



A QUICK GUIDE TO THE SCIENTIFIC INTEGRITY POLICY AT THE

United States Department of Agriculture (USDA)



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A Quick Guide to the USDA 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 scientist alleged to have committed a violation.

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

The USDA policy could be significantly strengthened to provide clearer enforcement mechanisms, penalties, and rights of appeal. But it is 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 USDA 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.

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SUMMARY

The USDA scientific integrity policy is primarily contained within two documents. One is [Departmental Regulation Number DR 1074-001 on Scientific Integrity](#) (referred to in this guide as the policy and SIP). The second document is the [Departmental Manual on Procedures for Responding to Allegations of Compromised Scientific Integrity](#) (referred to in this guide as the departmental manual and manual). The policy addresses the main concerns related to scientific integrity, while the manual describes the process of investigating a claim.

The USDA policy has important strengths. It clearly defines scientific integrity, which includes traditional research misconduct, as well as political interference and other inappropriate influence on scientific products. The manual sets out a comprehensive process for evaluating scientific integrity claims, which ensures opportunities for the accused person to respond to the complaint, for the person making the complaint to ask for reconsideration of the decision, and also for a right to appeal if a scientific integrity violation is found. The manual also describes potential disciplinary actions and steps that can be taken to restore scientific integrity.

But there are ways in which the USDA could improve its scientific integrity policy. For example, unlike some agencies, it does not recognize and protect scientists' ability to freely communicate with the press and the public as part of scientific integrity. In addition, information in the policy is complex and hard to follow despite the inclusion of a flow chart meant to guide readers through the claim process.

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WHAT DOES THE POLICY GOVERN?

The policy defines scientific integrity as “the condition resulting from adherence to professional values and practices when conducting, reporting and applying the results of science that ensures objectivity, clarity and reproducibility, and that provides insulation from bias, fabrication, falsification, plagiarism, inappropriate influence, political interference, censorship, and inadequate procedural and information security” (SIP § 9(dd)).

This definition goes beyond traditional research misconduct and includes important issues such as political interference and inappropriate interference. The definitions section of the policy contains examples of what types of actions constitute compromises of scientific integrity. These include inappropriately altering or misrepresenting scientific products in public communications and using scientific products that are not representative of current research to inform decision making and policy formation. The policy also mentions that ethical improprieties and regulatory non-compliance do not constitute a compromise of scientific integrity.

Research Misconduct

According to the policy, one way to compromise scientific integrity is to commit research misconduct (SIP § 8(a) and (c)). Such misconduct is defined as “fabrication, falsification, or plagiarism in proposing, performing or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion” (SIP § 9(z)).

Conflicts of Interest

The USDA Code of Scientific Ethics, Appendix A of the policy, requires scientists to disclose conflicts of interest (SIP Appendix A at A-1). A conflict of interest is defined as “any financial or non-financial interest that conflicts with the judgment of an individual when conducting scientific activities because it could: 1) impair an individual’s objectivity, 2) create an unfair competitive advantage for any person or organization, or 3) create the appearance of either (1) or (2)” (SIP § 9(g)).

Political Interference

According to the policy, “scientific findings and products must not be suppressed or altered for political purposes and must not be subject to inappropriate influence” (SIP § 6(a)).

The policy discusses the free flow of scientific and technological information and states that USDA priorities are to ensure that:

- USDA scientists can communicate their scientific findings without political interference or inappropriate influence.
- USDA officials do not direct USDA scientists and technological experts to alter scientific and technological research findings for political or public relations purposes.
- USDA officials do not ask nor suggest that USDA scientists and technological experts alter the presentation of their scientific findings in a manner that compromises the objectivity or accurate representation of those findings.

Aside from general statements that scientific findings must not be subject to inappropriate influence, the USDA policy does not deal with scientists being subjected to threats or intimidation regarding their work. In this respect, the policy is not nearly as comprehensive as the policies of some other agencies that explicitly make political interference, threats, and intimidation independent violations of scientific integrity.

Threats and Intimidation

Aside from general statements that scientific findings must not be subject to inappropriate influence, the USDA policy does not deal with scientists being subjected to threats or intimidation regarding their work.

