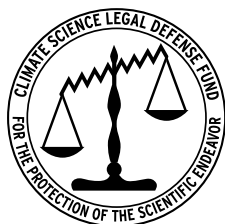


A QUICK GUIDE TO THE SCIENTIFIC INTEGRITY POLICY AT THE

Department of the Interior (DOI)



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A Quick Guide to the Department of the Interior Scientific Integrity Policy

Scientific integrity principles are indispensable to the missions and the functions of scientific federal agencies in the United States. Conducting sound and unbiased scientific research is essential to maintaining public trust in these agencies. For scientists employed at these agencies, understanding these principles—both how to abide by them, and what to do if they are violated—is a core job function.

Many scientific agencies adopted scientific integrity policies following a 2009 memorandum issued by President Obama, and a subsequent memorandum issued in 2010 by the White House Office of Science and Technology Policy. These policies clarify how individual agencies interpret scientific integrity. In many cases, a policy also describes how a scientist should report a loss of scientific integrity, how the agency will investigate such claims, and the rights of both a complainant and a person alleged to have committed a violation.

This guide examines the Department of Interior (DOI) scientific integrity policy. The guide is designed to help DOI scientists understand how the policy applies to them, what rights they have under the policy, and how they can avail themselves of these.

The DOI policy could be significantly strengthened to provide clearer enforcement mechanisms, penalties, and rights of appeal. But it's still crucial for agency scientists to know their rights and responsibilities in respect to scientific integrity, as well as the strengths and weaknesses of the policy.

While this guide helps DOI scientists understand the agency's scientific integrity policy, it is not a substitute for legal advice regarding a particular situation. The Climate Science Legal Defense Fund offers **free, confidential consultations to scientists** with questions about scientific integrity.

Contact us at
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SUMMARY

The DOI scientific integrity policy consists of two primary documents: a chapter in the departmental manual, titled [Integrity of Scientific and Scholarly Activities](#) (referred to as the departmental manual and DM in this guide), and a document titled [Scientific Integrity Procedures Handbook](#) (referred to as the handbook), which supplements the policy's requirements.

The DOI policy is spelled out in the departmental manual. It contains encouraging, broad language indicating that the department supports a culture of scientific integrity. It also extends the concept of scientific integrity beyond research misconduct. Under DOI's policy, scientific integrity can also be violated when scientists are pressured, threatened, or censored for political reasons, when they are prevented from communicating freely with the media and public about their work, and when they are prohibited from participating in professional organizations.

The DOI policy provides a test and an evidentiary standard for a finding of a loss of scientific integrity, and sets out clear processes for how a complaint should be dealt with and an investigation conducted. But the policy has no information about some important areas of scientific integrity, including professional development activities for scientists such as publishing and participating in scientific conferences.

The policy also fails to provide many important procedural details and protections. For example, there is no information about how the DOI should respond if a loss of scientific integrity is found, or who makes such a determination. It does not provide an explicit right to a hearing or an appeal—either to the complainant or to the subject of a complaint—in the event of a negative determination. It only offers the right to the subject of the complaint to request a reconsideration by the Scientific Integrity Officer (SIO), not the complainant.

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WHAT DOES THE POLICY GOVERN?

The DOI policy defines scientific integrity as “the condition that occurs when persons covered by this chapter adhere to accepted standards, professional values, and practices of the relevant scientific community” (DM § 3.5). As discussed later in this guide, “persons covered by this chapter” are all DOI employees, including political appointees, volunteers, and outside parties including contractors and grantees.

A loss of scientific integrity occurs when there is a significant departure from those standards, values, and practices. This is a fairly broad definition that goes beyond traditional research misconduct such as plagiarism or falsification of data.

