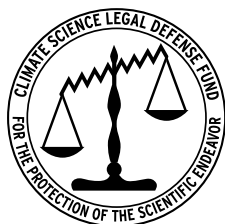


**A QUICK GUIDE TO THE SCIENTIFIC INTEGRITY POLICY AT THE**

**Department of Homeland Security (DHS)**



Brought to you by  
the Climate Science  
Legal Defense Fund

# Table of Contents

<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>2</b>	<b>SUMMARY</b>	<b>2</b>
<b>3</b>	<b>WHAT DOES THE POLICY GOVERN?</b>	<b>2</b>
<b>4</b>	<b>WHO DOES THE POLICY GOVERN?</b>	<b>4</b>
<b>5</b>	<b>WHAT IS THE PROCESS FOR FILING A COMPLAINT?</b>	<b>5</b>
<b>6</b>	<b>WHAT HAPPENS AFTER A COMPLAINT IS FILED?</b>	<b>5</b>
<b>7</b>	<b>WHAT HAPPENS AFTER THE INVESTIGATION ENDS?</b>	<b>6</b>
<b>8</b>	<b>ADDITIONAL RELEVANT POLICIES AND PROCEDURES</b>	<b>6</b>
<b>9</b>	<b>REPRESENTATIVE CASES AND OUTCOMES</b>	<b>7</b>

## A Quick Guide to the Department of Homeland Security Scientific Integrity Policy

Scientific integrity principles are indispensable to the missions and the functions of federal scientific 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 Homeland Security (DHS) scientific integrity policy. The guide is designed to help scientists working for or funded by the DHS understand how the policy applies to them, what rights they have under the policy, and how they can avail themselves of these.

The DHS policy would be stronger if it had more information about scientific integrity. 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 DHS policy.

While this guide helps DHS scientists understand scientific integrity at the agency, 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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## 2

## SUMMARY

The Department of Homeland Security [Directive Number: 026-07 Scientific Integrity](#) (referred to as the policy and SIP in this guide) outlines the policies and procedures for promoting scientific integrity at the DHS. According to the policy, “[w]ithin the scope of scientific and technological research conducted by or for the federal government, scientific integrity is characterized by principles and guidance for preserving and promoting scientific ethics and transparency” (SIP § IV.C).

This definition is clear, but the policy fails to address many scientific integrity issues. Of the topics covered, the policy fails to address most of them sufficiently, and it uses boilerplate language with no information about the application of the concept.

The policy fails to refer to or link to other DHS resources that may be relevant to the policy’s provisions or address some omitted concepts. As a result, the policy is of little use to a scientist with questions or concerns about scientific integrity at the DHS.

The most serious omission is the policy’s failure to address a fundamental aspect of scientific integrity: research misconduct. According to the policy, the DHS’s mission includes conducting scientific and technical research to secure the United States and respond to natural disasters. Yet, there is little focus on the research process or ensuring its integrity.

Instead, the policy defines a breach of scientific integrity as “[a]ny inappropriate political influence on DHS scientists, engineers, researchers, or contractors to alter or suppress their scientific or technological data, findings, or conclusions.”

Recognizing political interference as a scientific integrity issue is a strength of the policy, but omitting many research misconduct-related actions that could be considered breaches of scientific integrity is a failure.

## 3

## WHAT DOES THE POLICY GOVERN?

### Research Misconduct

The policy does not address research misconduct. The DHS has a separate [directive on this topic](#), which defines research misconduct 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.”

However, the policy doesn’t refer or link to the directive on research misconduct. Based on the policy language, research misconduct is not considered a violation of scientific integrity, although, in practice, these issues may be addressed together.

## Conflicts of Interest

The policy does not specifically address conflicts of interest. However, the policy states that the DHS Office of Public Affairs (OPA) will work with the DHS Office of the General Counsel (OGC) Ethics Division to set clear standards covering conflicts of interest; no further details or links are provided (SIP § V.G.6).

## Political Interference

The policy protects DHS scientists, engineers, and researchers from inappropriate political or outside interference and censorship in reporting their scientific or technological data, findings, and conclusions. DHS public affairs officers may not ask or direct federal scientists to alter scientific results (SIP § VI.A).

## Threats and Intimidation

The policy does not address threats and intimidation to scientists.

## Use of Science in Agency Decision-Making

According to the policy, policymakers at DHS should involve scientific and technological experts to ensure that the information and processes used to support their activities are of the highest integrity (SIP § VI). The data and research used to support these policy decisions should undergo independent peer review by qualified experts when feasible (SIP § VI.G).

## Science Communication

The DHS policy recognizes the need for transparency and openness with the media and the public, and the importance of facilitating the free flow of scientific and technological information, where consistent with privacy, security, ethics, and proprietary considerations (SIP § VI.C).

**Timeliness:** The policy does not address the timeliness of science communications.

**Press:** The policy states that DHS scientists and engineers can talk to the media and public about scientific and technical matters based on their official work, but they must coordinate these activities with their immediate supervisor and the OPA.

