Department of Interior

Scientific Integrity Procedures

Handbook

(305 DM 3)

December 16, 2014

FOREWORD

The Scientific Integrity Procedures Handbook (SIP Handbook) supplements the requirements prescribed by 305 DM 3, and provides details on the scientific integrity policy, requirements, procedures and processes. It contains the requirements and forms for filing and evaluating complaints of violations of the Department's scientific integrity policy, as well as standardized language for contracts, agreements, permits, or leases involving scientific activities and templates for participation as an Officer, Director or Trustee of Nonprofit Organizations.

Questions regarding the contents of the SIP Handbook may be directed to the Department Scientific Integrity Officer or a Bureau Scientific Integrity Officer, listed on the Department's Scientific Integrity website: http://www.doi.gov/scientificintegrity/Scientific-Integrity-Officers.cfm. The SIP Handbook is available at: http://elips.doi.gov.

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Department of the Interior
Scientific Integrity Procedures Handbook

Chapter I – General Requirements and Procedures

1.1 What is the purpose of this handbook?

This Scientific Integrity Procedures Handbook (Handbook) provides procedures and guidance for implementing the Department's Scientific and Scholarly Integrity Policy at 305 DM 3. This Handbook provides:

(a) The format and addresses for reporting allegations;

(b) Specific steps and summary Flow charts to visualize the overall complaint process;

(c) Sample notifications and templates for use when conducting inquiries;

(d) Guidance on the use of review panels;

(e) Required language required for contracts and other kinds of agreements where science is conducted by others for DOI; and

(f) Guidance for participating on the Board of Directors or as Officers of an Outside Organization.

1.2 Who must follow the requirements of this handbook?

The requirements of this handbook apply to all DOI employees, including political appointees, volunteers, contractors, cooperators, partners, permittees, lessees, and grantees who:

(a) Are engaged in, supervise, manage, or influence scientific and scholarly activities, or communicate information about the Department's scientific activities, or

(b) Use scientific information in making agency policy, management or regulatory decisions.

1.3 What credibility and reputation criteria must Department employees meet?

The credibility and reputation of the Department of the Interior (DOI) as a science-based agency is directly related to the credibility and reputation of the employees, scientists, managers and supervisors engaged in or in support of the scientific work of the Department (Appendix L). Adherence to the Code of Scientific Conduct (305 DM 3.7) assures this important foundation. For example, each scientist employed by the Department must:

(a) Have a deep understanding and appreciation of the current state of knowledge in their field of study;

(b) Adhere to the scientific method and generally accepted practices of their field of study;

(c) Demonstrate a commitment to critical thinking and objectivity;

(d) Be willing to review and revise their understanding of issues in the light of new evidence and be willing to give up biases;

(e) Engage with their scientific peer groups, participate in peer review processes, and publish in reputable forums;

(f) Consistently adhere to professional codes of conduct;

(g) Avoid real and potential conflicts of interest; and

(h) Operate ethically and legally at all times.

1.4 How does scientific integrity affect decision-making?

This Departmental policy assures the integrity of scientific and scholarly activities it conducts and the science and scholarship it uses to inform management and public policy decisions. Scientific and scholarly information considered in Departmental decision making must be robust, of the highest quality, and the result of rigorous scientific and scholarly processes as can be achieved. Most importantly, it must be trustworthy. It is essential that the Department establish and maintain integrity in its scientific and scholarly activities because information from such activities is a critical factor that informs decision making on public policies. Other factors that inform decision making may include economic, budget, institutional, social, cultural, legal and environmental considerations.

Matters relating to general office or organizational management and supervision (e.g., internal communications and staff assignments) will generally not be considered as involving loss of scientific integrity, although deficiencies or defects may warrant action through the agency's performance management system. The Department recognizes that managers exercise judgment every day to make decisions in the context of complex fact patterns, divergent opinions, and uncertainty, and disagreement with management decisions does not itself constitute a case for loss of scientific integrity. Coercive manipulation, bullying or intimidation, misrepresentation, censorship, or other misconduct that affects the quality or reliability of scientific information may involve the loss of scientific integrity.

1.5 Who can report a violation?

Any person or organization may report a violation (either scientific misconduct and/or a loss of scientific integrity) related to scientific activities performed on behalf of DOI.

1.6 Is an employee who reports a violation protected from retaliation?

(a) Retaliation against any employee who reports a suspected violation of the DOI Scientific Integrity Policy will not be tolerated. Retaliation is also illegal under the Whistleblower Protection Act of 1989 (Public Law 101-12) and the Whistleblower Protection Enhancement Act of 2012 (Public Law 112-199). Report cases of retaliation to the Inspector General's hotline at 1-800-424-5081.

(b) Each bureau must work closely with the Office of the Inspector General's Whistleblower Protection Program to address apparent retaliatory actions. Although the Office of the Inspector

General has the lead in addressing alleged retaliation, the bureau should also directly address alleged retaliation.

1.7 Is there a deadline for reporting a violation?

The Department will consider only violation reports (complaints) submitted within 60 days of the discovery of the alleged scientific and scholarly misconduct or loss of integrity.

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Chapter II – Reporting violations of the scientific integrity policy

2.1 How do I report a violation?

(a) In this chapter II of the handbook, we refer to a report of a violation of the scientific integrity policy as a complaint, and we refer to a person or organization filing a complaint as "you." If you wish to file a complaint, you must do so within 60 calendar days of the date you first learn of the potential violation. You must submit your complaint in writing to the Office of Executive Secretariat and Regulatory Affairs by one of the following:

(1) Email to **[HYPERLINK "mailto:doiexecsec@ios.doi.gov"];** or

(2) Surface mail or delivery to:

1. Office of the Executive Secretariat and Regulatory Affairs
2. 1849 C Street NW – Main Interior Building, Mailstop 7328
3. Washington, DC 20240

(b) Complaints submitted by email are deemed submitted as of the date on the email, and complaints submitted by surface mail are deemed submitted as of the postmark on the envelope.

2.2 What must a complaint contain?

The complaint must be in writing and must contain all of the following information before a complaint can be evaluated:

(a) The name, organizational affiliation, contact information, and signature of the person submitting the complaint;

(b) The name of the person or organization alleged to have committed the violation;

(c) A statement of facts (including dates, locations, and actions) that support the complaint, including when and how the complainant first learned of such facts;

(d) An explanation of how the criteria for scientific misconduct and/or loss of scientific integrity are met, including, for loss of scientific integrity: 1) citations or other information identifying the accepted practices of the relevant scientific community, and 2) an explanation of how the complained-of actions constitute a significant departure from those practices;

(e) An explanation of any conflict of interest that the complainant has with the subject, entity, or situation named in the complaint; and

(f) A statement indicating whether you also submitted some or all of the facts of your complaint elsewhere, such as Office of Ethics, a Human Resources Office, Office of Special Counsel, Office of Inspector General (OIG), etc.