Research Misconduct

The DOI policy prohibits all agency employees, volunteers, and outside parties from intentionally hindering the scientific activities of others or from engaging in scientific misconduct; this is defined as fabrication, falsification,

or plagiarism in proposing, performing, or reviewing scientific activities, or in the products or reporting of the results of these activities. The policy also addresses intellectual property theft in this context, requiring all individuals engaged in scientific activities to “respect the intellectual property rights of others,” but without providing further detail about what that means (DM §§ 3.5 and 3.7).

Conflicts of Interest

The DOI policy prohibits all DOI employees, volunteers, and outside parties from knowingly participating in matters that cause a conflict of interest for themselves or others (DM § 3.7(A)(5)).

A “conflict of interest” is defined only by references to other, mostly unenumerated, laws and policies. The policy states that “any personal, professional, financial, or other interests of those covered by this policy and/or their immediate family members that is prohibited by an applicable law or policy, which may include federal ethics requirements, applicable standards issued by the Office of Government Ethics, federal acquisition requirements, and the prevailing practices of the National Academy of Sciences as adopted” by the Office of Management and Budget (OMB) (DM § 3.5(E)).

Political Interference

The DOI policy prohibits decision-makers from engaging in “dishonesty, fraud, misrepresentation, coercive manipulation, censorship, or other misconduct that alters the content, veracity, or meaning, or that may affect the planning, conduct, reporting, or use of scientific activities” (DM §3.7(C)(1)). Decision-makers are “individuals who develop policies that involve, or rely on, scientific activities; implement or manage activities that involve, or rely on, scientific activities; or supervise employees who engage in scientific activities” (DM § 3.5(G)).

One notable aspect of the DOI policy is that it only prohibits “decision-makers” from engaging in political interference, not all employees. And, as worded, it is not clear that the policy prohibits decision-makers from attempting to coerce, manipulate, or censor scientific findings (i.e. only successful coercion, manipulation, or censorship by decision-makers violate the policy). Only public affairs officers are explicitly prohibited from asking or directing scientists to alter findings. This can have important practical implications. At the National Park Service, a subsidiary agency of the DOI, at least one alleged violation of scientific integrity was dismissed because concerted efforts to coerce a scientist into altering and censoring their work were unsuccessful.

Threats and Intimidation

Except to the extent that the policy’s prohibition on coercive manipulation can be construed to cover threats and intimidation, the DOI’s policy does not explicitly address threatening or intimidating researchers.

Use of Science in Agency Decision-Making

The departmental manual and the handbook both recognize that ensuring the agency’s credibility and effectiveness are an essential part of guaranteeing the science used in agency decision-making is robust and trustworthy (DM § 3.4(A)(2); handbook §1.4). In the same section, the departmental manual also mentions the

importance of documenting and sharing which scientific information is used in agency decision-making. However, the policy does not discuss how it will ensure that the best available science is incorporated into agency decision-making processes.

Science Communication

Timeliness: The DOI policy requires employees to communicate the results of scientific activities in a timely manner (DM § 3.7(A)(2)).

Press: The policy contains general language indicating that it is the DOI's policy to provide procedures that ensure scientists are able to speak to the media and the public "about scientific matters based on their official work and areas of expertise" (DM § 3.4(A)(7)). However, the policy does not have information about these procedures.

Social media: The DOI policy does not address social media use, but the DOI has a separate digital media policy.

Testifying before Congress: While the policy does not state that agency scientists have a right to testify before Congress, this right is protected by federal law.

Right of scientists to review and/or correct agency communications: The DOI policy does not address scientists' right to review or correct agency communications or publications referencing their work or attributing them as authors.

Publishing and lecturing: DOI's policy does not address scientists' right to publish or lecture about their work.

Scientific societies: DOI's policy states that "The Department encourages employees to participate in outside professional organizations when it advances the Department's mission, programs, and operations, and when that participation enhances their professional development" (DM § 3.9).

Chapter V of the handbook has information for employees who wish to serve as a director or officer in an outside organization. Such service requires departmental approval if it is to be done in the employee's official capacity. If it is in a personal capacity, some restrictions such as conflicts of interest apply.

