

# White House Office of Science and Technology Policy (OSTP) Scientific Integrity Policy

ADOPTED ON MAY 17, 2023

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Last Updated: May 17, 2023

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DEFINITIONS

### Purpose

The purpose of this policy is to provide instruction and guidance to enhance and promote a continuing culture of scientific integrity at the White House Office of Science and Technology Policy (OSTP). This policy aims to ensure the integrity of all aspects of OSTP scientific activities. This policy establishes the expectations and procedures required to maintain scientific integrity at OSTP.

### Background

The 2022 National Science and Technology Council Report of the Scientific Integrity Fast Track Action Committee (SI-FTAC), *Protecting the Integrity of Government Science*<sup>1</sup> (SI-FTAC Report) found that strong scientific integrity policies and practices bolster the ability of Federal agencies to protect government science.

The SI-FTAC Report summarizes recent foundational Executive branch actions on Scientific Integrity, including the 2009 Presidential Memorandum<sup>2</sup>, the 2010 OSTP Memorandum<sup>3</sup> (OSTP 2010), and the 2021 Presidential Memorandum<sup>4</sup> (PM 2021). The January 2023 OSTP Memorandum (OSTP 2023) to agency heads commits OSTP to develop a Scientific Integrity Policy and to designate a Scientific Integrity Official (SIO).<sup>5</sup>

The requirements of this policy are derived from these foundational actions, the collective experience of Federal agencies, and the informed engagement of stakeholders both inside and outside of government that were the basis of the SI-FTAC Report and the development of the 2023 NSTC Report titled: *A Framework for Federal Scientific Integrity Policy and Practice*.<sup>6</sup>

## **Guiding Principles**

Drawing from the 2023 <u>NSTC Framework for Federal Scientific Integrity Policy and Practice</u>, the 2021 <u>Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking</u>, and the 2009 <u>Presidential Memorandum on Scientific Integrity</u>, OSTP will be guided by the following guiding principles:

<sup>&</sup>lt;sup>1</sup> A report by the Scientific Integrity Fast-Track Action Committee of the National Science and Technology Council. "Protecting the Integrity of Government Science." January 11, 2022. Available at: https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting the Integrity of Government Science add

Protecting\_the\_Integrity\_of\_Government\_Science.pdf

<sup>&</sup>lt;sup>2</sup> Presidential Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. March 9, 2009. The White House. Available at: https://obamawhitehouse.archives.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09

<sup>&</sup>lt;sup>3</sup> Presidential Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. December 17, 2010. Office of Science and Technology Policy. Available at:

https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf.

<sup>&</sup>lt;sup>4</sup> Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policy Making, January 27, 2021. Available at: https://www.whitehouse.gov/briefing-room/presidentialactions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidencebased-policymaking/.

<sup>&</sup>lt;sup>5</sup> OSTP Memorandum for the Heads of Agencies and Departments, Chief Science Officers, and Scientific Integrity Officials on Delivery of the Framework for Federal Scientific Integrity Policy and Practice, January 12, 2023. Available at <u>https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-</u> Memorandum on Framework Delivery.pdf.

<sup>&</sup>lt;sup>6</sup> NSTC Report: A Framework for Scientific Integrity Policy and Practice, January 12, 2023. Available at <u>https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf</u>.

- *Qualified Leadership*. Science and technology positions in the executive branch should be filled by candidates with appropriate experience and expertise.
- *Policy Implementation.* OSTP will implement, and support agencies' efforts to implement, rules to ensure the integrity of agency scientific process.
- *Peer Review.* Research that informs OSTP decisions should be subject to peer review when appropriate.
- *Public Access.* Barring restrictions, scientific or technological findings that inform policy decisions should be available to the public.
- *Investigation*. OSTP will address instances in OSTP activities in which the integrity of scientific and technological processes and information may be compromised.
- *Science-informed Decisions*. OSTP will adopt procedures that ensure the integrity of scientific and technological processes and information used to inform decision-making.
- *Dissent.* Science benefits from dissent within the scientific community to sharpen ideas and thinking. Scientists' ability to freely voice the legitimate disagreement that improves science should not be constrained.
- *Whole of Government.* Because evidence-based policymaking happens across government, scientific integrity policies should apply not only to "science agencies," but to all Federal agencies and departments engaged in the production, analysis, communication, and use of evidence, science, and technology. These policies must also apply to all staff, including career employees, contractors, and political appointees.
- Science at the Policy Table. For science to inform policy and management decisions, it needs to be understood and actively considered during decision-making. This requires having scientists participate actively in policy-making.
- *Transparency in Sharing Science*. Transparency underpins the robust generation of knowledge and promotes accountability to the American public. Federal scientists should be able to speak freely, if they wish, about their unclassified research, including to members of the press.
- *Accountability*. Violations of scientific integrity should be taken as seriously as violations of government ethics, with comparable consequences.
- Safe and Inclusive Workplaces. Identity-based and other forms of harassment, discrimination and bias, unsafe work environments, and other issues related to improving diversity, equity, inclusion, and accessibility in Federal science intersects with issues of scientific integrity. These factors must be considered in scientific integrity practices, along with efforts to ensure that scientific integrity practices support the equitable delivery of the Federal Government's programs.
- *Responsiveness to New Technologies.* Scientific integrity policies and practices must evolve as the Federal Government develops and uses new technologies, such as artificial intelligence, in order to provide for efficacy, accountability, and equity in the specific context of use.
- Inclusion of Other Modes of Science. Other modes of producing scientific knowledge, such as citizen science, community-engaged research, and crowdsourcing, have the recognition, support, and resources to meet the same high standards of scientific integrity that traditional modes are expected to uphold. Further, scientific integrity practices must be applied in ways that are inclusive of these other modes of science. This may necessitate expanded scientific integrity practices and expectations, such as granting communities more autonomy over research questions, respect for