2.3 Will I receive an acknowledgement?

The appropriate scientific integrity officer will send you an acknowledgement when your complaint is received. The notification template in Appendix A may be used for this purpose. If appropriate, the acknowledgement will:

(a) Include a request for any additional information needed to evaluate the complaint; and

(b) Indicate how other issues mentioned in the complaint (i.e., those not related to loss of integrity or misconduct) will be handled.

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Chapter III – Processing complaints of violations

3.1 How to process complaints involving Department employees.

Complaints are processed following the procedures in this chapter of the handbook. See Appendix M for summary flow chart. The main steps of the procedures are as follows:

(a) The Office of the Executive Secretariat and Regulatory Affairs (OES) will open a file to track the complaint and refer the complaint to the appropriate scientific integrity officer.

(b) The appropriate scientific integrity officer will timely conduct an initial review of the complaint and determine whether the complaint is complete and can be acted upon.

(c) If the initial review indicates that the complaint is timely, complete, alleges a viable claim of scientific misconduct and/or a loss of scientific integrity, and after consulting with both the complainant and the subject of the complaint, the appropriate scientific integrity officer determines that a reasonable person would conclude that there could be scientific misconduct or loss of scientific integrity, then appropriate scientific integrity officer will conduct an inquiry. If those initial review determinations are not affirmed by the scientific integrity officer, the matter is closed and the complainant and subject are notified.

(d) Throughout the inquiry and fact finding, confidentiality will be maintained and identities of the subject of the allegation, their organization, and person submitting the allegation will be protected to the extent permissible under law.

(e) During the inquiry phase, a coordinating manager will be appointed to work with SIO throughout the inquiry. The subject(s) of the inquiry will be provided notice and allowed the opportunity to provide a statement and other material the subject believes is relevant to the complaint. The SIO will gather documents and other evidence, conduct interviews, and may retain the assistance of subject-matter experts, as appropriate. The SIO may also request that a Scientific Integrity Review Panel (SIRP) be established to address specific questions posed by the SIO.

(f) If a SIRP is established, it will report to the SIO until the inquiry is completed, assisting the SIO with any part of the inquiry.

(g) The appropriate scientific integrity officer may request that a SIRP be convened to assist in further fact-finding and review.

(h) Within 90 days of referral under paragraph (a) of this section, the appropriate scientific integrity officer will issue a report to the coordinating manager, the bureau head, the non-political deputy bureau director or equivalent, OES and SOL.

(i) The appropriate scientific integrity officer makes notifications to close the inquiry.

(j) The subject of the complaint may file a request for reconsideration of the finding in order to present new relevant and material information about the findings of fact or determination.

3.2 OES assigns and tracks the complaint.

Upon receipt of a complaint, the Office of the Executive Secretariat and Regulatory Affairs will open a file to track the complaint and will refer the complaint to the bureau scientific integrity officer (if a single bureau is involved) or to the Department scientific integrity officer (if multiple bureaus or the Office of the Secretary are involved). The Department scientific integrity officer retains the authority to determine where a complaint should be referred.

3.3 Timely initial review.

The appropriate scientific integrity officer will timely conduct an initial review of the complaint and determine whether the complaint is timely under 305 DM 3.8A and contains the information required in 2.2 (above).

(a) The appropriate scientific integrity officer will close the complaint and inform the complainant of the reason for closure in writing, if:

(1)The complaint is not timely (as laid out in 305 DM 3.8A) or any additional required information requested by the DSIO/BSIO is not provided in a timely manner;

(2) If the appropriate scientific integrity officer determines that the complaint was previously the subject of a scientific integrity complaint and provides no substantial new information; or

(3) The scientific integrity officer determines that the complaint fails to allege a viable claim of scientific misconduct or loss of scientific integrity on its face, or

(4) The scientific integrity officer, after consulting with both the complainant and the subject of the complaint, determines that a reasonable person would conclude that there was no scientific misconduct or loss of scientific integrity. (If this is this case, the scientific integrity officer will also inform the subject of the complaint of the outcome), (see Appendix E). Consultation with both the complainant and the subject would typically be in person or by phone.

(b) If the complaint alleges a case of scientific misconduct or a loss of scientific integrity but also involves matters that may be within the purview of another complaint process, such as an OIG or Information Quality Act complaint, then the appropriate scientific integrity officer must coordinate with the responsible office with respect to investigative responsibilities. If the complaint involves matters that are the subject of an active complaint against the Government, then the scientific integrity officer will work with the Office of the Solicitor to coordinate the scientific integrity investigation with other legal processes as appropriate.

(c) If the complaint is against a contractor, cooperator, partner, permittee, lessee, or grantee, the appropriate scientific integrity officer will follow the procedures under 3.10 below.

3.4 An inquiry determines the merits of the complaint.

(a) If the initial review indicates that the complaint is timely, complete and has merit, the appropriate scientific integrity officer will conduct an inquiry into the complaint.

(b) In conducting an inquiry, the appropriate scientific integrity officer must:

(1) Assist the non-political deputy bureau director or equivalent in appointing a Coordinating Manager for purposes of this inquiry;

(2) Inform the Coordinating Manager of the nature of the complaint and the identity of the subject of the complaint;

(3) Request Coordinating Manager assistance, as needed, to secure all original (or certified as original) records and materials relevant to the complaint; and obtain access to all original (or certified as original) records and materials relevant to the complaint from the coordinating manager, the subject(s), and the complainant.

(4) Within 10 business days of initiating the Inquiry, per paragraph 3.8 C (1), provide formal notice to the subject(s) in writing that a complaint has been filed, describing the claim(s) of scientific misconduct or loss of scientific integrity lodged against them (see paragraph 3.5 below and sample notice, Appendix B).

(5) Gather documents and other evidence, conduct interviews, and obtain signed and dated witness statements or declarations from any individual with information relevant to the complaint, as appropriate;

(6) Within a defined period of time, allow each subject an opportunity to provide a statement and other material the subject believes is relevant to the complaint; and

(7) Retain the assistance of subject-matter experts, as appropriate.

(c) Throughout the inquiry and fact finding, all employees involved in the inquiry must maintain confidentiality and protect the person who submitted the allegation to the extent permissible under law.