Use of Science in Agency Decision-Making

A goal of the policy is to ensure the quality, accuracy, and transparency of the scientific information used to support policy and decision making (SIP § 6(c)). This includes using scientific information derived from well-established scientific processes; ensuring that the data used to support policy decisions undergoes independent peer review; ensuring scientific information used for policy decisions is reflected accurately; and making the scientific findings or conclusions considered or relied on in policy decisions available online and in open formats.

Science Communication

Timeliness: The policy does not address the need for timeliness in the dissemination of scientific information.

Press: The USDA aims to facilitate the free flow of scientific and technological information. While the policy does not expressly grant scientists the right to talk to the press, it implies such a right exists by encouraging (but not requiring) USDA scientists to communicate with the media about their scientific findings, data, and results (SIP § 6(e)).

The policy says scientists should coordinate any interactions with the press with their immediate supervisors and public affairs office(s). This provision could have a chilling effect by giving scientists the impression that they cannot speak freely to the press about their work.

In addition, the policy gives USDA agencies and staff offices the right to “identify and offer knowledgeable spokespersons, other than the scientist who originally received the media query, to respond...” This provision is concerning because it could be interpreted as giving the USDA the right to, at its own discretion, prevent a scientist from speaking to the press about their work and direct inquiries to a spokesperson of the agency’s choice instead.

Social media: The policy does not expressly cover social media. The USDA has a separate policy on [new media technologies](#) that provides detailed guidance on social media use.

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

Right of scientists to review and/or correct agency communications: The policy does not grant scientists the right to review or correct agency communications that rely on their work or attribute them as authors. However, the USDA Office of Communications is intended to ensure that the work and views of scientists are accurately represented in agency communications (SIP § 6(e)(1)(b)).

Publishing and lecturing: The policy encourages scientists to interact with the scientific community by publishing their research findings in peer-reviewed, professional, or scholarly journals; presenting their findings at professional meetings; and serving on editorial boards of journals (SIP § 6(f)).

Scientific societies: The policy encourages scientists to participate in professional societies, committees, and task forces, and serve as officers or on governing boards of such organizations (SIP § 6(f)).

Opinion statements: Scientists can communicate with and express their personal views or opinions to the media and public, but they should not claim to officially represent the USDA or its policies (SIP § 6(e)(1)(c)(2)). When speaking to the media in an official capacity, USDA scientists should avoid making statements that could be construed as judgments of or recommendations on official USDA policy unless they have prior approval to do so.

Hiring Practices

Candidates for scientific and technical positions must be selected and retained based on their scientific and technical knowledge, credentials, experience, and integrity (SIP § 6(b)).

Federal Advisory Committees

The USDA recognizes that Federal Advisory Committees are important to maintaining the agency's scientific integrity. It requires that the recruitment process for new committee members be as transparent and public as possible, and that the selection of members be based on expertise, knowledge, and contributions to the relevant subject area. Similarly, committee members' professional biographical information and conflict of interest waivers must be publicly available. Finally, the policy ensures that all reports and recommendations produced by such committees will not be subject to intra- or inter-agency revision (SIP § 6(d)).

Whistleblower Protections

The policy cites the Whistleblower Protection Act (WPA) and other existing protections in federal law for whistleblowers, but it does not provide any additional rights or protections for whistleblowers (SIP § 6(i)). It also says that the USDA will comply with applicable department and agency-specific WPA regulations, rules, and policies, but there is no further information about what these may be or where they can be found.

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WHO DOES THE POLICY GOVERN?

The policy governs all USDA political and career employees who engage in, supervise, manage, or report on scientific activities, analyze and/or publicly communicate information resulting from scientific activities, and/or use information derived from scientific activities in policy and decision making (SIP § 3(a)(2)).

It also applies to “contractors, cooperators, partners, permittees, lessees, grantees, and volunteers” who engage in those same activities (SIP § 3(b)).

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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.

The procedures for filing, investigating, and resolving allegations of compromised scientific integrity are described in the departmental manual that accompanies USDA's policy. This manual contains a detailed structure meant to facilitate the oversight of scientific integrity.

Before examining the process for filing a complaint, it is helpful to understand this structure and how the internal roles relate to the different stages of the complaint process.

- The USDA Chief Scientist oversees all aspects of the scientific integrity policy.