data and knowledge sovereignty, elevation of qualitative data gathering, and inclusion of multiple forms of evidence, such as Indigenous Knowledge.<sup>7</sup>

### **Definition of Scientific Integrity and Scientific Integrity Official**

It is the policy of OSTP to adopt the following Federal Definition of Scientific Integrity created by the National Science and Technology Council Fast Track Action Committee on Scientific Integrity (Task Force).

Scientific integrity is the adherence to professional practices, ethical behavior, and the principles of honesty, objectivity, and transparency when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity and protection from inappropriate influence are hallmarks of scientific integrity.

While the responsibility for upholding scientific integrity lies with all of OSTP, the OSTP Director will designate an OSTP staff member as the lead Scientific Integrity Official to oversee implementation and iterative improvement of the OSTP Scientific Integrity Policy and practices (PM 2021), after the National Science and Technology Council (NSTC) Executive Director makes a recommendation for candidate(s) for SIO, in consultation with other OSTP leaders. The NSTC Executive Director, the OSTP Chief of Staff, and representatives from the Office of Budget and Administration will interview and select an SIO. The SIO is required to be a full-time equivalent senior Federal employee or career Federal detailee of OSTP (or a designee as provided in Section II of Roles and Responsibilities).

The Scientific Integrity Official should be empowered with the independence necessary to gather and protect information to support the review and assessment of scientific integrity concerns, as well as to ensure implementation of corrective scientific actions by coordinating with appropriate authorities in the Executive Office of the President to enforce corrective and administrative actions as well as action to prevent scientific integrity concerns. The Scientific Integrity Official, in conjunction with the OSTP Director, should also advocate for appropriate engagement of scientific leadership in decision-making (SI-FTAC Report).

### **Effective Date and Policy Amendments**

This policy is effective when adopted. This policy should be reviewed by OSTP every 2 years. Amendments to this policy should be overseen by the Scientific Integrity Official and communicated to the Director of OSTP no later than 30 days after adoption.

## **Applicability & Scope**

Scientific integrity is the responsibility of the entire OSTP workforce. Covered individuals who must adhere to the requirements of this policy include all OSTP employees (including political appointees, civil servants, and direct hires), staff under an Intergovernmental Personnel Act (IPA) Mobility Program agreement, contractors, consultants, special government employees (SGEs), trainees, fellows, interns, and all other staff members. In addition, National Science and Technology Council (NSTC) group members engaged in work with OSTP are expected to adhere to OSTP's policy. The policy applies to these covered individuals when they propose, conduct, or review science or communicate about science and scientific activities, and

<sup>&</sup>lt;sup>7</sup> White House Office of Science and Technology Policy and Council on Environmental Quality. 2022. Guidance for Federal Departments and Agencies on Indigenous Knowledge. https://www.whitehouse.gov/ostp/newsupdates/2022/12/01/white-house-releases-first-of-a-kind-indigenous-knowledge-guidance-for-federal-agencies/

it applies to all levels of covered individuals who manage or supervise scientific activities and use scientific information in decision making.

In addition, all consultants, co-hosts, volunteers, and others who engage or assist in OSTP scientific activities are expected to uphold the principles of scientific integrity established by this policy.