3.5 The subject of an inquiry must be notified.

(a) If the appropriate scientific integrity officer has determined that further inquiry is needed, they will provide formal notice to the subject of the allegation, working closely with the coordinating manager. This notification will be in writing, provided within 10 business days of initiating the inquiry, informing the subject privately and preferably in person with at least the coordinating manager present. The notification template in Appendix B may be used for this purpose. At the time of notification, the coordinating manager will assist to ensure that all original records and materials relevant to the allegation are immediately secured.

(b) If a subject employee is part of a bargaining unit or union, the appropriate scientific integrity officer should first contact the Bureau Human Resources Office for assistance.

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(c) Before interviewing the subject employee, the appropriate scientific integrity officer must ask the subject to read, initial and sign the Employee Information and Acknowledgment Form (see Appendix G). If the subject is a volunteer, use the Volunteer Information Acknowledgement Form (see Appendix H).

3.6 A scientific integrity review panel (SIRP) can participate in an inquiry.

(a) The appropriate scientific integrity officer may request that a scientific integrity review panel be convened at any point in the inquiry, in order to:

(1) Determine the "accepted practices of the relevant scientific community";

(2) Determine if the evidence gathered indicates a "significant departure" from those accepted practices; or

(3) Assist in further fact-finding and review.

(b) The DSIO must request that a panel be convened if the complaint is against a bureau head or an Office of the Secretary employee.

(c) The appropriate scientific integrity officer will submit a request to convene a scientific review panel to the relevant non-political deputy bureau director or equivalent, or, for matters in the Office of the Secretary, to the Deputy Secretary. A written response to this request must occur within 10 days. If this request to the bureau head is not acted on or approved, the BSIO may appeal to the DSIO for further consideration of this request.

(d) Following approval to convene a scientific review panel, the appropriate scientific integrity officer will recommend the panelists and chairperson for the scientific review panel, subject to the approval of the non-political deputy bureau director or equivalent or Deputy Secretary, as appropriate. The appropriate scientific integrity officer should follow the guidance in Appendix C on convening a panel.

(e) Once the scientific review panel is convened, it will report to the appropriate scientific integrity officer until the inquiry is complete and may assist the appropriate scientific integrity officer with any part of the inquiry.

(f) The Chairperson of the Panel must advise panel members of the importance of confidentiality of materials and discussions relating to the alleged scientific misconduct. There is to be no release of information by panel members pertaining to any allegation. The SIRP members must safeguard all discussions and not share information outside of the panel unless required by law.

(g) In conducting a review panel, the appropriate scientific integrity officer must:

(1) Remain responsible for the actions outlined in 3.4 above;

(2) Clearly describe the scope of the scientific review panel's inquiry and the questions to be answered; and

(3) Provide the scientific review panel with the complaint and any additional information the scientific review panel requires to answer those questions.

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(h) Within 45 calendar days of receipt of the complaint, the scientific review panel will provide to the appropriate scientific integrity officer a final report answering the questions posed by the appropriate scientific integrity officer. The final report may make related recommendations, including changes to policy, but the report must not recommend any specific personnel actions or other corrective measures.

3.7 The appropriate scientific integrity officer issues a Report of Inquiry within 90 days.

(a) Within 90 days of referral, the appropriate scientific integrity officer must issue a Report of Inquiry.

(b) The Report of Inquiry must contain:

(1) A record of all the evidence (documents, scientific review panel final report, signed or affirmed witness statements, etc.) relied upon;

(2) Findings of fact that reference the evidence of record; and

(3) A determination as to whether scientific misconduct or loss of scientific integrity has occurred and an explanation of the reasons for the determination. A determination that misconduct or a loss of scientific integrity has occurred requires that:

(i) There be a significant departure from accepted practices or standards of the relevant scientific community;

(ii) The actions causing the scientific misconduct or loss of scientific integrity be committed intentionally, knowingly, or recklessly; and

(iii) The actions are proven by a preponderance of evidence.

(c) The DSIO/BSIO must provide the Office of the Solicitor an opportunity to review and comment on the ROI prior to finalizing and, at the request of the Coordinating Manager, to provide a briefing about the legal issues.

(d) The appropriate scientific integrity officer may extend the time to complete a Report of Inquiry by up to 60 days.

3.8 Required notifications and distributions.

(a) Upon completion of the Report of Inquiry, the appropriate scientific integrity officer will:

(1) Inform OES that the finding and record are complete;

(2) Close the case; and

(3) Provide a copy of the report to the coordinating manager, the bureau head, the non-political deputy bureau director or equivalent, OES and SOL.

(b) Appendix D and Appendix E contain templates that may be used for notification to the Subject.
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3.9 The subject of an inquiry can request reconsideration of a finding.

(a) The subject(s) may file a request for reconsideration in order to present new relevant and material information about the findings of fact or determination.

(b) The subject(s) must submit the request to OES no later than 14 calendar days after receiving the notice of the finding. OES will log the request and send it to the DSIO. If the request for reconsideration involves a matter previously decided by the DSIO, the Deputy Secretary must designate another SIO to consider this request.

(1) If the request presents new relevant and material information, the DSIO or designee may conduct additional inquiries or convene a scientific review panel, as necessary, and amend the ROI as necessary to reflect any modified finding or additional factual information.

(2) If the request does not present material new information, the DSIO may deny the request and notify the requester in writing of the denial.

(c) The DSIO or person assigned should make a final decision on the request for reconsideration and related materials within 30 calendar days of receipt or assignment, whichever is later.

3.10 How to process complaints involving contractors, cooperators, partners, permittees, lessees, or grantees.

(a) If a contractor, cooperator, partner, permittee, lessee, or grantee is the subject of the complaint, (see Appendix N for summary flow chart) the appropriate scientific integrity officer must:

(1) Conduct an initial review of the complaint, and, if warranted under paragraph 3.8B, contact the appropriate Federal official responsible for the activities of the contractor, cooperator, partner, permittee, lessee, or grantee to inform the official that a complaint of scientific misconduct or loss of scientific or scholarly integrity has been filed. The appropriate official could be the Contracting Officer, Financial Assistance official or permit/lease manager.

(2) The appropriate Federal official and the appropriate scientific integrity officer will notify the subject and the subject's organization of the complaint.

(b) No DOI inquiry will be conducted regarding a complaint against a cooperator, partner, permittee, lessee, or grantee until the appropriate scientific integrity officer and the appropriate Federal official have consulted the SOL.

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Chapter IV – Requirements Related to Contractors and Financial Assistance

4.1 How does the Department ensure that contractors and other adhere to the scientific integrity policy?

DOI must ensure scientific and scholarly activity and information being completed by contractors, cooperators, partners, permittees, lessees, and grantees meet scientific integrity requirements and that the science provided to the Department is of high quality and is trustworthy. To require this adherence, the scientific integrity sample statement in Appendix F must be inserted into the statement of work for each applicable DOI acquisition and financial assistance agreement.