- The Chief Scientist designates a Departmental Scientific Integrity Officer (DSIO), who is responsible for implementing the scientific integrity policy under the direction of the Chief Scientist. This should be a senior career staff person with scientific and/or scholarly credentials. The DSIO serves as the department-level contact for all questions related to the scientific integrity policy.
- The USDA Science Counsel is responsible for providing oversight of departmental and agency responses to allegations of compromised scientific integrity.
- Each USDA agency will appoint an employee to serve as the Agency Research Integrity Officer (ASIO) and the agency-level contact for all questions relating to the scientific integrity policy. The ASIO should be a career appointee (not a political appointee) and have previous experience conducting scientific activities.

The last page of the manual features a flow chart that summarizes the claim evaluation process and a guide to the options at each step of the process (see Appendix A).

Who can make a claim under the policy?

USDA employees and members of the public can bring scientific integrity claims under the USDA's policy (Manual § 7(b)(1) and (2)).

Where and how can a scientist make a claim?

In most cases, USDA employees should submit allegations to the ASIO at the agency or staff office employing the person accused of the violation (known as the respondent). Members of the public can report allegations to the appropriate ASIO, DSIO, and/or the Office of the Inspector General (OIG) (Manual § 7(b)(1) and (2)). USDA employees with a scientific concern are encouraged (but not required) to consult with the appropriate ASIO or DSIO before deciding whether to file a formal complaint.

What should a complaint contain?

The complaint should contain details of the alleged compromise of scientific integrity, to the extent known, including:

- A description of the scientific action in question
- The name(s) of the persons involved in the scientific action
- The name(s) of the persons believed to have compromised scientific integrity
- Bibliographic information for publications etc. where the scientific activity in question was reported
- Relevant dates and chronologies
- The current storage location of the data in question
- Any evidence that suggests the compromise was committed intentionally
- The basis for the allegation including relationship to the respondent, the individual reporting's access to the evidence and any other witnesses

The allegation should be accompanied by all relevant evidence in the individual's authorized possession (Manual § 7(b)(4)).

Is there a deadline for filing a complaint?

The policy does not specify how long a complainant has to file a claim after an alleged violation.

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WHAT HAPPENS AFTER A COMPLAINT IS FILED?

The USDA is better than some other agencies at describing what is required for a finding that scientific integrity has been compromised and establishing a clear evidentiary standard (Manual § 7(e)(2)). For a finding that scientific integrity has been compromised:

- There must be a breach of scientific integrity in the conducting or reporting of scientific activities and/or the use of the results of scientific activities.
- There must be a failure to comply with the scientific integrity policy or a significant departure from accepted practices of the relevant scientific community.
- The allegation must be proven by a preponderance of evidence.
- The USDA views research misconduct as a specific subset of compromised scientific integrity. For a finding that research misconduct has occurred:
 - » The alleged behavior must fall within the definition of research misconduct, which is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.
 - » There must be a significant departure from accepted practices of the relevant research community.
 - » The misconduct must be committed intentionally, knowingly, or recklessly.
 - » The allegation must be proven by a preponderance of the evidence.

Who investigates?

The ASIO investigates allegations that scientific integrity has been compromised; the investigation has three phases: assessment, inquiry, and investigation.

Assessment

Once a formal complaint is received, the ASIO will review and assess the allegations, and decide whether to initiate a formal inquiry. At this stage, the ASIO must determine whether the allegation, on its face, falls within the scope of the departmental manual, pertains to a compromise of scientific integrity, and is credible and specific.

If these criteria are met, the ASIO must initiate an inquiry. The ASIO must make this determination within 10 days of receiving the complaint, and the person making the complaint, known as the informant, must be notified in writing of the ASIO's decision and its basis. (Manual § 7(c)). The complainant then has 30 days to submit a request for reconsideration to the AISO and DSIO.

Inquiry

The ASIO will open an inquiry if the assessment shows that the complaint passes the basic jurisdictional and credibility thresholds (Manual § 7(d)).

The purpose of the inquiry is to conduct a preliminary review of the readily available evidence and determine whether the allegation has sufficient substance to warrant an investigation. The inquiry does not involve a full review of all evidence or exhaustive interviews. It is simply a review of the allegations submitted for inquiry, the evidence submitted by the informant and the respondent, and other available evidence. The respondent should receive written notice of the inquiry and must be given reasonable access to evidence supporting an allegation and the opportunity submit their own evidence.