# Authorities

Pursuant to the 2021 <u>Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking</u>, and consistent with the 2009 <u>Presidential Memorandum on Scientific Integrity</u> and the 2010 <u>Memorandum from the White House Office of Science and Technology</u> <u>Policy on Scientific Integrity</u>, all Federal agencies must establish a scientific integrity policy. This policy is established in accordance with:

- 1. The America COMPETES ACT, as Amended (Pub. L. No 110-69)
- 2. The Foundations for Evidenced-based Policymaking Act of 2018 (Pub. L. No 115-435)
- 3. The Information Quality Act of 2000 (Pub. L. No 106-554)
- 4. OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (67 FR 8451)
- 5. OMB Final Information Quality Bulletin for Peer Review (70 FR 2664)
- 6. Federal Policy on Research Misconduct (65 FR 76260-76264)
- 7. The Whistleblower Protection Act (WPA) of 1989, as Amended (Pub. L. 101-12; Pub. L. No. 103-424)
- 8. The National Defense Authorization Act (41 U.S.C. § 4712)
- 9. Standards of Ethical Conduct for Employees of the Executive Branch, as Amended (5 CFR § 2635)
- 10. The Federal Advisory Committee Act of 1972 (5 U.S.C., §1, Pub. L. 92–463 Oct. 6, 1972, 86 Stat. 770)
- 11. Employee Responsibilities and Conduct (5 CFR 735)
- 12. Federal Policy for the Protection of Human Subjects (49 CFR 11)
- 13. Protecting Whistleblowers with Access to Classified Information, 2012 (PPD 19)
- 14. OMB Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices (M-20-12)
- 15. The Paperwork Reduction Act of 1955, as Amended (44 U.S.C. § 3501)

### **Exceptions**

This policy should be implemented consistent with applicable law and subject to the availability of appropriations. Nothing in this policy shall be construed to impair or otherwise affect:

(i) the authority granted by statute, Executive Order, Presidential Memorandum, or other policy document to OSTP or its principals; or

(ii) the functions of the Director of OSTP or other OSTP officials.

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

# **Policy Requirements**

### **Promoting a Culture of Scientific Integrity**

OSTP leadership at all levels should recognize, support, and promote this policy and its underlying principles, as well as model behavior exemplary of a strong culture of scientific integrity.

OSTP should promote a culture of scientific integrity. This means both creating an empowering environment that is conducive to innovation and progress and also protecting scientists and the process of science. "Science, and public trust in science, thrives in an environment that shields scientific data and analyses and their use in policymaking from political interference or inappropriate influence" (OSTP 2010).<sup>8</sup> Scientific findings and products must not be suppressed, delayed, or altered for political purposes and must not be subjected to inappropriate influence.

A strong culture of scientific integrity begins with ensuring a professional environment that is safe, equitable, and inclusive of all scientists. Addressing long-standing and emerging issues of diversity, equity, inclusion and accessibility is integral to the entire scientific process and attention to these issues can improve the representativeness and eminence of the scientific workforce, foster innovation in the conduct and use of science, and provide for more equitable participation in science by diverse communities. The responsible and ethical conduct of research and other scientific activities requires an environment that is equitable, inclusive, safe, and free from harassment (SI-FTAC Report).

OSTP will post this policy prominently on its website and take other measures—such as townhalls, and written and oral communications—as possible and appropriate to (1) instill and enhance a culture of scientific integrity; (2) keep scientific integrity visible at OSTP; and (3) educate all OSTP employees and other covered individuals on their rights and responsibilities related to scientific integrity (SI-FTAC Report). All employees and other covered individuals will receive scientific integrity information as new employees to make them aware of their responsibilities under this scientific integrity policy within two weeks of their start date.

OSTP shall ensure that different modes of science, such as citizen science, community-engaged research, participatory science, and crowdsourcing, have the recognition, support, and resources to meet the same high standards of scientific integrity that traditional modes are expected to uphold. Further, scientific integrity practices must be applied in ways that are inclusive of these modes of science. This may require expanded scientific integrity practices and expectations, such as granting communities more autonomy over research questions and research designs, recognition of data and knowledge sovereignty, and inclusion of multiple forms of evidence, such as Indigenous Knowledge.

To promote scientific integrity at OSTP, this policy outlines five specific areas:

- I. Protecting Scientific Processes
- II. Ensuring the Free Flow of Scientific Information
- III. Supporting Decision Making Processes
- IV. Ensuring Accountability
- V. Protecting Scientists

<sup>&</sup>lt;sup>8</sup> Presidential Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity. December 17, 2010. Office of Science and Technology Policy. Available at:

https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf.

#### I. Protecting Scientific Processes

Scientific integrity fosters "honest scientific investigation, open discussion, refined understanding, and a firm commitment to evidence" (OSTP 2010). It also enables appropriate dissent, and includes peer review. Science, and public trust in science, thrives in an environment that shields scientific data and analyses and their use in policymaking from political interference or inappropriate influence.

