

SUBJECT: DOE SCIENTIFIC INTEGRITY POLICY

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## **PURPOSE AND SCOPE**

Science and technology lie at the heart of the Department of Energy's (DOE's) mission. Through its far-reaching support of research at the 17 DOE National Laboratories and at hundreds of universities, other research institutions, and industry across the country, the Department is a major contributor to the Nation's overall research and development (R&D) effort.<sup>1</sup> Given the importance to the nation of the DOE's research portfolio and the breadth of responsibility DOE bears for the Nation's continuing progress in science and technology, DOE is obliged to uphold the highest standards in the sponsorship, management, and conduct of research. Among these standards is the core value of scientific integrity.

In accord with the President's March 9, 2009, [Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity](#) and the corresponding December 17, 2010, [Memorandum](#) from the Office of Science and Technology Policy (OSTP) providing implementation guidance, the DOE is firmly committed to maintaining a culture of scientific integrity.

This Policy supersedes DOE P 411.2, *Secretarial Policy Statement on Scientific Integrity*, dated 6-2-2014, which codified a DOE secretarial memorandum from March 23, 2012, created in response to the OSTP guidance on scientific integrity. Notably, this Policy applies to scientific personnel at the DOE laboratories and other non-federal scientific and technical personnel.

In the OSTP memorandum, the term *scientific integrity* encompasses a range of topics that includes media communication, the use of advisory committees, and professional development of scientists and engineers. Following the guidance provided in the OSTP memorandum, this document sets forth a policy intended to (1) ensure a culture of scientific integrity; (2) strengthen the actual and perceived credibility of the Federal Government and Federal Government-sponsored research; (3) facilitate the free flow of scientific and technical information<sup>2</sup> consistent with privacy and classification standards and applicable laws, regulations, and DOE Orders and Policies; and (4) establish principles for conveying scientific and technological information to the public.

## **POLICY**

The cornerstone of the scientific integrity policy at DOE is that all scientists, engineers, or others supported by DOE are free and encouraged to share their scientific findings and views. This includes federal staff, including the heads of departmental elements and heads of field elements,

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<sup>1</sup> In this Policy, the term "National Laboratory" has the meaning defined in the [Energy Policy Act of 2005](#) [Sec. 2(3); [42 U.S.C. 15801\(3\)](#)].

<sup>2</sup> Scientific and Technical information is defined in Attachment 2 of [DOE O 241.1B](#), Chg 1, *Scientific and Technical Information Management*, dated 12-13-2010.

scientists and engineers at DOE laboratories and field sites, other contractors who support the R&D mission, and financial assistance recipients. These personnel are also free to share their personal views and opinions on scientific or technical related policy matters, provided they do not attribute these views to the U.S. Government. All federal staff; contractor personnel; political appointees; those working at the DOE under the Intergovernmental Personnel Act; federal staff working in the National Nuclear Security Administration; and any other personnel that are involved with scientific and technical information, are covered by this policy. Unless otherwise stated, the policy also applies to recipients of financial assistance from DOE.

1. FREEDOM OF EXPRESSION.

- a. Covered personnel are free and encouraged to discuss their scientific work and research openly, whether in a scientific or a public forum or with the media, and to publish their findings. Covered personnel are free to discuss their personal opinions on scientific and technical related policies, provided these views are not represented as those of the U.S. Government or DOE.
- b. DOE supports the free flow of scientific information, within the scientific community and between scientists and the public, consistent with restrictions on dissemination of classified and other protected information described in paragraph 3 below.

2. PUBLIC COMMUNICATION.

- a. Covered personnel are responsible for notifying their management and appropriate DOE communications and public affairs offices on interactions with the news media. Under no circumstance may anyone, including a public affairs officer, ask or direct any researcher to alter the record of scientific findings or conclusions.
- b. Covered personnel will not suppress or alter scientific or technological findings, or intimidate or coerce any covered personnel, contractors, or others to alter or censor scientific or technological findings or conclusions.
- c. Covered personnel have the right to the correction of errors in scientific and technical information that significantly relies on their research, identifies them as an author or contributor, or purports to represent their scientific opinion, in the event that such errors were released by the DOE, including in digital media outlets. Covered personnel also have the right to review, prior to publication or release, any institutional public communication (e.g., DOE or laboratory report, press release) that substantially relies on their research or is released under their name.
- d. The DOE recognizes the right of covered personnel to express their personal scientific and technical views and related policy positions via digital media and permits covered personnel to use digital media to share information that may

benefit the public's knowledge and awareness of scientific and technical information, consistent with the following:

- (1) Public communications by all federal staff concerning scientific and technological matters shall comply with the Standards of Ethical Conduct for Employees of the Executive Branch ([5 CFR Part 2635](#)) and other applicable laws, regulations, and DOE regulations, Orders, and policies.
  - (2) Researchers supported by DOE Financial Assistance, including sub-awards, are encouraged to discuss their scientific work and research, that is supported by a DOE financial assistance award, openly, whether in scientific or public fora or with the media, in accordance with their institution's policies, and to publish their findings.
- e. Except as indicated in individual assistance agreements, recipients, sub-recipients, and their respective institutions have no responsibility to coordinate with the DOE on public communication, but are welcome to voluntarily coordinate with the DOE, when appropriate, to publicize scientific publications and/or results.

