Director's Order #79: Integrity of Scientific and Scholarly Activities

Approved: Jonathan B. Jarvis
Director

Effective Date: 9/19/2012

Duration: This Order will remain in effect until amended or rescinded.

This Director's Order, in conjunction with Department of the Interior Departmental Manual Part 305 Chapter 3: Integrity of Scientific and Scholarly Activities, establishes and defines policies, standards, and procedures to ensure the integrity of National Park Service scientific and scholarly activities.

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I. Background and Purpose

A. Background

The Presidential Memorandum on Scientific Integrity dated March 9, 2009, and the Office of Science and Technology Policy (OSTP) 2010 Guidance Memorandum on Scientific Integrity

call for ensuring the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes. The Secretary of the Interior issued Order No. 3305, *Ensuring Scientific Integrity within the Department of the Interior,* on September 29, 2010, directing the establishment of a Departmental Manual Chapter that sets forth principles of scientific and scholarly integrity and clarifies the roles and responsibilities of all Department of the Interior (DOI) employees in upholding these principles.

The Departmental Manual chapter on Integrity of Scientific and Scholarly Activities became effective January 28, 2011. This National Park Service Director's Order establishes specific NPS policies and procedures for implementing the Departmental Manual chapter and, in Section V, uses two new terms: Departmental Science Integrity Officer (DSIO) and Bureau Science Integrity Officer (BSIO).

B. Purpose

Scientific and scholarly activity is essential to the NPS mission. The results of scientific and scholarly activity are used to inform NPS policy and management decisions. Such activity must therefore produce scientific and scholarly information that is robust, of the highest quality, and the result of rigorous scientific and scholarly processes. The NPS must, in accordance with Departmental policy, maintain the highest integrity of its scientific and scholarly activity.

This Director's Order establishes scientific and scholarly ethical standards, including a code of conduct and a process for the handling of alleged violations of that code. As the Departmental policy is comprehensive and specific as to standards and processes, this Director's Order: 1) implements the Departmental Policy, 2) describes specific additions and interpretations appropriate to the National Park Service, and 3) supersedes Section III of the 2008 NPS Interim Guidance Document governing Code of Conduct (Code of Scientific and Scholarly Conduct). The Departmental Manual (305 DM 3: Integrity of Scientific and Scholarly Activities) includes definitions, directions, policy guidance, and processes that should be consulted together with this Director's Order. The requirements contained in 305 DM 3 and this Director's Order are in addition to and do not supersede the Standards of Ethical Conduct for Employees of the Executive Branch, DOI Supplemental Standards, any of the criminal conflict of interest statutes (18 U.S.C. 201-209), or law enforcement actions and/or investigations and inspections for regulatory compliance.

II. Authorities

The authority to issue this Order is contained in the NPS Organic Act, as amended and supplemented (16 U.S.C. 1-4); the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5932, 5936); Departmental policy on integrity of scientific and scholarly activities (305 DM 3); and delegations of authority contained in Part 245 of the Department of the Interior Manual.

This Order is intended only to improve the internal management of the NPS, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at

law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

III. Scope of this Director's Order

This Director's Order applies to:

A. All NPS employees, including political appointees (hereafter employees), when they engage in, supervise, manage, or influence scientific and scholarly activities, or communicate information about NPS scientific and scholarly activities, or utilize scientific and scholarly information in making bureau policy, management, or regulatory decisions.

B. NPS volunteers who assist the NPS with developing or applying the results of scientific and scholarly activities.

C. All NPS contractors, cooperators, partners, permittees, lessees, and grantees who assist the NPS with developing or applying the results of scientific and scholarly activities. In accordance with 305 DM 3.6(I), those contractors, cooperators, partners, permittees, lessees, and grantees, as specified in written agreements or statements of work, are responsible for abiding by the principles contained in this policy regarding the integrity of NPS scientific and scholarly activities.