ASIO should conduct the inquiry in coordination with an employee relations or human relations specialist. Those conducting the inquiry should have no conflicts of interest with the issue in question, the informant, or the respondent. They may also consult subject matter experts to aid in evidence review.

The inquiry should culminate in a report containing, among other things, a recommendation about whether or not to open an investigation and an analysis of how the evidence reviewed supports that recommendation. The report should be given to the DSIO and agency staff/leadership; it may also be provided to employee relations or human resources.

In some cases, even if the inquiry determines that an investigation is not required, agency staff or office leadership may override the decision and call for an investigation. The justification for doing so must be documented in writing; the complainant and the respondent must be notified of the decision.

The inquiry should be completed within 60 days of the date the ASIO determined an inquiry was warranted. If the inquiry results in a determination that an investigation is not warranted and agency/staff office leadership does not issue a decision to the contrary, the ASIO must notify the complainant, who has a right to request reconsideration within 30 days.

Investigation

An investigation will be opened if the inquiry determines that the allegation and evidence raise a reasonable suspicion that scientific integrity was compromised (Manual § 7(e)). Both the informant and the respondent must be notified in writing that the allegation was referred to an investigation. At this stage, the respondent must be provided with a copy of the inquiry report, and have an opportunity to comment on it.

The investigation should be conducted by a panel composed of a credentialed USDA personnel misconduct investigator and two or more agency/staff office employees with experience conducting or overseeing scientific activities. The ASIO may not be assigned to the panel but can provide administrative support. The investigation must involve a thorough review of the evidence and, if possible, written or oral statements from the complainant, the respondent, and any other witnesses able to provide reliable documentary or testimonial evidence (Manual § 7(e)(4)).

After reviewing the evidence and testimony, the panel must make recommendations about whether and to what extent scientific integrity was compromised, who is responsible, and what corrective actions are appropriate. The panel will share its recommendations in an investigation report that includes a description of the evidence reviewed, an analysis of how the preponderance of evidence supports the finding that scientific integrity has or has not been compromised, and a response to any contrary evidence including the respondent's affirmative defense recommendations of corrective or other administrative actions (Manual § 7(e)(5)).

The investigation should be completed within 120 days of the date on which agency/staff office leadership is notified that the inquiry determined an investigation was warranted (Manual § 7(e)(3)). The respondent should receive a copy of the investigation report and the evidence cited in the report, and should have at least 15 days to provide comments. The respondent's comments should be included in the final investigation report (Manual § 7(e)(6)(b)).

Is the confidentiality of the parties protected?

During the process of evaluating a claim, the individuals involved should keep the information reviewed confidential to the extent possible (Manual § 7(a)(3)). However, certain information may be provided to USDA leadership on a need-to-know basis, such as when public health or safety is at risk.

A scientist can make a complaint anonymously, although this may make it more difficult to assess and investigate (Manual § 7(b)(5)).

Do the parties have a right to a hearing?

Both parties may be interviewed and the respondent has an opportunity to comment on findings, but the departmental manual does not mention a right to a formal, in-person hearing.

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

Respondents must be given an opportunity to respond to substantive allegations, the supporting evidence, and any proposed findings and corrective actions (Manual § 7(a)(6)(d)) (specific deadlines/details are set forth in the relevant sections). The manual also gives the complainant the opportunity to respond at most stages of the proceedings including requesting reconsideration should it be determined that an inquiry is not warranted (Manual § 7(c)(3)) and requesting reconsideration should an inquiry determine that an investigation is not warranted (Manual § 7(d)(8)).

The final adjudication is made by the Adjudicating Officer (AO), who is the head of the agency/staff office that employed the respondent at the time the alleged misconduct took place. The AO should not be someone who has been involved in conducting the inquiry or investigation and must not have a conflict of interest. The AO reviews the investigation report, the evidence cited in it, and any comments from the respondent (Manual § 7(f)).

If a scientific integrity is found to have been compromised, who decides what the resolution/remedy should be?

The AO issues a written decision indicating whether scientific integrity was compromised and, if so, who compromised it, and the appropriate corrective action. This decision memorandum may concur with all, some, or none of the recommendations of the investigation report. This should be completed within 30 days of the AO's receipt of the investigation report.