It is the policy of OSTP to:

- 1. Prohibit political interference or other inappropriate influence in the design, proposal, conduct, management, evaluation, reporting and use of scientific data, research and activities.
- 2. Prohibit inappropriate restrictions on resources and capacity that limit and reduce the availability of science and scientific products without scientific justification.
- 3. Require that leadership and management ensure that employees and other covered individuals engaged in scientific activities are able to conduct their work free from reprisal or concern for reprisal.
- 4. Require reasonable efforts by employees and other covered individuals to ensure the accuracy of the scientific record and to correct identified inaccuracies that pertain to their contribution to any scientific records.
- 5. Ensure independent review of scientific facilities, methodologies, and other scientific activities as appropriate to ensure scientific integrity.
- 6. Require that employees and other covered individuals comply with agency policies and procedures for planning and conducting scientific activities and show appropriate diligence toward protecting and conserving Federal research resources, such as equipment and other property, and records of data and results that are entrusted to them. Employees and other covered individuals should protect and conserve Federal property and should not use it for other than authorized activities.
- 7. Prohibit research misconduct and the use of improper methods or inappropriate methods or processes in conducting research and lack of adherence to practices that ensure the quality of research and other scientific activities such as quality assurance systems.
- 8. Require that employees and other covered individuals design, conduct, manage, evaluate, and report scientific research and other scientific activities honestly and thoroughly, and disclose any conflicts of interest to their supervisor or other appropriate agency official(s) for their determination as to whether a recusal, disclaimer, or other appropriate notification would be appropriate.
- 9. Ensure that scientific integrity policy violations that have been shown to have a disproportional impact on underrepresented groups or weaken the equitable delivery of Federal Government programs are promptly addressed with an emphasis on how to prevent them in the future.

#### II. Ensuring the Free Flow of Scientific Information

Open communication of OSTP scientific activities plays a valuable role in building public trust and understanding of OSTP work. OSTP shall facilitate the free flow of scientific and technological information and support scientific integrity in the communication of scientific activities, findings and products. Scientific and technological information will be disseminated to the extent allowed by and consistent with privacy and classification standards and responsible communication of scientific information. It is the policy of OSTP to:

1. Facilitate the free flow of scientific and technological information, consistent with privacy and classification standards. Consistent with Open Government requirements, OSTP shall expand and

promote access to scientific and technological information by making it available freely to the public in an online digital format.<sup>9</sup>

- 2. Ensure that scientific findings and products are not suppressed, delayed or altered for political purposes and are not subjected to inappropriate influence.
- 3. Encourage, but not require, OSTP responsiveness to media requests, regarding OSTP scientific activities.
- 4. Ensure that mechanisms are in place to resolve disputes that arise from decisions to proceed or not to proceed with proposed interviews or other releases of public information or related activities.
- 5. Ensure that the work and conclusions of OSTP and Federal agency scientists and the work and conclusions of work funded/supported by OSTP, are accurately represented in OSTP communications. For public-facing documents that rely on an OSTP scientist's research, identify them as a contributor, or represent their scientific opinion, relevant OSTP scientist(s) shall be given the option to review the scientific content of draft documents.
- 6. Ensure that OSTP scientists may communicate their scientific activities objectively without political interference or inappropriate influence, while at the same time complying with OSTP policies and procedures for planning and conducting scientific activities, reporting scientific findings, and reviewing and releasing scientific products. Scientific products (e.g., manuscripts for scientific journals, presentations for workshops, conferences, and symposia) shall adhere to technical review procedures and policies of OSTP and the Executive Office of the President (EOP).
- 7. Allow OSTP employees and other covered individuals to report their scientific findings and communicate with the media or the public in their official capacities at OSTP, in coordination with OSTP communications officials and in accordance with appropriate and lawful policies of OSTP and EOP.
- 8. Allow scientists to communicate with the media or the public in their personal capacities subject to limitations of government ethics rules and other appropriate laws. OSTP scientists may express their personal views and opinions; however, they should not claim to officially represent the agency or its policies or use the agency or other U.S. Government seals or logos. Employees and other covered individuals should use appropriate written or oral disclaimers for personal activities.
- 9. Require that agency officials, including public affairs officers, shall not alter, nor direct agency scientists and technology experts to alter, scientific and technological research findings.
- 10. Require that agency officials, including public affairs officers, shall neither ask nor direct nor suggest that agency scientists and technology experts alter the presentation of their scientific findings in a manner that may compromise the objectivity or accurate representation of those findings.
- 11. Require that technical review and clearance processes include provisions for timely clearance and expressly forbid censorship, unreasonable delay, and suppression of objective communication of data and results without scientific justification.
- 12. Ensure that scientific information is accurately represented in Congressional inquiries, testimony, and other requests The Scientific Integrity Official is responsible for the scientific integrity of information communicated to other branches of government.
- 13. Accurately represent the work and conclusions of agency scientists in agency social media communications and that agency scientists are appropriately guided on use of social media, which includes but is not limited to blogs, social networks, forums, and micro blogs.

<sup>&</sup>lt;sup>9</sup> White House Office of Science and Technology Policy. 2022. Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research. <u>https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf</u>

- a. When communicating on social media in their personal capacities, and subject to limitations of government ethics rules, policies of the EOP, and any applicable OSTP Social Media Policies, OSTP scientists may express their personal views and opinions and may name OSTP in the context of biographical information, as long as it is clear in context that they are not speaking on behalf of, or as a representative of, OSTP.
- b. If employees and other covered individuals choose to disclose their OSTP affiliation on their personal social media, a disclaimer clarifying that the account or communication represents personal views may be appropriate.
- c. The OSTP Communications Team is responsible for correction of any errors pointed out by scientists whose work is represented in OSTP social media and other online communications.