The OPA may provide guidance and implement processes to resolve disputes that arise regarding whether DHS employees should participate in interviews and other public information-related activities. In response to media requests about DHS work, the OPA should offer articulate and knowledgeable spokespersons who can talk about the work in an objective and nonpartisan fashion (SIP § V.G).

**Social media:** The policy does not address scientists' use of social media.

**Testifying before Congress:** The policy does not address whether scientists have the right to testify before Congress. However, this right is protected elsewhere by federal law.

**Right of scientists to review and/or correct agency communications:** The policy does not address whether scientists have the right to review agency communications that rely on their work or attribute them as authors, or to correct inaccuracies in agency communications.

**Publishing and lecturing:** The DHS supports its scientists' professional development by encouraging them to publish in journals and present at professional meetings and conferences, as long as these activities are consistent with ethics rules for federal employees and coordinated with the OPA and OGC (SIP § VI.F). Each DHS component should allow scientists to become editors or editorial board members of professional or scholarly journals, as long as they follow ethics rules (SIP § V.D.3).

**Scientific Societies:** The policy says each DHS component should allow its scientists to participate fully in professional or scholarly societies. The policy says DHS components should remove barriers for scientists who wish to serve as officers or on governing boards of such societies (SIP § V.D.3).

**Opinion statements:** The policy does not address whether scientists have the right to make public statements of personal opinion.

## Hiring Practices

The DHS will select individuals for scientific and technical positions based upon their knowledge, credentials, integrity, and experience (SIP § VI.E).

## Federal Advisory Committees

The DHS will appoint members to Federal Advisory Committees (FACs) who possess the relevant scientific and technical expertise (SIP VI.D). The policy doesn't expand on the use of FACs beyond a footnote linking to the [DHS Directive on Committee Management](#), which covers the use of FACs at the DHS.

## Whistleblower Protections

The policy states that the DHS will provide whistleblower protections as required by law. The agency does not appear to offer additional protections for whistleblowers.

# 4

## WHO DOES THE POLICY GOVERN?

The policy applies to all internal and external research sponsored or funded by any component of the DHS; note that the term component is not defined (SIP § II).

## 5

## WHAT IS THE PROCESS FOR FILING A COMPLAINT?

This guide is not a substitute for legal advice about a 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.

### Who can make a claim under the policy?

DHS employees and contractors have the right to file a claim if they believe there has been a breach of scientific integrity under the DHS policy (SIP § VII).

### Where and how can a scientist make a claim?

Claims should be made to the Scientific Integrity Officer (SIO) (SIP § VII). The SIO is a non-political, senior-level DHS employee responsible for coordinating, implementing, and ensuring compliance with the SIP (SIP § V.B).

### What should a complaint contain?

The policy does not address what a complaint should contain.

### Is there a deadline for filing a complaint?

The policy does not address deadlines for filing a complaint.

## 6

## WHAT HAPPENS AFTER A COMPLAINT IS FILED?

### Who investigates?

When a complaint is received, the SIO will convene a Scientific Integrity Committee to investigate the alleged breach of scientific integrity (SIP § VII.A). The committee is responsible for fact-finding, which may include reviewing relevant documents and conducting interviews. This ad hoc committee should consist of representatives from the OGC and the Chief Human Capital Office, DHS component matter experts (each DHS component will designate a representative to serve on this committee when requested by the SIO), and outside subject matter experts as deemed necessary by the SIO (SIP § V.C).

This committee will then conduct fact finding which may include reviewing relevant documents and conducting interviews. The committee will designate a lead fact-finder to manage the investigation and prepare a report of findings. The committee will review the report and determine if a breach of scientific integrity occurred (SIP § VII.B).

### **Is the confidentiality of the parties protected?**

The policy does not cover whether the confidentiality of parties is protected.

### **How long will the investigation take?**

The policy does not say how long the investigation should take.

### **Do the parties have a right to a hearing?**

The policy does not reference the right to a hearing; it only states that interviews may be conducted.

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

The policy does not specify whether the parties have a right to respond to the investigation's findings.

## **7**

## **WHAT HAPPENS AFTER THE INVESTIGATION ENDS?**

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

The Scientific Integrity Committee determines what the remedy should be.

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

The policy does not cover whether the parties have the right to appeal the initial decision.

### **What are the penalties for misconduct?**

If misconduct is found, the scientific integrity committee should provide its findings to the appropriate personnel to ensure correction of the data, results, or conclusions in question. The committee will refer the matter to the supervisor of the individual who engaged in the breach of scientific integrity for the appropriate action (SIP § VII.C).

## **8**

## **ADDITIONAL RELEVANT POLICIES AND PROCEDURES**

[DHS Management Directive on Research Misconduct](#)

[DHS Management Directive on Committee Management](#)



Unlike some scientific agencies, the DHS does not appear to make the outcomes of past cases public.

While this guide helps DHS 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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# NOTES

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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](mailto: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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