Employees must also get prior approval if they wish to serve as officers or board members of an outside organization that is a prohibited source. In broad terms, a prohibited source is an organization that may present some kind of conflict of interest, for example if it receives funding from the DOI or has business before the agency.

Opinion statements: DOI's policy does not address scientists' right to make public statements of personal opinion.

Hiring Practices

The DOI policy does not address hiring practices.

Federal Advisory Committees

Unlike some other agencies, the DOI policy does not address the role of Federal Advisory Committees in scientific integrity at the agency.

Whistleblower Protections

According to the DOI policy, employees “may be protected from reprisal for disclosing alleged scientific misconduct or a loss of scientific integrity under federal law. Employees who are found to have engaged in reprisal may be subject to discipline under 370 DM 752: Discipline and Adverse Actions (DM § 3.4(C)). This is not strong language, but it recognizes the potential applicability of federal whistleblower statutes.

4 WHO DOES THE POLICY GOVERN?

The DOI policy applies to all employees, including political appointees, when they are engaged in, supervising, managing, or influencing scientific activities, when they are publicly communicating information about DOI scientific activities, or when they are using scientific information to make DOI policy, management, or regulatory decisions (handbook § 1.2).

The policy also applies to outside parties that assist in developing or applying the results of scientific activities. This provision covers contractors and grantees, as well as cooperators, partners, permittees, lessees, and broadly “group[s], organization[s], or individual[s]” who provide goods or services to, or otherwise interact with the Department under the auspices of a written agreement (DM § 3.5(F)). It further applies to all volunteers who assist with developing or applying the results of scientific activities (DM § 3.2(A) & (B)).

5 WHAT IS THE PROCESS FOR FILING A COMPLAINT?

This guide is not a substitute for legal advice about any specific situation. If you are considering filing a scientific integrity complaint, or are the subject of a complaint, please contact the Climate Science Legal Defense Fund or another attorney for advice about your particular circumstances. Nonetheless, we will provide below general information about what the process may entail.

Who can make a claim under the policy?

The policy states that “any person or organization... may file a complaint claiming scientific misconduct and/or a loss of scientific integrity for scientific activities performed on behalf of DOI” (DM § 3.8(A)(1)). However, the policy states that it does not create any rights that a party may enforce, making it unclear what would happen if someone attempted to enforce the policy in court (DM § 3.2(C)).

Where and how can a scientist make a claim?

A complaint must be in writing, and submitted to the Office of Executive Secretariat and Regulatory Affairs (OES) either by email or by the postal service (DM § 3.8(A)(2)).

What should a complaint contain?

- The name and signature of the person submitting the complaint and their affiliation (if any)
- The name of the person(s) or organization alleged to have committed the violation of scientific misconduct or the loss of scientific integrity
- A statement of facts such as dates, locations, and actions that support the complaint, as well as when and how the complainant learned these facts
- An explanation of how the criteria for misconduct and/or loss of scientific integrity are met, including for the loss of scientific integrity:
 - » Citations or other information identifying the accepted practices of the relevant scientific community
 - » An explanation of how the alleged actions constitute a significant departure from those practices
 - » An explanation of any conflict(s) of interest that the complainant has with the subject(s), entity(ies), or situation(s) named in the complaint
- A statement indicating whether the complainant also submitted any of the facts of their complaint elsewhere, such as the Office of Ethics, a Human Resources Office, Office of Special Counsel, or the Office of Inspector General (OIG) (DM § 3.8(A)(3)).

Is there a deadline for filing a complaint?

A complaint must be submitted within 60 calendar days of the date the complainant learned about the potential scientific misconduct and/or loss of scientific integrity (DM § 3.8(A)(2)).

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WHAT HAPPENS AFTER A COMPLAINT IS FILED?

Who investigates?

