



Comments of the Climate Science Legal Defense Fund on the Federal Agency Implementation of the National Science and Technology Council Framework for Federal Scientific Integrity Policy and Practice

September 27, 2023

The Climate Science Legal Defense Fund (“CSLDF”) respectfully submits these written comments in response to the National Science Foundation (“NSF”)’s recent request for feedback on federal scientific integrity policy implementation.¹ These comments include and expand upon the spoken comments that CSLDF’s Executive Director, Lauren Kurtz, provided at the NSF listening session on September 20, 2023.

I. Organizational expertise

Since 2011, CSLDF has provided direct legal support and representation to hundreds of scientists encountering inappropriate interference with their work, including scientists experiencing scientific integrity violations. In addition, CSLDF has published detailed analyses of scientific integrity policies at a dozen key federal scientific agencies,² and we have also developed a model scientific integrity policy to illustrate some best practices for protecting science.³

II. Number and severity of scientific integrity violations can be lessened by clear and transparent scientific integrity policies across federal agencies

We greatly appreciate the opportunity to participate in this comment process to inform federal agencies’ finalization of scientific integrity policies. While the existing framework released by the Office of Science and Technology Policy (“OSTP”) earlier this year has a number of laudable elements—such as clearly prohibiting political interference and including Diversity,

¹ Notice of Public Listening Sessions on Federal Agency Implementation of the National Science and Technology Council Framework for Federal Scientific Integrity Policy and Practice, National Science Foundation, September 5, 2023, 88 Fed. Reg. 60713 <https://www.federalregister.gov/documents/2023/09/05/2023-19094/notice-of-public-listening-sessions-on-federal-agency-implementation-of-the-national-science-and-technology-council-framework-for-federal-scientific-integrity-policy-and-practice>.

² Guides to Scientific Integrity at Federal Agencies, Climate Science Legal Defense Fund, <https://www.csldf.org/resource/guides-to-scientific-integrity-at-federal-agencies/>.

³ Model Scientific Integrity Policy for Agencies, Universities, and Other Research Institutions, Climate Science Legal Defense Fund, <https://www.csldf.org/resource/model-scientific-integrity-policy/>.

Equity, Inclusion and Accessibility provisions—some critical provisions are still missing or lacking much-needed clarity. Namely:

- 1) In years past, unsuccessful attempts to censor government scientists went unpunished because a mere attempt, on its own, was not always considered a violation of scientific integrity. Thankfully, the new framework defines “inappropriate influence” as a violation of scientific integrity and includes attempted efforts at inappropriate influence as part of the prohibition. However, as they currently stand, the framework’s definitions only state that attempts are prohibited in the context of “inappropriate influence,” but this is incomplete at best. The definitions must make clear that attempts to violate scientific integrity in *all contexts* is always a violation, regardless of the mechanism.
- 2) The model policy as included in the framework is also missing important implementation details. Namely, the complaint and review processes lack guidance and contain only vague language. This leaves scientists unclear about what they explicitly need to do in order to file a complaint; once a complaint is filed, it also leaves complainants in the dark about what they should expect as part of the process. In CSLDF’s model scientific integrity policy, we have included the basics of what a complaint should contain, such as a statement of facts. We have also outlined what each level of the official review—from a preliminary assessment to a full-blown investigation—will involve, as well as how long each stage might take.⁴ It is essential that agency policies provide this level of detail in their policies so that everyone is clear about what specifically will happen when a scientific integrity violation occurs. Confusion about the process can hinder and even prevent individuals from raising necessary scientific integrity complaints.
- 3) It is similarly unclear what disciplinary action might be applied if a violation is found. For clarity and enforceability, we suggest listing specific disciplinary options; CSLDF’s model scientific integrity policy lists a number of possibilities. For example, appropriate disciplinary actions may include: removal from a particular research project; suspension or termination of an active research award; correction or retraction of published scientific work or of agency media releases pertaining to scientific work; release of inappropriately suppressed scientific materials; reversal of unfavorable job actions; monitoring or supervision of future agency scientific activities; required validation of data or sources; training and/or mentoring; demotion; suspension; or termination.⁵

We strongly believe that resolving the above ambiguities and adding essential details will make agency scientific integrity policies much stronger, more comprehensive, and – perhaps most importantly – more likely to be used.

Please contact the CSLDF legal team at lawyer@csldf.org with any questions. Thank you for your consideration of these important issues.

⁴ Model Scientific Integrity Policy for Agencies, Universities, and Other Research Institutions, Climate Science Legal Defense Fund, at 11-14, <https://www.csldf.org/resource/model-scientific-integrity-policy/>.

⁵ Model Scientific Integrity Policy for Agencies, Universities, and Other Research Institutions, Climate Science Legal Defense Fund, <https://www.csldf.org/resource/model-scientific-integrity-policy/>.