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

The ASIO or other designated official must provide the respondent a copy of the decision memorandum. If the adjudication results in a finding that the respondent compromised scientific integrity, the respondent must also be notified of the opportunity to appeal (Manual §7(g)). The respondent has 30 days from the day on which they are notified to appeal. The request for an appeal must be submitted to both the ASIO and the DSIO. There is no mention of whether an informant has the right to appeal.

If an appeal is submitted, the DSIO will convene a departmental scientific integrity review panel (DSIRP) to review the submission. The DSIRP will issue a memorandum to the USDA Chief Scientist for final review and determination whether to uphold, reverse, or modify the decision.

What are the penalties for misconduct?

The definitions section of the manual (§9(h)) lists the potential corrective actions, which include:

- Government-wide debarment
- Removal from a research project/suspension or termination of an active research award
- Correction or retraction of published scientific product
- Correction or retraction of USDA media releases
- Release of inappropriately suppressed scientific products
- Monitoring or supervision of future USDA scientific efforts/use of scientific information/dissemination of scientific information
- Required validation of data and/or sources
- Training and/or mentoring

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ADDITIONAL RELEVANT POLICIES AND PROCEDURES

The policy incorporates a significant number of other relevant policies including, but not limited to:

- USDA DR 1495-001 [New Media Roles, Responsibilities and Authorities](#)
- 2 CFR 422, [Research Institutions Conducting USDA-Funded Extramural Research: Research Misconduct](#)
- USDA DR 1041-001 [Advisory Committee Management](#)
- USDA DR 1410-001 [Publications Review/Clearance Policy](#)
- USDA [Ethics Issuance No. 09-1 Ethics Issues Related to USDA Scientists](#)

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REPRESENTATIVE CASES AND OUTCOMES

The USDA publishes summaries of scientific integrity cases and their outcomes [online](#), making it more transparent than some scientific agencies. The following examples demonstrate how the USDA might handle certain scenarios.

Allegation determined not to meet standard of research misconduct: An allegation was made that research was falsified in a scientific report published by an advisory committee appointed by the USDA and another federal agency, which served as the lead agency for the advisory committee's activities. The lead department, ASIO, and ARIO each determined that the allegation pertained to a difference of opinion, which is excluded from the definition of research misconduct, and that no further action was warranted.

Allegation resolved by an inquiry: An allegation of plagiarism was made against a USDA-funded intern on the basis that they incorporated information into outreach program materials without attribution or permission. An inquiry determined that the content in question constituted a synthesis of general scientific information (and not original research ideas, data, or unpublished findings that are covered by the USDA Code of Scientific Ethics) and it was prepared by a non-USDA federal entity for public outreach purposes. The matter was referred to employee relations and a decision was made by not to pursue the matter further because the intern had left the position and was no longer funded by the USDA. The materials were not used by USDA in its outreach efforts.

Allegations resolved by investigation and no finding of misconduct: An allegation of falsification and/or fabrication of research data involving publications published by USDA researchers. It was alleged that the same data was used in figures of two separate publications. An investigative committee determined that misconduct had not occurred because they could not identify any actual instances of fabrication or falsification.

Another instance of alleged plagiarism by a USDA researcher maintained that text was reused in official documents submitted to the agency. An investigation committee determined that misconduct had not occurred as the reused text was originally written by the respondent.

Allegation resolved by investigation and misconduct found: An allegation of research data falsification and/or fabrication involving a publication by USDA researchers; the claim was that the published data was not an accurate representation of the research record. An investigative committee determined that research misconduct had occurred. Corrective actions were taken to restore scientific integrity. These included correcting the publication to accurately reflect the research record and improving the agency review process to reduce the potential for future incidents.

Allegation resolved by another institution: An allegation of plagiarism was made in regard to USDA external research findings included in a manuscript submitted for publication in a journal. The university involved conducted an inquiry and determined that an investigation was warranted. The investigation resulted in a determination that research misconduct occurred; the ASIO accepted the university's findings and corrective actions and closed the case.

Allegation referred to another disciplinary board: An allegation was made that a USDA employee committed plagiarism by including verbatim text, which had been previously published by another (non-USDA affiliated) individual, in a book chapter without crediting or acknowledging the original source. A USDA Committee on Ethics in Science (CEIS) panel determined ethics misconduct occurred. Disciplinary actions were taken and the paragraphs in question were re-written.

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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.



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