This Director's Order addresses scientific and scholarly activities, which are "activities involving inventorying, monitoring, experimentation, study, research, modeling, and scientific and scholarly assessments" (305 DM 3.5(J)). Activities such as preparing and conducting interpretive programs, educational programs, interpretive and educational materials, exhibits, and technologies are not covered by this Director's Order and are addressed in Chapter 7 of NPS *Management Policies 2006* and Director's Order #6: Interpretation and Education.

IV. Code of Scientific and Scholarly Conduct

As required by the Code of Scientific and Scholarly Conduct set out in the Departmental Manual (305 DM 3.7), the following provisions apply:

A. <u>All Departmental employees and all Volunteers, Contractors, Cooperators, Partners, Permittees, Lessees, and Grantees</u> will abide by the following code of scientific and scholarly conduct to the best of their ability:

(1) I will act in the interest of the advancement of science and scholarship for sound decision making, by using the most appropriate, best available, high quality scientific and scholarly data and information to support the mission of the NPS and the Department.

(2) I will communicate the results of scientific and scholarly activities clearly, honestly, objectively, thoroughly, accurately, and in a timely manner.

(3) I will be responsible for the resources entrusted to me, including equipment, funds, my time, and the employees I supervise.

(4) I will adhere to the laws and policies related to protection of natural and cultural resources and to research animals and human subjects while conducting science and scholarship activities.

(5) I will not engage in activities that put others or myself in an actual or apparent conflict of interest.

(6) I will not intentionally hinder the scientific and scholarly activities of others or engage in scientific and scholarly misconduct.

(7) I will clearly differentiate among facts, personal opinions, assumptions, hypotheses, and professional judgment in reporting the results of scientific and scholarly activities and characterizing associated uncertainties in using those results for decision making, and in representing those results to other scientists, decision makers, and the public.

(8) I will protect, to the fullest extent allowed by law, the confidential and proprietary information provided by individuals, communities, and entities whose interests and resources are studied or affected by scientific and scholarly activities.

(9) I will be responsible for the quality of the data I use or create and the integrity of the conclusions, interpretations, and applications I make. I will adhere to appropriate quality assurance and quality control standards, and not withhold information that might not support the conclusions, interpretations, and applications I make.

(10) I will be diligent in creating, using, preserving, documenting, and maintaining scientific and scholarly collections, records, methodologies, information, and data in accordance with federal, Departmental, and NPS policy and procedures.

B. In addition to Subsection A, Scientists and Scholars will abide by the following:

(1) I will place quality and objectivity of scientific and scholarly activities and reporting of results ahead of personal gain or allegiance to individuals or organizations.

(2) I will maintain scientific and scholarly integrity and will not engage in fabrication, falsification, or plagiarism in proposing, performing, reviewing, or reporting scientific and scholarly activities and their products.

(3) I will, to the fullest extent allowed by law, fully disclose methodologies used, all relevant data, and the procedures for identifying and excluding faulty data.

(4) I will adhere to appropriate professional standards for authoring and responsibly publishing the results of scientific and scholarly activities and will respect the intellectual property rights of others.

(5) I will welcome constructive criticism of my scientific and scholarly activities and will be responsive to peer review.

(6) I will provide constructive, objective, and professionally valid peer review of the work of others, free of any personal or professional jealousy, competition, non-scientific disagreement, or conflict of interest. I will substantiate comments that I make with the same care with which I report my own work.

C. In addition to Subsection A, Decision Makers will abide by the following:

(1) I will do my best to support the scientific and scholarly activities of others and will not engage 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 application of scientific and scholarly activities.

(2) I will offer respectful, constructive, and objective review of my employees' scientific and scholarly activities and will encourage their obtaining appropriate peer reviews of their work. I will respect the intellectual property rights of others and will substantiate comments that I make about their work with the same care with which I carry out and report the results of my own activities.

(3) I will adhere to appropriate standards for reporting, documenting, and applying results of scientific and scholarly activities used in decision making and ensure public access to those results in accordance with law, regulation, and Departmental and NPS policy.