(a) Examples of acquisitions covered by this requirement include purchase orders, delivery/task orders, blanket purchase or ordering agreements/calls, and contracts.

(b) Applicable acquisitions and financial assistance agreements include, but are not limited to, those for environmental assessments, developing environmental impact statements, mapping, digitizing and mapping analysis, research and development, wildlife surveys, modeling efforts, peer reviews, scientific studies, and information synthesis.

(c) Program managers and contracting officer representatives have ultimate responsibility for determining whether or not the scientific integrity statement is applicable and must be included in a particular statement of work. If a statement of work is received for one of the aforementioned topics without the scientific integrity statement, the contracting officer should discuss with the program manager or contracting officer representative whether or not the scientific integrity statement is applicable and should be included.

4.2 What statement is required in leases and financial assistance agreements?

For permits, leases, and other non-acquisition and financial assistance agreements, the following paragraph below should be incorporated into the agreement:

> Scientific integrity is vital to Department of the Interior (DOI) activities under which scientific research, data, summaries, syntheses, interpretations, presentations, and/or publications are developed and used. Failure to uphold the highest degree of scientific integrity will result not only in potentially flawed scientific results, interpretations, and applications but will damage DOI's reputation and ability to uphold the public's trust. All work performed must comply with the DOI Scientific Integrity Policy posted to http://www.doi.gov, or its equivalent as provided by their organization or State law.

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Chapter V – Process for Service on the Board of Directors or as Officers of an Outside Organization

5.1 Process for Service as a Director or Officer in a DOI Employee's Official Capacity (as part of official duties):

Employees who wish to serve as a Director or officer of an outside organization (non-profit or for profit) that is not part of the Federal Government must obtain the approval of the Department as explained in this guide. As a general matter in situations where cooperation, coordination, and consultation between DOI and/or its bureaus and an outside organization is desired, it is preferable for DOI employees to work with those organizations as a liaison, rather than as part of the governing structure of the outside organization. This is because when an employee serves as a liaison, the employee is solely a representative of the agency and is not assuming a role with the organization which creates legal duties of loyalty to the organization, which may conflict with a duty of loyalty to the Government. In those situations where DOI or one of its bureaus concludes that service as a liaison is not sufficient to accomplish its mission related needs, then service as a director or officer in an official capacity will be processed as set forth in this guide.

a. Official Service in a Non-Profit Organization:

In April 2013, the Office of Government Ethics (OGE) promulgated a new exemption to the Federal conflict of interest statute at 5 C.F.R. § 2640.203(m), which permits Federal employees, subject to approval by their agencies, to serve as officers and board members of nonprofit organization in their official capacity. Authorization to serve as a Director or Officer of a non-profit organization by a DOI employee requires preparation and final approval of three documents: an approval request (Appendix I), a memorandum of understanding between DOI and the non-profit organization (Appendix J), and a recusal statement from the employee (Appendix K). Bureau employees must contact their bureau ethics office for advice and assistance in the preparation of these documents. Departmental employees who are not part of a bureau must contact the Departmental Ethics Office for advice and assistance in the preparation of these documents.

b. Federal Funds Involved?

We will also need to know if the relevant bureau (for bureau employees) or DOI (for employees who are not part of a bureau) provides any funds to the non-profit organization. Funds are transferred to non-profit organizations through a number of different methods: contracts, grants, cooperative agreements, and Government credit card payments, so all possible sources of funding or payment should be checked.

c. Other DOI Employees Involved?

Finally, we will also need to know if any other DOI employees also serve in their official capacity as directors or officers with the organization. Less than 50% of the non-profit organization's governing body should be employees serving in their official capacity.

5.2 Process for Service as a Director or Officer in a DOI Employee's Personal Capacity (as a personal activity that is not part of official duties):

Department employees who serve as officers or board members of outside organizations in their personal capacity must adhere to the conflicts of interest statutes (18 USC 201-209) and Standards of Conduct regulations (5 C.F.R. §§ 2635 and 2640). Personnel may only accept a position in their personal capacity if offered to them due to their personal or professional qualifications rather than their official Government position. Undertakings in an employee's personal capacity may also present a heightened risk that DOI employees may inadvertently violate the standards of conduct. Employees who are invited to serve, in their personal capacity, as officers, board members, or advisors to outside organizations should consult with their ethics officials and be familiar with applicable restrictions, including:

(a) Employees must receive prior approval to serve as officers or board members of outside organizations that are prohibited sources. (See 5 C.F.R. § 3501.105 for further guidance on how to obtain approval).

(b) Employees may not take official actions involving particular matters in which they (or any organization in which they are an officer or director) have a financial interest, if the particular matter has a direct and predictable effect on that interest. (18 U.S.C. 208, 5 C.F.R. § 2635.402)

(c) Employees must be impartial in performing official duties. (5 C.F.R. § 2635.502)

(d) Employees may not use their public office for the private gain of themselves, friends, or organizations with which the employees have an employment or business relationship, including service as a director or officer. (5 C.F.R. § 2635.702(a))

(e) Employees may not permit the use of their Government title, position, or authority to imply Government sanction or endorsement. (5 C.F.R. §§ 2635.702(b) and (c) and 807(b))

(f) Personnel may not engage in outside activities that conflict with their official duties, and in some cases, must obtain approval prior to undertaking such outside activities. (5 C.F.R. §§ 2635.802 and 3501.105)

(g) Since this is an outside activity, conducted in the employee's personal capacity, no appropriated funds, Government resources (including personnel), or official time may be expended. The only exception to this prohibition is that employees may use Government office equipment and INTERNET access when permitted by the DOI policy regarding limited personal use. (5 C.F.R. §§ 2635.704 and 705)

(h) Personnel may not use non-public information, nor allow its improper use, to further their own private interest or those of another person or organization. (5 C.F.R. § 2635.703)

(i) Certain non-career senior employees are limited in the amount of compensation that they may receive as a result of outside activities and are subject to certain restrictions relating to professions involving a fiduciary relationship. (5 C.F.R. Part 2636, Subpart C)

(j) Full-time, non-career, Presidential appointees may not receive outside earned income for activities performed during their Presidential appointment. (Executive Order 12674)

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(k) Since some positions involve fundraising, personnel are reminded that they may not personally solicit funds or other support from subordinates or prohibited sources and may not use their title or official position or conduct fundraising for the organization in the workplace. (5 C.F.R. § 2635.808(c))

(l) Personnel who file financial disclosure reports (OGE Form 278 and OGE Form 450) must disclose their outside position on their financial disclosure report. (5 C.F.R. § 2634.307)

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Appendices
Appendix A

Format for Acknowledging Receipt of a Complaint

The appropriate scientific integrity officer should provide the following notification after receiving a written complaint:

[*Date*]

Dear [*Name of complainant*]:

We have received your complaint regarding [*either:* the loss of scientific and scholarly integrity *or* scientific misconduct].

