areas.

Name:	
Organization:	
Mailing Address:	
Business Phone:	(    ) _____ - _____
<b>BES</b> Program to be assessed:	<b>Chemical Sciences, Geosciences, Biosciences Division</b> <b>Office of Basic Energy Sciences</b>
Dates of review:	<b>April 22-25, 2007</b>
Location of review:	<b>BES/DOE Germantown Office</b>
Issues to be assessed:	Considering fiscal years <b>2005, 2006, and 2007</b> , the panel will assess the processes used to solicit, review, recommend, and document proposal actions and monitor active projects and programs.
Signature:	
Date:	

## Appendix B

### COV Report Template

This appendix contains a standard template to be used for each COV report. The yellow spaces indicate areas for COV input. Program-specific review criteria may include government performance measures or any other appropriate components. Additional sections may be added at the discretion of the COV.

## Report Title

Program Being Reviewed: [REDACTED]

Fiscal Years Being Reviewed: [REDACTED]

Dates of COV: [REDACTED]

COV Chair: [REDACTED]

Date of Approval by the Advisory Committee: [REDACTED]

Charge to the COV:

- I. Assess the efficacy and quality of the processes used during the past three years to:
  - a. solicit, review, recommend, and document application and proposal actions and
  - b. monitor active awards, projects and programs.
  
- II. Within the boundaries defined by DOE missions and available funding, comment on how the award process has affected:
  - a. the breadth and depth of portfolio elements, and
  - b. the national and international standing of the portfolio elements
  
- III. (Insert program-specific charge component, which may include progress on meeting government performance measures)

IV. [REDACTED]

(For each program element being reviewed, the following sections should be created. The text between these parentheses may be deleted.)

### **I. Efficacy and Quality of the Program's Processes**

Based on the COV's study of application, proposal, and award actions completed within the past three fiscal years, please provide brief findings, recommendations, and comments on the following aspects of the programs' processes and management used to:

#### Processes to solicit, review, recommend, and document application, proposal, and award actions

Consider, for example:

- Consistency with priorities and criteria stated in the program's solicitations, announcements, and guidelines
- Adequate number of reviewers for balanced review; use of reviewers having appropriate expertise/qualifications; use of a sufficiently broad pool of reviewers; avoidance of conflicts of interest
- Efficiency/time to decision
- Completeness of documentation making recommendations.

Findings: [REDACTED]

Comments: [REDACTED]

Recommendations: [REDACTED]

### Processes to monitor active awards, projects and programs

Consider, for example:

- Written progress reports
- Contractors' meetings
- Workshops
- Site visits
- Effective interactions between program managers and PIs

Findings: [REDACTED]

Comments: [REDACTED]

Recommendations: [REDACTED]

## **II. Effect of the Award Process on Portfolios**

Taking into account the DOE, Office of Science, and Division missions, the available funding, and information presented about the portfolio of funded science, comment on how the award process has affected:

### The breadth and depth of portfolio elements

Consider, for example:

- The overall quality of the science
- The balance of awards with respect to innovation, risk, and interdisciplinary research
- The evolution of the portfolio with respect to new investigators and new science thrusts
- The relationship of the portfolio to other parts of the Division and the Office of Science
- The relevance of the portfolio with respect to the missions of the program, division, Office of Science, and DOE
- The appropriateness of award scope, size, and duration

Findings: [REDACTED]

Comments: [REDACTED]

Recommendations: [REDACTED]

### The national and international standing of the portfolio elements

Consider, for example:

- The uniqueness, significance, and scientific impact of the portfolio
- The stature of the portfolio's principal investigators in their fields
- The leadership position of the portfolio in the nation and the world

Findings: [REDACTED]

Comments: [REDACTED]

Recommendations: [REDACTED]

## **III. Other Review Criteria (may include government performance measures)**

IV. [REDACTED]

## Appendix C

### Program Response Template

This appendix contains a standard template to be used for the program's response to the COV. Where appropriate, dates of implementation may be included under "Action Plan." Phrases highlighted in yellow should be changed to reflect the particulars of the COV review.

**(FES) Response to the Report of the (FESAC) Committee of Visitors Review of (Theory and Computations Program)**

Date of COV:

Date of Response:

Program Point of Contact:

COV Recommendation	Program Response
Program Element 1	
Program Element 2	