Scientific Integrity

Section I. Purpose

A. As a scientific and public health Agency, the primary goal of this Article is to empower Agency management and staff to prevent interference in scientific work and support a culture of scientific integrity. Timely enforcement of this Article in conjunction with the Agency's Scientific Integrity Policy will be effective in promoting sound science, good for morale, help with recruitment and retention and protect staff while accomplishing the mission of the Agency. The Scientific Integrity Policy prohibits managers and other Agency leadership from intimidating or coercing scientists to alter their scientific findings or professional opinions; and prohibits all employees, including scientists, managers, and other Agency leadership, from suppressing, altering, or otherwise impeding the timely release of scientific findings or conclusions. This Article gives management and staff the means to enforce those prohibitions.

B. This Article covers any Agency employee who collects, generates, uses, or evaluates scientific data, analyses, or products.

Section II. Definitions

A. *Interference:* Unwanted or unnecessary inappropriate interference in Agency scientific work by an external or internal management person or group; the distortion, suppression or avoidance of scientific outcomes or results to meet preferred policy objectives; sidelining, marginalizing, excluding scientists to meet preferred policy objectives; failure to include scientists and scientific work in Agency science-based policymaking.

B. *Scientific Integrity*: is the condition resulting from the Agency's adherence to professional values and practices when conducting, reporting, and applying the results of scientific activities that ensures objectivity, clarity, and reproducibility, and that provides insulation from bias, fabrication, falsification, plagiarism, inappropriate influence, political interference, censorship, and inadequate procedural and information security, or any other undue influence causing an employee to alter a scientific recommendation or finding.

C. *Scientific Misconduct*: a manipulation or distortion of the proper scientific process that informs policy; misconduct can include allegations of mismanagement, abuse of authority, falsification or censorship that compromises the Agency's scientific record; political interference by the Agency's senior leadership can be a form of scientific misconduct.

D. *Grievance*: the appeal process for scientific misconduct identified by employees defined in the Negotiated Grievance Procedure Article of this MCBA.

Section III. Joint Union-Management Scientific Integrity Advisory Board

A. The Agency will form a joint Union Management Advisory Board ("Advisory Board") to review, evaluate and make recommendations for bolstering a culture of Scientific Integrity, including but not limited to training programs to address areas of concerns (e.g., consideration of problems identified in grievances), surveys and work studies, and implementation issues. Up to ten (10) Union representatives, but no less than an equal number of management representatives shall serve as participating members of the Advisory Board. In addition, the Advisory Board will take special care to prevent the Office of Public Affairs and the Office of General Counsel from taking a leading role in policy making when a scientific matter is in dispute.

B. The Parties agree to comply with this Article, as well as the ethics laws, regulations and guidelines that govern Executive Branch employees' conduct, and any other relevant Agency guidance, except for those procedures for responding to and processing allegations of compromised scientific integrity, where the procedures outlined in this Article take precedence.

C. To the extent any discussion of the advisory board involves individuals who are preparing to file or have filed formal complaints, the individuals will remain anonymous, and circumstances will remain confidential to the Parties. The Parties acknowledge that fear of retribution is a huge deterrent for staff coming forward with formal complaints.

D. The recommendation(s) of this Advisory Board will be submitted to the Assistant Administrator or their designee, of the Office of Mission Support, or its successor should the Agency change its organizational structure, who will allow the grievance process to be applied fairly and consistently in addressing supervisory scientific misconduct.

E. The parties to this Agreement understand that the Advisory Board is not the forum for the negotiations of any proposed changes to scientific integrity policy, laws or regulations.

F. The Advisory Board will meet at least quarterly.

    1. The parties agree to conduct joint national training on scientific principles and the grievance procedure outlined in this article at least annually.
    2. The advisory board shall periodically review the effectiveness of the training in promoting and supporting a culture of scientific integrity, preventing political interference in scientific work at the Agency, and holding supervisors accountable for scientific misconduct.

Section IV. Employee Right to Grieve Scientific Misconduct

A. In addition to employees set forth elsewhere in this MCBA (e.g., Employee Rights Article), employees have the right to:

    1. speak freely about their scientific work;

2. attend conferences;
3. submit manuscripts for publication;
4. conduct scientific work without fear of reprisal, intimidation, coercion, discrimination, or harassment;
5. speak freely about a hostile work environment created by interference in scientific work; and
6. ensure that their scientific products are released to the public in a timely manner.

B. The Agency shall inform employees of their right to Union representation when an employee identifies a Scientific Misconduct to their supervisor.

C. An employee shall be deemed to have exercised their option under this section when they timely initiate an action under the applicable statutory procedure or file a timely grievance in writing under the negotiated grievance procedure in this Article, whichever occurs first.