The complaint alleges that: [*brief description of the allegation*].

[*Add this paragraph if necessary:* Before we can evaluate your complaint, we need the following additional information: (*list missing required information*).]

Your principal point of contact will be [*name and contact information of the appropriate scientific integrity officer*], who is available to answer your questions about the complaint process. Please use the tracking number [*enter number assigned by the Office of the Executive Secretariat and Regulatory Affairs*] when contacting us about this complaint.

Thank you for your interest in the integrity of the Department's scientific information.

Sincerely,

[*Appropriate scientific integrity officer*]

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Appendix B

Sample Notification to the Subject of an Allegation of Misconduct or Loss of Integrity

To: [*Name of the subject of the complaint*]

From: Appropriate scientific integrity officer

Subject: Allegation (ESO#) of Scientific or Scholarly Misconduct or Loss of Scientific or Scholarly Integrity

An allegation of scientific or scholarly misconduct or loss of scientific or scholarly integrity has been filed with the Department of the Interior regarding the following: [*Insert as specific and detailed a description of the allegation as possible here, but do not disclose the name of the person who filed the allegation.*]

This allegation has not yet been investigated or determined to have merit. However, under the Department of the Interior's Scientific Integrity Policy published at 305 DM 3.8, I will be conducting an inquiry to determine its merits. Under the Department's procedures, you must preserve and provide to my office all original research records and materials relevant to this allegation.

An interview will be scheduled with you to discuss the allegation and will be part of the official record. You also have the opportunity to provide a statement and other material that you believe is relevant to the complaint.

Once an inquiry into this matter is concluded, I will inform you in writing that an inquiry into this matter determined: (1) there was no merit to the allegation and the matter is closed; (2) there is merit to the allegation, verifying that misconduct or loss of integrity has taken place and the matter has been reported to your bureau's management; or (3) the allegation has been referred to a Scientific Integrity Review Panel for further fact-finding. If the matter is referred to a panel, I will notify you of your rights concerning the review, your obligations during their inquiry, and your opportunity to respond to the allegation. If a panel conducts fact finding into this allegation, I will review their findings with the coordinating manager, before making a determination on the merit of allegation. You will then be advised of that determination.

I have attached a copy of the Departmental Manual Chapter 305 DM 3 on Scientific Integrity. Please review it carefully and let me know if you have any questions about this process.

Sincerely
[Appropriate scientific integrity officer]
[Contact information]

cc: [*DSIO and Coordinating Manager*]

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Appendix C

Guidance for Establishing and Operating a Scientific Integrity Review Panel

An inquiry into an allegation of misconduct or loss of integrity by a DOI employee or volunteer may be carried out by a Scientific or Scholarly Integrity Review Panel of subject matter experts from within or outside of the Department. When needed, subject-matter experts internal or external to the Department can assist the appropriate scientific integrity officer with review of specific questions on the scientific or scholarly activities and products related to an allegation of misconduct or loss of integrity.

1. Importance of confidentiality.

The chairperson of the panel must advise panel members of the importance of confidentiality of materials and discussions relating to the alleged scientific misconduct. There is to be no release of information by panel members pertaining to any allegation. All discussions by the panel must be safeguarded and not shared outside of the Scientific Integrity Review Panel.

2. Role of the scientific integrity officer.

In conducting a scientific review panel, the appropriate scientific integrity officer must:

(a) remain responsible for the actions outlined in 305 DM 3.8 C (2);

(b) clearly describe the scope of the scientific review panel's investigation and the questions to be answered; and

(c) provide the scientific review panel with the complaint and any additional information the scientific review panel requires to answer those questions.

3. Final report due within 45 days.

Within 45 calendar days of receipt of the complaint, the scientific review panel will provide to the appropriate scientific integrity officer a final report answering the questions posed by the appropriate scientific integrity officer. The final report may make related recommendations, including changes to policy, but the report will not recommend any specific personnel actions or other corrective measures.

4. Role of subject-matter experts.

(a) If a subject-matter expert reviews scientific or scholarly activities and products related to an allegation, the subject-matter expert will address specific questions related to the allegation that relate to the quality and integrity of the activities and products. These questions may include the appropriate or inappropriate application of the scientific or scholarly results, quality or integrity of the methodology, data analysis, or assessment, or the quality and integrity of the peer review.

(b) For subject-matter experts, specific charge questions, operations and instructions and what is required in the report will be provided by the appropriate scientific integrity officer. Subject-matter experts may also be contracted with an appropriate vendor or institution.

New 12/16/14

5. Panel decisions should be reached by consensus.

(a) The scientific review panel will arrive at a consensus decision, if possible, about whether or not misconduct has occurred. Consensus decision means that all panel members, including the Chairperson, agree in general with a decision; this is distinct from a majority-rule decision. In the consensus-based process, panel members work together to develop a finding with which all of the members of the panel can agree.

(b) The Chairperson will determine if consensus has been reached by asking all panel members if they agree with the finding. If consensus is reached, then the scientific review panel must write a report of their findings. If after all efforts are exhausted, and the scientific review panel is still unable to reach consensus about whether or not misconduct has occurred, then a majority decision will be made. In this case, the panel report will include majority and minority findings.

6. Review report is due 30 days after fact finding is complete.

(a) Within 30 calendar days of the completion of the review and fact finding, the Chairperson of the scientific review panel must forward the completed scientific review panel report to the DSIO and BSIO. At a minimum the scientific review panel report will include: (1) An overview of the alleged misconduct or loss of integrity, (2) Description of the fact finding activities of the panel, (3) Discussion and conclusion as a result of the fact finding and (4) Appendices as needed containing supporting documents and written statements. The report should not include recommendations on personnel actions.

(b) The reports produced by a scientific review panel or subject-matter experts are pre-decisional, deliberative material containing analysis and recommendations related to Agency policy. These reports are intended to provide advice, non-personnel recommendations, and opinions which are part of the deliberative, consultative, decision-making processes of the Department of the Interior.

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Appendix D

Sample Notification to the Subject of an Inquiry When Misconduct or Loss of Scientific Integrity Occurs

The appropriate scientific integrity officer must notify the subject in writing of the results of the investigation. All notifications to the subject should be conducted privately and preferably in person with the coordinating manager present. The appropriate scientific integrity officer may follow up the personal notification with a memo following the model below.