### 3. CLASSIFIED AND OTHER PROTECTED INFORMATION.

- a. The dissemination of scientific and technical information may be restricted by laws, regulations, and DOE directives governing classified, privacy, proprietary, and other protected information. Documents in a classified subject area that are intended for public release must be reviewed for classification prior to public release.<sup>3</sup>
- b. DOE is responsible for the generation, use, and archiving of classified scientific and technical information classified or controlled under the Atomic Energy Act (information concerning the design, manufacture or utilization of nuclear weapons, the production of special nuclear material, or the use of special nuclear material in the production of energy, and Unclassified Controlled Nuclear Information) or classified as National Security Information under Executive Order 13526.

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<sup>3</sup> [DOE O 241.1B](#), *Scientific and Technical Information Management*, dated 12-13-2010, lists some forms of information that DOE may restrict. [The Atomic Energy Act of 1954](#) establishes a program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, as defined in chapter 2, section 11.y of the Act, subject to appropriate safeguards, so as to encourage scientific and industrial progress (42 U.S.C Sec. 2013, 2051, and 2161). Proprietary information that is generated under a DOE award or a Laboratory partnering mechanism such as a cooperative research and development agreement (CRADA) may be protected from public release for a period of time in some cases to enable commercialization. *E.g.*, [Clause 4\(g\), 2 CFR Part 910, Subpart D, Appendix A](#); 15 USC 3710a(c)(7). DOE O 241.1B and the [DOE Public Access Plan](#), for example, outline DOE's policy for dissemination and protection of DOE-funded scientific and technical information. See also [DOE O 475.2B](#), *Identifying Classified Information*, dated 10-3-2014.

- c. If classified information appears in the open literature, the DOE “No Comment” policy applies. DOE does not and will not use classification to suppress scientific results, however, all classified information must be protected until it is officially declassified.<sup>4</sup>

#### 4. WHISTLEBLOWER PROTECTIONS.

- a. As part of its commitment to ensuring the actual and perceived credibility of Government research, the DOE is fully committed to the [Whistleblower Protection Act of 1989](#), the expanded protections for federal employees signing non-disclosure agreements afforded by the [Whistleblower Protection Enhancement Act of 2012](#) (WPEA), and the [Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002](#).

#### 5. SCIENTIFIC INTEGRITY OFFICIAL.

The Secretary of Energy will designate a Scientific Integrity Official within the Office of the Deputy Secretary of Energy (S-2) to serve as an ombudsperson for matters related to scientific integrity within DOE.

#### 6. FEDERAL ADVISORY COMMITTEES.

DOE is committed to ensuring the integrity of its policy on the use of scientific and technical Federal Advisory Committees (FACs), subject to the requirements of the Federal Advisory Committee Act, Title 5 United States Code, Appendix 2, implementing regulations, and consistent with guidance from the General Services Administration and any other active guidance from the Executive Office of the President. The establishment and use of FACs by DOE programs follows procedures established by the Federal Advisory Committee Act and is in accordance with the guidelines established in the Office of Science and Technology Policy [Memorandum on Scientific Integrity](#).

#### 7. PROFESSIONAL DEVELOPMENT OF SCIENTISTS AND ENGINEERS

- a. DOE is committed to promoting and facilitating, as permitted by law, the professional development of its federal scientists and engineers, of scientists and engineers at DOE national laboratories and field sites, and at the institutions receiving financial assistance.
- b. Recognizing that attendance at scientific and technical conferences is an integral part of professional development, either as a speaker or as a participant, conference attendance for federal and contractor staff is encouraged within the limits of DOE guidance on conference attendance.

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<sup>4</sup> The DOE’s “No Comment” Policy is explained in 10 CFR 1045.22 – No Comment Policy and Classification Bulletin GEN-16, Revision 2, “No Comment” Policy on Classified Information in the Open Literature dated September 23, 2014.