#### **III. Supporting Decision Making Processes**

It is the policy of OSTP to:

- 1. Ensure the quality, accuracy, and transparency of scientific information used to support policy and decision making including:
  - a. Use scientific information that is subject to well-established scientific processes.
  - b. Ensure that scientific data and research used to support policy decisions undergo review by qualified experts, where feasible and appropriate, and consistent with law.
  - c. Adhere to the Office of Management and Budget Final Information Quality Bulletin for Peer Review.<sup>10</sup>
  - d. Reflect scientific information appropriately and accurately and ensure that it is free of misinformation; and make scientific findings or conclusions considered or relied on in policy decisions publicly available online and in open formats, to the extent practicable, consistent with the Open Government Initiative, the Freedom of Information Act, the Administrative Procedure Act, and other applicable statutes, regulations or document-handling procedures and policies. Where feasible and appropriate, the following will also be provided: information on the specific approach, data, and models used to develop such scientific conclusions.
- 2. Where legally permissible and appropriate, enable OSTP scientists to directly participate in policy and management decisions where their science is being used in order to ensure that the science is accurately represented and interpreted.
- 3. Ensure the accuracy of communication of the science upon which a policy decision is based.
- 4. OSTP shall encourage OSTP employees and other covered individuals to express differing scientific opinions. When an agency employee who is substantively engaged in the science informing an agency policy decision disagrees with the scientific data, interpretations or conclusions that are to be relied upon for that decision, the employee is encouraged to express that opinion complete with rationale and in writing.

#### **IV. Ensuring Accountability**

It is the policy of OSTP to:

- 1. Ensure correction of the scientific record and administrative actions when allegations of a loss of scientific integrity are substantiated.
- 2. Encourage and facilitate early informal or formal consultation with the OSTP Scientific Integrity Official to seek advice on preventing a situation of concern, to determine if it is a potential violation of the Scientific Integrity Policy, and to ascertain if it should be referred elsewhere for resolution.

<sup>&</sup>lt;sup>10</sup> Office of Management and Budget. "Final Information Quality Bulletin for Peer Review." *Federal Register*. Doc. 05-769. Available at: <u>https://www.federalregister.gov/documents/2005/01/14/05-769/final-information-quality-bulletin-for-peer-review</u>

- 3. Provide clear guidance on how to formally and confidentially report concerns and allegations of Scientific Integrity Policy violations. Those who report concerns and allegations need not be directly involved or witness a violation.
- 4. The SIO shall respond to allegations of compromised scientific integrity in a timely, objective, and thorough manner. A response shall include the following steps: an initial assessment and review, a fact-finding process, an agency adjudication or determination including description of remedies and preventative measures to safeguard the science, an appeals process, follow-up to track implementation of remedies, and reporting.

#### V. Protections

To assure the protection of government scientists and as appropriate other covered individuals from retribution, retaliation or reprisal, it is the policy of OSTP to:

- 1. Select and retain candidates for scientific and technical positions based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and hold them and their supervisors to the highest standard of professional, scientific, and legal ethics.
- 2. Promote diversity, equity, inclusion, and accessibility in the scientific workforce and to create safe workspaces that are free from harassment. Support scientists and researchers including Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQI+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality; and advance the equitable delivery of Federal programs.
- 3. Protect those individuals who report allegations of compromised scientific integrity in good faith, as well as those agency employees and other covered individuals alleged to have compromised scientific integrity in the absence of a finding that the individual compromised scientific integrity.
- 4. Prevent supervisors and managers or other agency leadership from intimidating or coercing scientists to alter scientific data, findings, or professional opinions or inappropriately influencing scientific activities.
- 5. Comply with whistleblower protections, specifically:
  - a. By protecting employees from prohibited personnel practices (as defined in 5 U.S.C. 2302(b)), especially those who uncover and report allegations of loss of scientific integrity in good faith, as well as those OSTP employees alleged to have compromised scientific integrity in the absence of a finding that the individual compromised scientific integrity;
  - b. The requirements of the Whistleblower Protection Act of 1989, and its expanded protections enacted by Pub. L. No. 103-424 and the Whistleblower Protection Enhancement Act of 2012;
  - c. Sections 827 and 828 of the National Defense Authorization Act of 2013, which expand certain whistleblower protections to employees of federal government contractors, subcontractors, and grant recipients. Congress amended the program in 2016 through 41 U.S.C. § 4712 to make those protections permanent; and,
  - d. Presidential Policy Directive 19, which prohibits supervisors from taking, failing to take, or threatening to take or fail to take any action affecting an employee's eligibility for access to classified information in reprisal for making a protected disclosure.