TO: [*Name of the subject of the complaint*]
FROM: [*Appropriate scientific integrity officer*]
SUBJECT: Resolution of Allegation of Scientific or Scholarly Misconduct or Loss of Scientific or Scholarly Integrity

After an inquiry into the allegation of scientific or scholarly misconduct or loss of scientific or scholarly integrity that was filed against you, I have found that misconduct or loss of integrity has occurred. (*Insert as specific and detailed a description of the allegation and results of the finding as possible but do not disclose the name of the person who filed the allegation or other persons interviewed in the process.*)

[Where appropriate the following phrases may be used:
This case has now been referred to the coordinating manager, who will determine the appropriate action, if any, to be taken.

You have the right to request a reconsideration of this decision as outlined in the Department Manual Chapter on Scientific and Scholarly Integrity (305 DM 3.8 G). You may request reconsideration only once, and only if you provide new relevant and material information about the findings or determination. The reconsideration process is as follows:

(1) You must submit your request to the Office of the Executive Secretariat and Regulatory Affairs (OES) within 14 calendar days of receiving this memo.

(2) OES will send your request to the Department Scientific Integrity Officer. If your request involves a matter previously decided by the Department Scientific Integrity Officer, the Deputy Secretary will designate another Scientific Integrity Officer to consider this request.

(3) We may conduct additional inquiries or convene a scientific review panel, as necessary, and amend our report of inquiry as necessary to reflect any modified finding or additional factual information. We may also deny the request if you don't present new information.

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(4) The Department Scientific Integrity Officer or other official should make a final decision your request within 30 days of receipt or assignment, whichever is later.

cc: DSIO, Coordinating Manager, SHRO

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Appendix E

Sample Notification to the Subject of an Inquiry When No Misconduct Occurs

To: [*Subject of the complaint*]
From: [*Appropriate scientific integrity officer*]

Subject: Resolution of Allegation of Scientific Misconduct

After an inquiry into the allegation of scientific or scholarly misconduct or scientific or scholarly integrity that was filed against you, I have found no merit in the charge.

[*Insert as specific and detailed a description of the allegation as possible but do not disclose the name of the person who filed the allegation.*]

As a result of our investigations, the concerns of this allegation are considered closed. I appreciate your cooperation in this important process, and I apologize for any inconvenience you may have experienced.

cc: [*DSIO and Manager*]

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Appendix F

Use the following language for statements of work, inserting the appropriate language where indicated and making other necessary changes.

Scientific Integrity Statement to be inserted into Statements of Work

As required by section 4.1, the following statement must be part of the statement of work for each applicable DOI acquisition and financial assistance agreement.

> Scientific integrity is vital to Department of the Interior (DOI) activities under which scientific research, data, summaries, syntheses, interpretations, presentations, and/or publications are developed and used. Failure to uphold the highest degree of scientific integrity will result not only in potentially flawed scientific results, interpretations, and applications but will damage DOI's reputation and ability to uphold the public's trust. All work performed must comply with the DOI Scientific Integrity Policy posted to http://www.doi.gov, or its equivalent as provided by their organization or State law.

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Appendix G

Acknowledgment Form for Employees

Before a subject's interview, the appropriate scientific integrity officer must ensure that the subject of the complaint initials each statement below and returns the original signed and dated form. This form is not needed for interviews of the complainant or other witnesses.

Employee Information and Acknowledgment Form

We are asking you to complete this form because you are the subject of a complaint related to an alleged violation of the Department of the Interior scientific integrity policy. Please initial each statement below and return the original signed and dated form to the appropriate scientific integrity officer. You will receive a copy of this completed form.

I acknowledge that:

____ I have been informed and I understand that, as a Federal employee, I am required to cooperate with this formal process and provide truthful answers.

____ I have been informed and I understand that if I refuse to cooperate and answer questions during this formal process, my refusal to cooperate can be a basis for corrective action, which may result in my removal from Federal service.

____ I have been informed and I understand that if I provide information during this formal process that I know to be false at the time I provided the information; my providing false information can be a basis for corrective action that may result in my removal from Federal service and also can be a basis for criminal prosecution.

____ I understand that I will have the opportunity to respond to the allegation and to present evidence to the Scientific Integrity Review Panel orally and/or in writing and that I may have representation at my own expense.

____ I understand that I may have rights as an employee during this process, and that my servicing Human Resources Office can inform me of these rights.

Signature: _____ Date: _____

Name (please print): _____

Position Title, Series and Grade: _____

Duty Station: _____

New 12/16/14

PRIVACY ACT NOTICE. Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. § 552a, you are advised of the following: 1) Authority. Solicitation of this information is authorized by 5 U.S.C. 301 that allows the head of an executive department to prescribe regulations for the conduct of its employees and other authorities cited at 305 DM 3.10; 2) Principal Purpose. The principal purpose for soliciting the information is to implement the Policy on Integrity of Scientific and Scholarly Activities of the Department of the Interior at 305 DM 3. 3. Routine Uses. Routine uses of the solicited information are the same as those listed in the system notice OPM/GOVT-1. 4. Effect of Noncompliance. Failure to provide the solicited information may result in corrective action, including the removal from Federal service.

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Appendix H

Acknowledgment Form for Volunteers

Before a subject's interview, the appropriate scientific integrity officer must ensure that the subject of the complaint initials each statement below and returns the original signed and dated form. This form is not needed for interviews of the complainant or other witnesses.

Volunteer Information and Acknowledgment Form

We are asking you to complete this form because you are the subject of a complaint related to an alleged violation of the Department of the Interior scientific integrity policy. Please initial each statement below and return the original signed and dated form to the appropriate scientific integrity officer. You will receive a copy of this completed form.

I acknowledge that:

____ I have been informed and I understand this is a formal review and fact-finding process involving matters relating to my official duties as a DOI volunteer.

____ I have been informed and understand that if I refuse to cooperate and answer questions during this formal process, my refusal to cooperate may result in termination of my volunteer agreement.

____ I have been informed and I understand that if I provide information during this formal process that I know to be false at the time I provide the information; my providing false information can be a basis for termination of my volunteer agreement.

____ I understand that I will have the opportunity to respond to the allegation and to present evidence to the Scientific Integrity Review Panel orally and/or in writing and that I may have representation at my own expense.

Signature: _____ Date: _____

Name (please print): _____

PRIVACY ACT NOTICE. Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. § 552a, you are advised of the following: 1. Authority. Solicitation of this information is authorized by 5 U.S.C. 301 that allows the head of an executive department to prescribe regulations for the conduct of its employees and other authorities cited at 305 DM 3.10. 2. Principal Purpose. The principal purpose for soliciting the information is to implement the Policy on Integrity of Scientific and Scholarly Activities of the Department of the Interior at 305 DM 3. 3. Routine Uses. Routine uses of the solicited information are the same as those listed in the system notice OPM/GOVT-1. 4. Effect of Noncompliance. Failure to provide the solicited information may result in corrective action, including the removal from Federal service.