V. Policies, Standards, and Procedures for Reporting and Resolving Allegations Regarding Loss of Scientific and Scholarly Integrity

The Departmental Manual describes in 305 DM 3 specific procedures and processes for handling an allegation regarding loss of scientific and scholarly integrity. The NPS will receive, report, and resolve allegations regarding loss of scientific and scholarly integrity in accordance both with provisions of 305 DM 3 and as interpreted in and supplemented by the following specific provisions:

A. Allegations received by the Departmental Science Integrity Officer (DSIO) and referred to the NPS Bureau Science Integrity Officer (BSIO) will be taken seriously and treated with due diligence. The subject of an allegation of loss of scientific and scholarly integrity is presumed innocent and remains innocent until an inquiry should determine otherwise. The BSIO has sole responsibility for conducting the initial determination of whether or not an inquiry is warranted regarding an allegation of loss of scientific and scholarly integrity.

B. If the BSIO determines that the allegation is incomplete, does not warrant inquiry, or that the allegation was previously examined, the BSIO will dismiss the allegation and inform the DSIO and the submitter of the allegation that the allegation has been dismissed and state the reasons for this dismissal.

C. If the BSIO determines that the allegation warrants inquiry, the BSIO will conduct an initial inquiry to determine whether or not there appears to be merit to the allegation. In conducting this initial inquiry, the BSIO will:

- Act promptly, objectively, and with all due diligence.
- Inform the responsible managers (appropriate regional director, associate director, or alternate manager and normally the immediate supervisor) that an allegation has been filed and that it warrants further inquiry; provide the name of the subject about whom the allegation has been filed; direct, at the time the BSIO informs the subject of the allegation, that the supervisor or other responsible manager immediately secure all original records and materials relevant to the allegation; and stress that confidentiality must be maintained.
- Inform and work with an assigned Servicing Human Resources Officer (SHRO).
- Inform the subject of the allegation that an allegation has been filed and that it warrants further inquiry.
- In determining whether an allegation has merit, the BSIO will follow the standards established in 305 DM 3.5(M)(3), under which a finding of scientific and scholarly misconduct requires that: (a) there be a significant departure from accepted practices of the relevant scientific and scholarly community; (b) the misconduct be committed intentionally, knowingly, or recklessly; and (c) the allegation be proven by a preponderance of evidence.

An allegation, the associated inquiry, and any subsequent actions to address the allegation are a personnel matter. Therefore, the BSIO and the responsible manager will at all times observe strictest confidence regarding any allegation.

D. In the event the BSIO determines after appropriate initial inquiry that the allegation has no merit, the BSIO will report to the DSIO that the allegation is dismissed and will notify the subject of the allegation, the responsible manager, and the submitter of the allegation that the allegation was without merit and was dismissed. No information about the allegation will be entered into any personnel records regarding the subject about whom the allegation was filed.

E. In the event the BSIO determines the allegation has merit, the BSIO will initiate the procedures outlined in 305 DM 3.8 regarding steps to be taken when further inquiry is necessary. These procedures may lead to the BSIO contacting the appropriate responsible manager or appropriate federal official responsible for the activities of contractors, cooperators, partners, permittees, lessees, or grantees who are the subject of the inquiry. These procedures also may include the convening of a Scientific and Scholarly Integrity Review Panel. The Scientific and Scholarly Integrity Review Panel will follow the standards established in 305 DM 3.5(M)(3) that a finding of scientific and scholarly misconduct requires: (a) there be a significant departure from accepted practices of the relevant scientific and scholarly community, (b) the misconduct be committed intentionally, knowingly, or recklessly, and (c) the allegation be proven by a preponderance of evidence.

F. Following inquiry into allegations found to have merit, the BSIO will follow the steps provided by 305 DM 3.8 in working with the appropriate government officials to ensure that the NPS responds to the results of the inquiry and adopts resolution appropriate to those results. These steps will include appropriate documentation as provided by the Departmental guidance.