Section 3.8 of the departmental manual describes what should occur once a complaint is filed. When a complaint is received, the Office of Executive Secretariat and Regulatory Affairs (OES) will open a file and refer the complaint to the Scientific Integrity Officer for the relevant DOI bureau or to the DOI Scientific Integrity Officer if multiple bureaus or the Office of the Secretary of the Interior are involved.

The SIO handling the complaint will conduct an initial review of timeliness and completeness of the complaint, and assess whether the complaint alleges a viable claim of scientific misconduct or loss of scientific integrity.

If the complaint involves matters that are also in the purview of the Office of the Inspector General or some other complaint process, the SIO must coordinate investigative responsibilities with the relevant office(s).

The SIO will conduct an inquiry if the initial review indicates that the complaint is timely, complete, and has merit. The inquiry should involve gathering relevant records, documents, and other materials, interviewing witnesses and, if appropriate, retaining the assistance of subject matter experts.

Within 10 days after an inquiry is initiated, the SIO must notify the subject or subjects in writing that a complaint has been filed and describe the nature of the claims against them. Subjects should be allowed to provide a statement and other materials they believe are relevant.

At any point during the inquiry, the SIO may request that a Scientific Integrity Review Panel be convened to assist with fact finding and review. The SIO must request that a panel be convened if the complaint is against a bureau head or an employee in the Office of the Secretary. The SIO recommends the panelists and chairperson for a review panel, subject to the approval of the non-political deputy bureau director or equivalent.

The DOI policy differs from the policies of many other scientific agencies by articulating a test and an evidentiary standard for a finding of loss of scientific integrity. For the SIO to determine that a loss of scientific integrity has occurred:

- There must be a significant departure from accepted practices or standards of the relevant scientific community.
- The actions causing the scientific misconduct or loss of scientific integrity must be committed intentionally, knowingly, or recklessly.
- The actions must be proven by a preponderance of evidence.

Is the confidentiality of the parties protected?

The DOI requires that all employees involved in the inquiry maintain confidentiality to protect the person who submitted the allegation throughout the inquiry. If a review panel is convened, the chairperson of the panel must advise panel members of the importance of keeping materials and discussions related to the alleged misconduct confidential and not share or release information to anyone outside the panel (DM §§ 3.8(C)(3) and (D)(6)).

How long will the investigation take?

Within 45 days of receipt of the complaint, the review panel will provide the SIO a final report. It may recommend changes in policy and other related issues, but may not recommend specific personnel actions or other corrective measures (DM § 3.8(D)(8)).

Within 90 calendar days of the complaint's referral, the SIO must issue a report of inquiry that contains:
1) a record of all the evidence relied upon, 2) findings of fact that reference the evidence of record, and
3) a determination as to whether scientific misconduct or loss of scientific integrity occurred and an

explanation of the reasons for the determination. The time for completing this report may be extended by the SIO by up to 60 days (DM § 3.8(E)).

Do the parties have a right to a hearing?

The DOI policy does not address whether either party has a right to a hearing.

Do the parties have a right to respond to the findings of the investigation?

The DOI policy does not address whether either party has a right to file any response to the findings of the investigation.

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WHAT HAPPENS AFTER THE INVESTIGATION ENDS?

DOI's policy gives the subject of the complaint (but not the complainant) the right to file a request for reconsideration with the SIO if there is new information to present. This request must be submitted to OES within 14 days of receiving the notice of the finding (DM § 3.8(G)).

If a loss of scientific integrity is found, who decides what the resolution/remedy should be?

The DOI policy does not address who should decide what the appropriate resolution or remedy should be if a loss of scientific integrity is found, and it does not provide guidelines or standards for how determinations are made.

Do the parties have the right to appeal if initial decision is not in their favor?

DOI's policy does not address whether either party has the right to appeal to another body in the event of an adverse decision by the SIO. However, there are provisions to ensure that a request for reconsideration need not be made to the same SIO who decided the outcome. If the request for reconsideration involves a matter previously decided by the department SIO initially assigned to the case, the Deputy Secretary must designate another SIO to consider the request. The SIO must make a final decision on a request for reconsideration within 30 calendar days of receipt or assignment (DM § 3.8(G)).