Appendix I

Request for Authorization of Assignment template

Memorandum

To:
Bureau Ethics Counselor

From:
Deputy Ethics Counselor

Subject: Request for Authorization of Assignment in the Case of (Name)

The purpose of this memorandum is to request that you authorize the assignment of (Name) to serve in his/her official capacity as (an officer [title of officer position], a director, or a trustee) of the (name of outside non-profit organization) [*enter an abbreviation or acronym for the organization*]. (Name)'s supervisor has determined that it is in the best interests of the (bureau) for (name) to serve as (an officer, a director, or trustee). (Name)'s official (bureau) duty is to serve as the (Job Title). As such, he/she **[explain the employee's duties, including information that shows how they relate to service in the outside organization (may require more than one sentence)].**

The criminal conflict of interest statute, 18 U.S.C. § 208(a), requires that an employee refrain from participating personally and substantially in an official capacity in any particular matter that will have a direct and predictable effect on the financial interests of any organization in which the individual serves as an officer, director, trustee, or employee.

Effective April 5, 2013, however, 5 CFR § 2640.203(m) permits Federal employees to participate in any particular matter where the disqualifying financial interest is that of a nonprofit organization in which the employee serves (or is seeking or has an arrangement to serve), solely in an official capacity, as an officer, director, or trustee. The note following 5 CFR § 2640.203(m) emphasizes, however, that agency decisions to permit (or not permit) official participation in any particular outside organization will be informed by numerous legal, policy, and managerial considerations, and nothing in the section is intended to interfere with an agency's discretion to assign official duties and limit such assignments as the agency deems appropriate.

[Describe the position in the outside organization and the outside organization]. [Describe the relationship of the outside organization to (bureau) programs and operations.]

(Name) has requested that you authorize his/her assignment to serve in his/her official capacity as a (Position) of [organization's abbreviation or acronym].

A memorandum of understanding between the (bureau) and the [organization's abbreviation or acronym] concerning the service of (Name) is attached.

In the course of his/her assigned duties, the following types of particular matters potentially could come before (Name) for his/her personal and substantial participation:

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(1) particular matters of general applicability, such as legislation, regulation, or policy that may affect the financial interests of the [organization's abbreviation or acronym] as a member of a class of similarly situated entities;

(2) matters that affect the financial interests of the [organization's abbreviation or acronym] through investigation or regulation of the [organization's abbreviation or acronym];

(3) particular matters involving specific parties, such as grants, contracts, or application approvals that specifically involve the [organization's abbreviation or acronym] or otherwise affect its financial interests; or

(4) other miscellaneous matters involving the conduct of the [organization's abbreviation or acronym] and (bureau) support.

While performing the usual and customary duties of the position of (Position) with an outside organization as an official (bureau) activity, certain actions taken either in the Federal workplace or at the organization may affect the financial interests of the outside organization. For example, such actions may include:

(1) requesting that official travel funds be spent or other Government resources be utilized for the employee to conduct the affairs of the organization;

(2) speaking as an official duty activity at a conference or other meeting of the organization; or

(3) providing advice and consultation with respect to, or otherwise conducting, the business affairs of the organization, including voting on matters that come before the [organization's abbreviation or acronym] officers and board members.

I believe that authorization of (Name)'s assignment to serve as a (Position) for the [organization's abbreviation or acronym] in his/her official capacity is justified for the following reasons:

First, because (Name) will serve as (Position) with the [organization's abbreviation or acronym] as an official duty activity, and (Name)'s position in the outside organization is fully known to the (bureau), the risk that the integrity of the services that the Government expects from (Name) would be affected by his/her service is greatly diminished. Moreover, the (bureau) has already determined that, to a significant degree, the interests of the (bureau) and the interests of the [organization's abbreviation or acronym] are consonant. The (bureau) expects that the interests of the (bureau) and the interests of the [organization's abbreviation or acronym] can both be furthered through the performance of (Name)'s official duties and service with the [organization's abbreviation or acronym].

Second, most if not all of the particular matters in which (Name) would participate would not have a significant effect on the financial interests of the [organization's abbreviation or acronym] because of the limits in this request set forth below. (Name) will have no involvement in any (bureau) grants, contracts, cooperative agreements, or other Federal support (financial or otherwise) to the [organization's abbreviation or acronym] other than the use of travel or training funds solely for (Name)'s service with the [organization's abbreviation or acronym]. (Name) will not participate in investigations of the

activities of the [organization's abbreviation or acronym], other than as a provider of information or testimony. (Name) will not participate in developing regulations that would impact the [organization's abbreviation or acronym] or be involved in enforcing regulations pertaining to the [organization's abbreviation or acronym].

The (bureau) has no current grants, contracts, cooperative agreements or other agreements with the [organization's abbreviation or acronym] that involve the transfer of public funds to the [organization's abbreviation or acronym].

Accordingly, if approved, the requested authorization will permit (Name) to serve as a (Position) in the [organization's abbreviation or acronym] and permit participation in his/her official capacity with the [organization's abbreviation or acronym] in particular matters that will affect the financial interests of the [organization's abbreviation or acronym], EXCEPT the particular matters listed below that might have a direct and predictable effect on the financial interests of the [organization's abbreviation or acronym], or that may otherwise violate Federal laws or regulations or be considered inappropriate, from which (Name) has committed to recuse him/herself.

LIMITATIONS:

(Name) may not participate in any of the following particular matters because they may affect the financial interests of the (bureau) and the [organization's abbreviation or acronym], violate Federal laws or regulations, or be considered inappropriate:

(a) Any involvement or participation in decisions pertaining to any Department of the Interior or (bureau) grants, contracts, cooperative agreements, technical assistance agreements, collaborative agreements, or cooperative research and development agreements that the (bureau) might have with the [organization's abbreviation or acronym], or other support to include personnel and equipment to the [organization's abbreviation or acronym], except that the following actions are specifically permitted:

(1) Requesting that official travel funds be spent or other Government resources be utilized for the employee to conduct the affairs of the organization;

(2) Speaking as an official duty activity at a conference or other meeting of the organization;

(3) Providing advice and consultation with respect to, or otherwise conducting, the business affairs of the organization, including voting on matters that come before the [organization's abbreviation or acronym] officers and board members.

(b) Any involvement or participation in any regulatory or investigatory matters on behalf of any Department or agency of the U.S. Government involving the [organization's abbreviation or acronym] individually or as a member of a class of similarly situated entities other than as a provider of information or testimony.