# Procedures

The Scientific Integrity Official shall post on OSTP's website this policy within 30 days of its release and ensure that OSTP staff are aware of other relevant OSTP policies and procedures, as applicable.

# **Roles and Responsibilities**

Scientific Integrity is everyone's responsibility and the following persons have specific scientific integrity roles and responsibilities:

#### I. OSTP Director

- 1. Provides leadership for OSTP on scientific integrity such as leading through example, upholding scientific integrity principles and regularly communicating the importance of scientific integrity.
- 2. Ensures that all OSTP activities associated with scientific and technological processes are conducted in accordance with the policy.
- 3. Ensures all supervisors and managers comply with the scientific integrity policy and ensure accountability for those who do not.
- 4. Ensures that violations of scientific integrity policies be considered comparable to violations of government ethics rules, with comparable consequences. There must be appropriate consequences for scientific integrity violations.
- Ensures that the scientific-integrity policy considers, supplements, and supports agency plans for forming evidence-based policies, including the evidence-building plans required by 5 U.S.C. § 312(a) and the annual evaluation plans required by 5 U.S.C. § 312(b).
- 6. Provides adequate resources and funding to fully implement this policy including staffing, annual evaluation and reporting, and training.
- 7. Supports and respects the Scientific Integrity Official's independence, recommendations and designation of and agency compliance with corrective scientific actions when violations of this policy are substantiated.
- 8. Oversees the implementation and iterative improvement of OSTP scientific integrity policies and processes in coordination with the NSTC Executive Director.
- 9. Supports the Scientific Integrity Official's designation of and agency compliance with corrective scientific actions when violations of this policy are substantiated in coordination with the NSTC Executive Director. Additional assistance may be sought from the NSTC Subcommittee on Scientific Integrity in cases of disagreement.<sup>11</sup>
- Ensures establishment, as necessary, of clear administrative actions for substantiated violations of scientific integrity policies, designating responsibility for each aspect of accountability. (SI-FTAC Report)

#### II. NSTC Executive Director

- 1. Serves in an acting capacity as the OSTP Scientific Integrity Official until a suitable candidate is appointed.
- 2. Interviews and appoints the OSTP Scientific Integrity Official, in consultation with the OSTP Chief of Staff and representatives from the Office of Budget and Administration.
- 3. Supports the Scientific Integrity Official's designation of and agency compliance with corrective scientific actions when violations of this policy are substantiated in coordination with the OSTP Director. Additional assistance may be sought from the NSTC Subcommittee on Scientific Integrity in cases of disagreement.

<sup>&</sup>lt;sup>11</sup> National Science and Technology Council. 2022. Charter of the NSTC Subcommittee on Scientific Integrity. https://www.whitehouse.gov/wp-content/uploads/2023/01/07-2022-SOSI-NSTC-Charter.pdf

- 4. Supports the implementation and iterative improvement of OSTP scientific integrity policies and processes.
- 5. Ensures annual reporting of scientific integrity outcomes and activities by the Scientific Integrity Official.

#### III. Scientific Integrity Official

- This official is an OSTP career employee, or a career Federal detailee, who has appropriate scientific credentials. The Executive Director of the National Science and Technology Council (NSTC) makes an SIO recommendation(s) to the Director of OSTP and the Director of OSTP designates the SIO. When no candidate can be identified, the NSTC Executive Director (or Acting Executive Director) shall serve in an acting capacity as the OSTP SIO until an appropriate candidate is designated.
- 2. Serves as a co-chair of the NSTC Subcommittee on Scientific Integrity.
- 3. Oversees implementation and iterative improvement of scientific-integrity policies and processes providing leadership, acting to champion scientific integrity, serving as the primary OSTP contact for questions regarding scientific integrity, and ensuring scientific integrity activities and outcomes are appropriately monitored and evaluated.
- 4. Leads training and outreach initiatives to facilitate employee awareness and understanding of this policy.
- 5. Serves as a neutral point of contact for receiving scientific integrity questions and concerns and allegations of compromised scientific integrity.
- 6. Conducts an initial assessment of allegations and submitted materials, following established procedures, to determine whether the allegations pertain to compromised scientific integrity and the appropriate handling of said allegations. Provides independent oversight of OSTP responses to allegations of compromised scientific integrity referred for an inquiry or investigation, including:
  - a. Reviewing OSTP-submitted reports of allegations and their disposition; and
  - b. Maintaining a status report of responses to allegations as a means of monitoring the progress toward resolution.
- 7. Leads efforts to update this policy and any accompanying guidance, as appropriate.
- 8. Reports to the OSTP Director on matters involving scientific integrity.
- 9. Coordinates with OSTP Office of General Counsel (OGC), OSTP Communications, the Chief Data Scientist, and other officials, as necessary.
- 10. Reports any potentially criminal behavior to OSTP OGC that is uncovered during the course of responding to an allegation of compromised scientific integrity and coordinate as appropriate related to such referral. Should a determination be made that there has been potentially criminal behavior, such behavior may be referred to the Department of Justice.
- **11.** Keeps the OSTP Director and NSTC Executive Director informed on the status of the implementation of this policy and any compliance concerns, as warranted.
- 12. Provides reports on scientific integrity to the OSTP Director, OSTP Chief of Staff, Chief Operating Officer, and NSTC Executive Director, as appropriate.
- 13. Leads efforts for the iterative improvement of this policy and scientific integrity initiatives overall including development and implementation of an evaluation plan to regularly monitor and evaluate ongoing scientific integrity activities and outcomes.
- 14. To the extent possible, be involved in high level discussions and strategic planning on the recruitment, retention, development, and advancement of scientists—especially scientists from underrepresented communities—to help ensure that scientific integrity is appropriately and carefully considered.