G. Should the NPS receive an allegation of scientific misconduct against a NPS employee cooperatively conducting scientific and scholarly activities with a partner and the allegation, if shown to be true, would have potential to impact the partner's organization, the BSIO, consistent with NPS procedures and applicable laws, will inform the partner organization about the allegation to the extent the BSIO can do so while maintaining confidentiality. The BSIO will inform the appropriate regional director, associate director, or alternate manager that an allegation has been filed that, if shown to be true, would have potential to impact the partner organization.

H. Should a partner organization, pursuant to its own policies for handling issues of scientific misconduct, receive an allegation of scientific misconduct against its employee whose work relates to a cooperative relationship with the NPS, and the allegation, if shown to be true, would have potential to impact the NPS, the partner organization will inform the BSIO at the earliest possible time consistent with its policies. The BSIO will inform the appropriate regional director, associate director, or alternate manager that an allegation has been filed that, if shown to be true, would have potential to impact the NPS.

I. Two types of appeal of a BSIO determination are available. Employees and volunteers may follow procedures outlined in 305 DM 3.8(H). Filers of allegations against NPS employees and volunteers regarding scientific and scholarly integrity may question a dismissal by the BSIO of the filer's allegation by submitting to the DOI Office of the Executive Secretariat (OES) an amended allegation that contains substantial new information related to the original allegation of scientific and scholarly misconduct. If the OES finds the amended allegation contains substantial new information, the OES will follow established procedures for forwarding the amended allegation to the BSIO for review. The subsequent review by the BSIO will be limited to the factual information contained in the amended allegation, the existing record, and the decision based on that existing record.

VI. Whistleblower Protections

In ensuring scientific and scholarly integrity, the NPS will fully comply with the requirements of the Whistleblower Protection Act of 1989 and other laws that expanded those protections, and will comply with all Department-specific regulations, rules, and policies regarding whistleblower protection.

VII. Ombudsman Responsibilities

The BSIO fosters effective communication about maintaining scientific and scholarly integrity by also serving the NPS as ombudsman with respect to scientific and scholarly integrity. In this role, the BSIO is available to provide information about scientific and scholarly integrity and

related issues and respond to individual requests for information, guidance, or counseling regarding individual situations that may be of concern to the requester. All ombudsman activities are confidential and are subject to limitations as described in federal law and Departmental policy.

VIII. Employee Participation as an Officer or Member on the Board of Directors of Professional Societies or other Non–Federal Organizations

As described in 305 DM 3.4 and 3.9, employees are encouraged to participate in outside professional organizations. Such participation can both enhance employee professional development and also advance the NPS's mission, programs, and operations. When engaging in scientific, scholarly, and other activities with their professional networks, NPS scientists, scholars, and other professionals should observe the guidelines presented in 305 DM 3.9 and related appendices.

Specifically, when an employee serves on the employee's own time or on official duty as an officer or as a member on the board of directors (or in any position that creates a fiduciary duty under State or other applicable law) of a non-federal organization, the employee must be aware that such service may create an actual or apparent conflict of interest or may affect the employee's ability to act impartially. Employees in these positions must make their contributions in ways that avoid creating the potential for preferential treatment, improper official endorsement, inappropriate use of official time, actual or apparent loss of impartiality, disclosure of non-public information, or any situation that would adversely affect the public's confidence in the NPS. Employees may be required to complete, prior to accepting a role in a non-federal organization, the waiver, memorandum of understanding (MOU), and recusal memorandum described in 305 DM 3.9 and its appendices.

IX. Participation by non-Employees on NPS Scientific and Scholarly Boards, Panels, and Advisory Groups

The NPS expects all individuals participating in a scientific or scholarly capacity on NPS boards, panels, or FACA advisory groups to abide by the principles contained in the Code of Scientific and Scholarly Conduct described in Section IV.

X. Reference Manual

The BSIO, in collaboration with the appropriate associate directors, will develop and maintain a Reference Manual that provides additional guidance relevant to this Director's Order.

----------*End of Director's Order*----------