D. Individuals found guilty of Scientific Misconduct are subject to penalties up to and including dismissal. Example of Scientific Misconduct include but are not limited to deliberately making known false, malicious, or unfounded statements against scientists, misrepresentation, falsification, exaggeration, concealment or withholding of material facts, using inaccurate or outdated criteria (eg, greenhouse gas), and interfering with a scientist's laboratory or analysis equipment.

E. Including but limited to the following, are examples of Scientific Misconduct for which grievances can be filed pursuant to this Article:

1. pressure to alter any of their scientific work;
2. interference in the timely release of a scientific product;
3. a manipulation or distortion of the proper scientific process that informs policy;
4. mismanagement, abuse of authority, falsification or censorship that compromises the Agency's scientific record;
5. political interference by the Agency's senior leadership; and
6. coercion, harassment, intimidation, retaliation or reprisal for identifying, speaking or writing about, or filing a complaint about a scientific integrity violation.

F. On an annual basis, the Agency will provide to the Union a report of managers engaged in Scientific Misconduct along with the penalties assessed in each case. At least annually, the Agency will post such reports on a public-facing website.

G. The Parties recognize that public acknowledgement of serious violations of scientific integrity at the Agency, including naming managers and detailing the nature of the issues of concern, will serve to improve the culture of scientific integrity at the Agency.

Section V. Reporting Scientific Misconduct

A. When an employee becomes aware of or witnesses Scientific Misconduct, that employee

may report the incident to the Agency's Scientific Integrity Officer or the Agency's Ethics Official (Agency Official).

B. The reporting employee does not waiver their right to file a grievance under the Negotiated Grievance Procedures Article of this MCBA.

C. The employee may contact the Union for representation.

D. The Agency Official will provide the employee with written receipt of the complaint and will immediately initiate an investigation.

E. The investigation will take no more than 30 calendar days and may include interviews, document research, etc.

F. The Agency Official will generate an investigative report with a recommended decision. This report will be submitted to the Agency Decision Maker, generally the Deputy Administrator.

G. The Decision Maker will render a decision within 10 calendar days of receipt of the investigative report and render a written decision. A copy of this decision will be provided to the reporting employee and the AFGE Council 238 President.

Section VI. Right of Approval of Scientific Content in Press Releases

A scientist(s) whose research is contained in an Agency press release shall have the "right of approval" of scientific content of such press release. No press release will be issued unless it has the concurrence of the scientist(s) involved. The failure to obtain scientist(s) concurrence is grievable.

Section VII. Public and Press Communication

A. To facilitate the free flow of scientific and technological information; employee(s) may openly discuss their scientific work at conferences, meetings and with the press, provided that the employee(s) makes clear they are speaking on their own opinion and not representing the Agency.

B. The Agency will proactively work to support the timely public release of accurate scientific information, and fully and timely cooperate with the Union regarding violations of scientific integrity.

Section VIII. Transparency and Information Sharing

A. The Agency shall provide a public-facing website dedicated to manager accountability for Scientific Misconduct. The Agency shall make this Article available for public viewing on this website.

B. The Joint Union-Management Scientific Integrity Advisory Board identified above shall

ensure that the public-facing website is up-to-date by reviewing the content weekly.

C. Every year, the Advisory Board will publish on the public-facing website a report of the data related to Scientific Integrity Misconduct and the effectiveness of the training published.

Section IX. Employee Whistleblower Rights and Other Avenues for Recourse

A. The Agency shall annually inform the employees of their rights under the Whistleblower Protection Act and their rights to be protected from retaliation and prohibited personnel practices. The Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 and the U.S. Office of Special Counsel (OSC)'s Reauthorization Act of 2017 further enhance and reinforce these protections. The Parties agree that education on employee rights may be supported and enhanced by the training activities conducted by the Joint Union-Management Scientific Integrity Advisory Board.

B. Whistleblowing is defined as the disclosure of information an employee reasonably believes evidences:

1. A violation of any law, rule or regulation;
2. Gross mismanagement;
3. Gross waste of funds;
4. An abuse of authority;
5. A substantial and specific danger to public health or safety; or
6. Censorship related to scientific research or analysis.

C. Whistleblowers or employees engaging in whistleblowing activity may request Union representation at any time and may choose to go to the OSC [1] or the Agency's Inspector General (IG) for issue resolution.

[1] The OSC is an independent agency protecting federal employees from prohibited personnel practices, including whistleblower retaliation and unlawful hiring practices. OSC provides an independent, secure channel for disclosing and resolving wrongdoing in federal agencies.