#### **IV. Managers and Supervisors**

- 1. Comply with and ensure agency and employee compliance with the scientific integrity policy; listen, advise, and report allegations of compromised scientific integrity; and take action as appropriate.
- 2. Be aware of and uphold the principles contained in this policy.
- 3. Lead through example by upholding scientific integrity principles and communicating the importance of doing so.
- 4. Report any knowledge of potential losses of scientific integrity to the Scientific Integrity Official or other scientific integrity officials.
- 5. Protect from prohibited personnel practices (as defined in 5 U.S.C. § 2302(b)) those agency employees and other covered individuals who uncover and report allegations of compromised scientific integrity in good faith, as well as those agency employees alleged to have compromised scientific integrity in the absence of a finding that the individual compromised scientific integrity.
- 6. Consult, as appropriate depending upon the nature of the allegation, with the Scientific Integrity Official and other relevant officials, including the Chief Operations Officer and/or the Deputy Chief Operations Officer and the Office of General Counsel.

#### V. Employees and other covered individuals

- 1. Be aware of the principles contained in this policy and how the policy applies to their duties.
- 2. Comply with this policy.
- 3. Adhere to accepted professional values and practices of the relevant research/scientific communities so as to ensure scientific integrity.
- 4. Are encouraged to report to the Scientific Integrity Official any knowledge of compromised scientific integrity

# Monitoring and Evaluating Scientific Integrity Activities and Outcomes

OSTP will develop and implement an evaluation plan to regularly measure, monitor, and evaluate ongoing scientific integrity activities and outcomes. The plan will include a roadmap of activities and expected outcomes, the steps needed to assess the processes and outcomes, the methods and metrics used to evaluate the activities and outcomes, and how the data will be analyzed on a regular basis and used for ongoing improvement of scientific integrity processes, procedures, and policies. The plan shall include, at a minimum, the expected metrics for agencies to collect and report as identified in Chapter 2: *Potential Metrics and Measurement for Scientific Integrity Activities and Outcomes*, and Chapter 3: *Critical Criteria for Regular Assessment and Iterative Improvement of Agency Scientific Integrity Policy Implementation* of the 2023 NSTC report *Framework for Federal Scientific Integrity Policy and Practice*.

The plan shall also include a timeline for implementation and frequency of data collection, analysis, review, recommendations, and implementing recommendations. Monitoring and evaluation results, recommendations, and policy/procedure changes based on results will be reported to agency leadership and will be made available to agency staff and the public in a timely manner.

### Reporting

**Annual Reporting.** The Scientific Integrity Official is responsible for generating and making available on the OSTP public website the annual reporting to the OSTP Director and NSTC Executive Director. Annual reporting shall highlight scientific integrity successes and accomplishments across OSTP such as any new scientific integrity hires, training, enhancements to scientific integrity policies, etc.; identify areas for improvement; and develop a plan for addressing critical weaknesses, if any. It shall report on progress toward achieving the critical criteria and expected metrics,<sup>12</sup> as applicable to OSTP, including comparisons to the same metrics from prior years to show trends over time. It will also include the number of formal inquiries, informal requests for assistance, inquiries and appeals involving alleged or actual deviations from the scientific integrity policy and the number of investigations and pending appeals. Annual Reporting will also include anonymized individual closed scientific integrity case summaries. These summaries may be posted in a timely manner after completion of inquiries and/or incorporated into the annual report. The identities of complainants, respondents, witnesses and others involved in the investigations shall be protected.

## Scientific Integrity Policy Intersections with Related and Supporting Policies

Scientific integrity officials should have an awareness of policies and programs that intersect with the development of the culture of scientific integrity within the agency. Scientific integrity officials, where possible, shall be involved in the development or revision of the broader set of policies and practices that affect the culture and applicability of scientific integrity within OSTP.