What are the penalties for misconduct?

The DOI policy does not describe any specific penalties of a loss of scientific integrity is determined. Nor does it specify how, or by whom, any penalties are decided.

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ADDITIONAL RELEVANT POLICIES AND PROCEDURES

➤ [DOI Digital Media Policy](#)

9 DOI'S SUBORDINATE BUREAUS

The DOI is a cabinet-level agency and parent agency of nine technical bureaus. We examined two of these technical bureaus, the National Park Service (NPS) and the United States Geological Survey (USGS) to determine how their policies relate to the DOI policy.

In general, the policies of NPS and USGS mirror those of the DOI with minor differences in structure. For example, the DOI and USGS policies each contain an introductory section that summarizes the policy in broad and high-level terms. The DOI and USGS policies also have sections defining certain terms used in the policy (the DOI policy defines more terms than the USGS policy).

The policies are very similar in terms of substance. Portions of the policies use identical or nearly identical language and the NPS and USGS policies reference the DOI policy throughout. As a result, neither NPS or USGS have developed policies that extend in meaningful ways beyond the DOI policy.

The NPS and USGS policies simply refer to the DOI policy in multiple places, leading to additional complications for scientists at these agencies, who must navigate multiple documents from multiple agencies in order to understand the policies that apply to them. This is particularly true for the procedures for handling a complaint. While sub-agencies like NPS and USGS have their own scientific integrity policies, the policy of the parent agency is also relevant.

If scientists have questions about these policies, they should consult with the Climate Science Legal Defense Fund, with a similar organization, or with their agency SIO.

10 REPRESENTATIVE CASES AND OUTCOMES

The DOI provides [summaries of resolved scientific integrity cases](#).

The following examples demonstrate trends gleaned from the summaries.

A complaint will be assigned to the bureau within DOI from which it originates. A 2018 complaint alleged that colleagues plagiarized a researcher's experimental design and subsequent publication on avian influenza. Because the complaint originated from the USGS, it was referred to the SIO for the USGS, who found that the experimental design and publication were not attributable to the complainant. Therefore no scientific misconduct was found and the case was closed.

The SIO may seek a mutually agreeable informal resolution. A complaint alleged in 2019 that a Bureau of Reclamation (BOR) researcher committed plagiarism by submitting three reports for publication without

properly crediting a co-author. During the course of the BOR SIO's preliminary review, the two parties agreed to work together to resolve the authorship dispute. They reached a mutually satisfactory agreement so the SIO found no loss of scientific integrity and closed the case.

“Difference of opinion” as a common response to claims of censorship. A complaint made in 2019 originated in the National Park Service (NPS) and alleged, among other things, that the term “anthropogenic gases” was removed from a climate change strategic plan, and that employees were directed not to use the concept of human-caused climate change in tweets, emails, planning documents, and other communications. The NPS SIO conducted a full inquiry and found “general disagreement about specific language to be included in various reports, plans or talking points.” But none of this provided evidence of a departure from accepted practices or standards, or an intent to alter science. The case was closed with no finding of loss of scientific integrity.

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NOTES

The Climate Science Legal Defense Fund produced this guide to help scientists understand their rights under federal agency scientific integrity policies. This guide concerns only U.S. laws, and nothing in it should be construed as legal advice for your individual situation.

CSLDF provides free counsel to scientists with legal questions pertaining to their work. Contact us at **(646) 801-0853** or email **lawyer@csldf.org** to arrange a free and confidential consultation with an attorney.



The Climate Science Legal Defense Fund (CSLDF) works to protect the scientific endeavor by helping defend climate scientists against politically and ideologically motivated attacks. CSLDF is a non-profit organization under section 501(c)(3) of the Internal Revenue Code.

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