May 13, 2009

John P. Holdren, Director
Office of Science and Technology Policy
725 17th Street, NW
Washington DC 20502

SUBJECT: Scientific Integrity Recommendations

Dear Dr. Holdren:

We appreciate the opportunity to offer our thoughts on recommendations for the President concerning scientific integrity in the executive branch. The Council on Governmental Relations (COGR) is an association of more than 175 research universities and their affiliated academic medical centers and research institutes. COGR concerns itself with the influence of federal regulations, policies, and practices on the performance of research conducted at its member institutions. The Association of American Universities (AAU) is an association of 60 leading public and private U.S. research institutions. AAU focuses on issues important to research intensive universities, such as funding for research, research policy issues, and graduate education. The Association of Public and Land-grant Universities (A·P·L·U) is comprised of the 217 flagship and other major public universities in each state including all the land-grant universities.

Research organizations, particularly academic institutions, offer a compelling model for Federal agencies in designing policies and procedures to ensure scientific integrity within the Federal agencies. Colleges and universities hold free inquiry – academic freedom – as a fundamental principle that governs their operations. Academic freedom is the principle that ensures scientific and intellectual integrity.

Universities have incorporated this principle into their governance through a variety of mechanisms but customarily in research or faculty handbooks. The statements are clear and concise. One example from Stanford University: “Stanford University’s central functions of teaching, learning, research and scholarship depend on an atmosphere in which freedom of inquiry, thought, expression publication and peaceable assembly are given the fullest protection.” The policy goes on to outline the decisions that are informed by this principle and the procedures by which an individual can bring an allegation of a violation of this principle.

This protection comes with responsibilities. Stanford University’s Principles Concerning...
Research begins with the assumption of responsibility – “the transmission of knowledge and conduct of scholarly inquiry are central and complementary functions. They can be carried out effectively only if scholars are guaranteed certain freedoms and accept corresponding responsibilities.” American universities generally operate with a shared governance structure relying on the faculty – the community of scholars and scientists – to participate in the processes that ensure the integrity of the scientific process. They are, as a group, responsible for the academic and scientific integrity of the research and educational processes as members of the university community and their professions. The role of university administrators is to ensure that policies and procedures are in place to support the institution’s missions and address violations of the institution’s standards. There are similar models from other academic institutions including (but certainly not limited to) the University of Rochester’s Openness in Research policy, the University of Michigan’s policy addressing Integrity in Research, and the University of Minnesota’s Academic Freedom and Responsibility policy. Each invokes the principles and values of openness and integrity while, like the University of Minnesota’s Board of Regents’ Code of Conduct, requiring community members to meet the highest standards of conduct and integrity using the policies and procedures as guides to decision-making and memorializing the institution’s commitment.

Thus, Federal agencies should consider approaching the six principles articulated by the President in much the same manner as a university – consider a structure of shared governance that includes Federal scientists in the review processes for assessing scientific credentials and ensuring that the information used in policy decisions is accurate, objective and rooted in sound science. Agencies should put mechanisms in place for those same scientists to address potential deviations from those standards and agency policies by agency scientists.

**Principle A: Selection and Retention of Candidates**

All hiring decisions must be driven by the identification of the best candidate based on their knowledge, credentials, experience and integrity. In order to create a qualified pool of candidates, the description of the job and its related qualifications must be clear and concise. The identification of potential candidates should be reviewed to ensure that key qualifications have been met.

**Principle B: Integrity of Agency’s Scientific Process**

Research institutions have designed policy handbooks or manuals that describe the roles and responsibilities of the stakeholders in the scientific process and the policies and procedures that govern the research conduct and reporting. Again, as an example, Stanford University has a Research Policy Handbook ([http://rph.stanford.edu/](http://rph.stanford.edu/)). Beginning with the description of the roles and responsibilities of the Offices, Committees and Panels That Support Research, the Handbook articulates the Principles Concerning Research, including Rights and Responsibilities in the Conduct of Research and Academic Freedom. The Handbook discusses research misconduct and openness in research, and moves through other aspects of the responsible conduct of research. It covers fiscal management, research appointments and promotions, and includes Stanford policies governing specific aspects of research including the use of human subjects, select agents and toxins, etc. Some of the research policies and
procedures link to general Stanford policies governing the operation of the colleges and university as a whole.

Federal agencies should consider the creation of similar policies that are memorialized in a handbook or manual for the conduct of research by agencies. The articulation of the principles of free inquiry and scientific integrity linked with policies and procedures that govern the scientific process will enable the agencies and their scientists to ensure the integrity of the scientific process and information used in policy development; provide transparency and accountability to the Federal employees and the public; and, ultimately, document the achievement of the President’s goal of the highest level of integrity in all aspects of the government’s involvement in scientific and technological processes.

**Principle C: Quality and Integrity in Scientific Information**

**Principle D: Public Disclosure of Scientific Findings and Conclusions**

The Office of Management and Budget’s guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies (September 28, 2001) and the companion Bulletin for Peer Review (January 14, 2005) have established policies and procedures for addressing the use of scientific and technological information in policy decisions and providing public access to the scientific findings and conclusions upon which those policies are designed.

Federal agencies were required to issue agency Information Quality guidelines, establish administrative mechanisms to allow “affected persons” to seek and obtain corrections to information disseminated by the agency, and to report each year to OMB.

In its August 2006 study, *Expanded Oversight and Clearer Guidance by the Office of Management and Budget Could Improve Agencies’ Implementation of the Act* (GAO-06-765), the Government Accountability Office (GAO) found that more than half of the regulatory agencies did not have Information Quality Guidelines at that time and urged OMB to assist those agencies implement the requirements. OMB concurred with GAO’s findings and recommendations.

The full implementation of the Information Quality Act Guidelines across Federal agencies will help address the President’s call for quality and integrity in the scientific basis for policy making and ensuring public access to the information used for policy decisions.

**Principle E: Addressing Instances of Misconduct**

In December 2000, OSTP issued the Federal Research Misconduct Policy to ensure the reliability of the research record. The policy covers the research conducted by Federal agencies; research conducted for the agencies under contracts, or supported by Federal agencies under financial assistance agreements. Agencies were to implement policies that conformed to the Federal Policy within one year (December 2001).

Research institutions designed and implemented policies in response to agencies implementation of the Federal Policy. We have, as a community, monitored the implementation by
agencies to ensure that the specific agency policies conform to the Federal Policy and enable the community to meet a common standard.

As we understand it eleven department/agencies have implemented or proposed Research Misconduct policies, with the most recent such policy proposed by the US Department of Agriculture in November 2008. The implementation of Research Misconduct policies ensures that the agencies will have in place mechanisms to identify and address instances when the scientific processes or information is compromised by a Federal scientist.

Principle F: Protections for Scientific Integrity

Federal employees and employees of institutions that receive Federal support through a variety of mechanisms including grants, contracts and cooperative agreements, fall under a variety of whistleblower protections scattered throughout Federal regulations. It may be useful to consider a Government-wide “Common Rule” for Whistleblower Protection to provide a streamlined and more efficient approach to the protection of Federal and non-Federal employees from retaliation for disclosing violations of Federal statutes and regulations.

Sincerely,

Anthony P. DeCrappeo
President
Council on Governmental Relations
202-289-6655

On Behalf of:

Association of American Universities
Association of Public and Land-grant Universities