- c. Scientists and engineers are encouraged to publish research findings in peer-reviewed, professional, or scholarly journals and to present findings at professional meetings, subject to notification of their supervisor; may become editors or editorial board members of professional or scholarly journals and may fully participate in professional or scholarly societies, committees, task forces and other specialized bodies of professional societies; and to accept honors and awards for their research accomplishments, subject to compliance with all applicable conflict of interest statutes, as well as the Standards of Ethical Conduct for Executive Branch Employees, and any other applicable ethics requirements.<sup>5</sup>

## 8. RESEARCH MISCONDUCT

- a. DOE regulations governing procedures for handling of research misconduct allegations concerning research supported by DOE contracts and agreements, are specified in 10 CFR 733. DOE regulations governing procedures for handling of research misconduct allegations concerning research supported by DOE financial assistance agreements are specified in 2 CFR 910.132 – Research Misconduct. Additional guidance on the roles and responsibilities for program managers, contracting officers, and financial assistance recipients, as well as the governing federal statutes and policies, are given on the DOE website.

## 9. DEFINITIONS.

- a. Covered personnel.
  - (1) All federal staff, including the heads of departmental elements and heads of field elements; political appointees; those working at the DOE under the Intergovernmental Personnel Act; federal staff working at the National Nuclear Security Administration, and any other personnel that are involved with scientific information, including program managers;
  - (2) Federal research scientists and engineers directly employed by the Department, primarily, but not exclusively, at the National Energy Technology Laboratory;
  - (3) All personnel at the 16 DOE National Laboratories operated by non-federal entities under management and operating (M&O) contracts and subcontracts. Such personnel are employees of the M&O contractors (generally private firms, universities, nonprofits, or partnerships thereof) who manage and operate these National Laboratories under contract to DOE;

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<sup>5</sup> Federal scientists and engineers publishing scientific and technical information shall follow the requirements laid out in [DOE O 241.1B](#) – *Scientific and Technical Information Management*.

- (4) Other contractors at DOE laboratories, sites, or headquarters who support the personnel listed above; and
  - (5) Researchers supported under a DOE financial assistance agreement (e.g., grants or cooperative agreements) and associated sub-awards who are employees of or a student at an institution of higher education<sup>6</sup> or non-profit institution.<sup>7</sup>
- b. Federal Financial Assistance. Payment, grant, disbursement of Federal funds, property, or services received or administered by a non-Federal entity to accomplish a public purpose of support or stimulation as authorized by Federal statute. For the purposes of this policy, the forms of assistance are those given in 2 CFR 200.40(a), Federal Financial Assistance.<sup>8</sup>
  - c. National Laboratory. One of the 17 research laboratories owned by the DOE and specified in Section 2 of the Energy Policy Act of 2005 (Pub. L. 109-58), as amended. Of the 17 laboratories, 16 are operated by private sector organizations under M&O contracts with the DOE. The remaining laboratory, the National Energy Technology Laboratory, is both owned and operated by the Department of Energy.
  - d. Digital Media. In general, on-demand mass communication distributed digitally, typically through the internet. Examples of digital media can include, but are not limited to, blogs, wikis, online newspapers, video games, podcasts, and social media.
  - e. Peer review. An independent assessment of the scientific merit of research by experts having knowledge of the research area equivalent to that of the performers of the work.

## 10. REFERENCES.

- a. [Memorandum for the Heads of Executive Departments and Agencies on Scientific Integrity](#), March 9, 2009.
- b. [Memorandum on Scientific Integrity](#) from the Office of Science and Technology Policy, December 17, 2010.
- c. Energy Policy Act of 2005, as amended [Sec. 2(3); 42 U.S.C. 15801(3)].

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<sup>6</sup> As defined in 20 U.S. Code § 1001.

<sup>7</sup> As defined in OMB Circular A-122.

<sup>8</sup> DOE financial assistance rules are codified in 2 CFR Part 910 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as well as other regulations specific to individual DOE programs. More information on DOE financial assistance can be found on the [DOE website](#).

- d. [DOE O 241.1B Chg 1](#), *Scientific and Technical Information Management*, dated 12-13-2010.
- e. Standards of Ethical Conduct for Employees of the Executive Branch ([5 CFR Part 2635](#))
- f. Executive Order 13526, Classified National Security Information.
- g. The DOE “No Comment” Policy, [Classification Bulletin GEN-16, Revision 2, "No Comment" Policy on Classified Information in the Open Literature](#) dated September 23, 2014
- h. [10 CFR 1045.22](#), “No Comment” Policy;
- i. 10 CFR 1017, Identification and Protection of Unclassified Controlled Nuclear Information
- j. DOE Order 471.1B, Identification and Protection of Unclassified Controlled Nuclear Information
- k. [DOE O 475.2B](#), *Identifying Classified Information*, dated 10-3-2014.
- l. Whistleblower Protection Enhancement Act of 2012 (WPEA)
- m. [Presidential Policy Directive \(PPD\)-19](#), *Protecting Whistleblowers with Access to Classified Information*, October 10, 2012.
- n. [OMB Circular A-122](#), Cost Principles for Non-Profit Organizations.
- o. [2 CFR Part 910](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

BY ORDER OF THE SECRETARY OF ENERGY:



ELIZABETH SHERWOOD-RANDALL  
Deputy Secretary