### **Related Policies that Can Intersect with Scientific Integrity**

Diversity, Equity, Inclusion, and Accessibility (DEIA) in Addressing and Strengthening Scientific Integrity and the Disproportional Impact of Scientific Integrity Policy Violations on Underrepresented Groups. Policies, practices, and agency culture to promote diversity, equity, inclusion,

<sup>&</sup>lt;sup>12</sup> The metrics may be collected every other year.

and accessibility in the scientific workforce and Federal workforce at large and to create safe workspaces that are free from harassment are foundational for achieving a culture of scientific integrity. Scientific integrity and DEIA policies may intersect in many places given inequities that may exist due to institutional power structures, racism, sexism, discrimination and other forms of bias in the workplace. Similarly, scientific integrity entails greater transparency into research processes and policy-making outcomes. The agency will review and address all potential scientific integrity policy violations, including those that have a disproportionate impact on underrepresented groups or weaken the equitable delivery of agency programs.

**Public Access.** Policies and practices that help to ensure that publications, data, and other outputs of government-funded research are equitably and publicly available to other researchers, innovators, students, and the broader public, including underserved communities, consistent with the <u>2022 OSTP Memorandum</u> on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research.

Scientific Integrity with Research Security. Scientists are encouraged to interact with the broader scientific community as well as to engage with collaborators with a commitment to a shared research environment of openness, transparency, honesty, equity, fair competition, objectivity, and democratic values. However, some foreign governments are working vigorously in contradiction with these values to acquire, through both licit and illicit means, U.S. research and technology. Research security policies, such as the <u>National Security Presidential Memorandum 33 (NSPM-33</u>) and subsequent <u>Guidance for Implementing NSPM-33</u>, must harmonize with scientific integrity policies by both guarding against foreign abuses and protecting intellectual property rights, while ensuring the scientists maintain honesty, objectivity, transparency, and professional and ethical behaviors.

**Foundations for Evidence Based Policy Making Act ("Evidence Act").** Scientific integrity is a foundational component of Federal policies and data infrastructure investments supporting information quality, access, protection, and evidence building and use. The Evidence Act, also anchored in scientific integrity, called on agencies to strategically plan and organize evidence building, data management, and data access functions to ensure an integrated and direct connection to data and evidence needs. Agencies should consult OMB's implementing guidance, (including OMB M-19-23, OMB M-20-12, and OMB M-21-27) to ensure that scientific integrity policies and procedures complement and reinforce related requirements of the Evidence Act. Agency Learning Agendas and Annual Evaluation Plans, required by the Evidence Act, are posted on agency websites and linked at Evaluation.gov.

**Notification and Federal Employee Antidiscrimination and Retaliation Act ("No FEAR Act").** Federal agencies are required to be held accountable for violations of antidiscrimination and whistleblower protection laws. Under the No FEAR Act, agencies must pay for settlements, awards or judgments against them in whistleblower and discrimination cases out of their own budgets.

**Tribal Consultation requirements.** In response to Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), and reaffirmed by the 2021 *Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships* and the 2022 *Presidential Memorandum Uniform Standards for Tribal Consultation*, all executive departments and agencies are charged with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications. Tribal consultation under EO 13175 strengthens the Nation-to-Nation relationship between the United States and Tribal Nations and the 2022 Presidential Memorandum provides further details on uniform standards for such consultation.

White House Indigenous Knowledge Guidance. Indigenous Knowledge is a valid form of evidence for inclusion in Federal policy, research and decision making. Where Federal statutes require Agencies to consider information and make informed decisions, Agencies should consult and collaborate with Tribal Nations and Indigenous Peoples to include Indigenous Knowledge in decision making. Inadequate communication about the inclusion of Indigenous Knowledge in agency decisionmaking or inadequate consent to learn and include Indigenous Knowledge in a Federal activity may constitute a loss of scientific

integrity. Additional information can be found in the 2022 White House Guidance for Federal Departments and Agencies on Indigenous Knowledge.

### Definitions

**Covered individuals** refers to all OSTP employees, political appointees, IPAs, contractors, consultants, SGEs, trainees, fellows, interns, NSTC group members, and all other staff members. In addition, all cohosts, consultants, volunteers, and others who engage or assist in OSTP scientific activities are expected to uphold the principles of scientific integrity established by this policy. NSTC group members engaged in work with OSTP are expected to adhere to OSTP's policy.

**Scientific activities** refer to activities that involve the application of well-accepted scientific methods and theories in a systematic manner, and includes, but is not limited to, data collection, inventorying, monitoring, statistical analysis, surveying, observations, experimentation, study, research, integration, economic analysis, forecasting, predictive analytics, modeling, technology development, and scientific assessment.

**Scientific integrity** is the adherence to professional practices, ethical behavior, and the principles of honesty, objectivity, and transparency when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity and protection from inappropriate influence are hallmarks of scientific integrity.

**Inappropriate influence** is an attempt to shape or interfere in the conduct, management, communication, or use of science such that it undermines impartiality, nonpartisanship, or professional judgement for partisan, ideological, financial, regional, or other unfair advantage.

**Research misconduct** refers to fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.