(c) Preparation or presentation of requests from the [organization's abbreviation or acronym] to obtain any Federal funds, manpower, or any other form of Federal support on its behalf to support [organization's abbreviation or acronym] activities, except as permitted in 1(a) and (b) above.

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(d) Lobbying on behalf of the [organization's abbreviation or acronym] in any manner to a Member of Congress, a jurisdiction, or an official of any government as prohibited by 18 U.S.C. § 1913.

> This includes the use of money appropriated by any enactment of Congress to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, at any time, unless specifically authorized by Act of Congress. This does not prevent employees of the United States or of its departments or agencies from communicating to Members of Congress or other officials, at their request, or to Congress or such officials, through the proper official channels regarding requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business.

(e) Approval of Federal travel authorizations to travel on behalf of the [organization's abbreviation or acronym].

(f) Participation in fundraising activities of the [organization's abbreviation or acronym].

(g) Signing a training authorization to use (bureau) funds to pay for an employee to attend a conference or other meeting of the [organization's abbreviation or acronym].

A copy of (Name)'s recusal memorandum is attached. In this manner, (Name)'s service with the [organization's abbreviation or acronym] is severed from his/her service as a (Job Title) on particular matters where both the [organization's abbreviation or acronym] and the (bureau) may have financial interests, thereby avoiding any potential that he/she could act contrary to interests of the (bureau) for the benefit of the [organization's abbreviation or acronym].

(Name) understands and agrees that, as an official duty activity, no separate compensation or reimbursements may be received from the [organization's abbreviation or acronym] in connection with his/her service. Travel, lodging, per diem, or other incidental expenses incurred by (Name) on behalf of the [organization's abbreviation or acronym], if any, may be accepted by the (bureau) under 31 U.S.C. § 1353 as appropriate. Acceptance of (Name)'s travel expenses, if any, from the [organization's abbreviation or acronym] must be accomplished via a Form DI-2000 which must be approved by the (bureau) Ethics Office before the travel, or when circumstances do not permit prior approval, within seven days of conclusion of the travel.

3 Attachments:

New 12/16/14

1. MOU between the (bureau) and the [organization's abbreviation or acronym], dated
2. (Name)'s Recusal letter, dated
3. Form DI-2000, *Acceptance of Travel Expenses from a Non-Federal Source*

DECISION:

_____ Authorization granted, subject to the terms and conditions stated above.

_____ Authorization denied.

_____ Date:
Bureau Ethics Counselor
(bureau)

I have read and fully understand ALL of this authorization decision and its limitations. I agree to fully comply with its limitations and acknowledge my understanding and compliance by signing below:

_____ Date:
(Name)
(Job Title)
(bureau)

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Appendix J

Memorandum of Understanding Template

Memorandum of Understanding

between the

(Bureau name spelled out) (bureau acronym)

and the

(Organization Name) [organization's abbreviation or acronym]

1. This Memorandum of Understanding sets forth the agreement between the (Bureau name spelled out) (bureau) and the (organization name) [organization's abbreviation or acronym] concerning the service of (Name) as a (Position) of the [organization's abbreviation or acronym] as a part of his/her official Government duties through (date). (Name) will be serving as (Position). It is estimated that the amount of official time (Name) will spend on this activity will be approximately XXX hours per month.

2. Before (Name) performs any duties as a (Position) of the [organization's abbreviation or acronym] as part of his/her official duties, he/she must receive authorization to serve in this position and be so assigned. Authorizations that permit an employee to serve as an officer or a member of a board of directors are limited and even if an authorization is granted, (Name) may not make or participate in any official decisions on behalf of the (bureau) regarding any request from the [organization's abbreviation or acronym] for public funds or support. Requests for public funds or support include, but are not limited to, grants, cooperative agreements, contracts, or any other action where the [organization's abbreviation or acronym] is requesting any form of support from the Department of the Interior or one of its bureaus. To ensure that no conflicts of interest arise, the [organization's abbreviation or acronym] agrees that it will notify the (bureau) Ethics Office if it intends to seek public funds or support from the Department of the Interior or one of its bureaus. Notice will be provided to: (Bureau name, Ethics Office, mailing address). The [organization's abbreviation or acronym] also understands that if it elects to request public funds or support from the Department of the Interior or one of its bureaus, (Name) may be directed to resign as a (Position) in the [organization's abbreviation or acronym] in his/her official capacity. In addition to these limitations, (Name) may not take any actions that violate Federal, state, or local law.

3. The primary beneficiary of (Name)'s service as a (Position) in the [organization's abbreviation or acronym] is intended to be the (bureau). It is expected that the benefits to the (bureau) will include, but not be limited, to the following (include the following subparagraphs as applicable, other benefits may be listed as subparagraphs):

a. acquisition of state-of-the-art technical information about (name subjects).

b. knowledge about organizational arrangements and relationships of organizations with which the (bureau) interacts, in order to enhance the working relationships between the (bureau) and such other organizations;

c. improved understanding of current issues in the (name the field of endeavor) that concern (bureau) missions and operations;

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d. utilization of professional networks and channels to disseminate information relevant to the accomplishment of (bureau) missions;

e. utilization of other mechanisms to facilitate accomplishment of (bureau) missions, functions, and processes, such as meetings, conferences, symposia, and publications;

f. (Name)'s service as an officer of the [organization's abbreviation or acronym] will ensure that issues and views of the Department and the (bureau) are reflected in the [organization's abbreviation or acronym]'s programs and meetings;

g. (Name)'s attendance at [organization's abbreviation or acronym] meetings will keep others informed of the work of the (bureau);

h. (Name)'s participation in the [organization's abbreviation or acronym] will facilitate the exchange of scientific and technical information between Federal and State agencies, academia, industry, and the public at large; and

i. (Name)'s involvement with the [organization's abbreviation or acronym] will assist in keeping him current in his field of expertise.

4. In order to avoid the possibility of an actual or potential use of public office for private gain, when (Name) uses official time to serve as a (Position) in the [organization's abbreviation or acronym], the following principles will apply:

a. Federal employees may not represent anyone other than the United States before an agency or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest. (18 U.S.C. § 205)

b. When serving as a (Position) of a non-Federal organization in an official capacity, Federal employees must refrain from any involvement or participation in or taking any official action on behalf of the Department of the Interior or its bureaus on any application or request for public funds or other support by the non-Federal organization .

c. If a Federal employee's participation in a project undertaken in conjunction with a non-Federal organization is done as a part of his/her official duties, the Federal employee is prohibited from receiving any supplementation of his/her Federal salary. (18 U.S.C. § 209)

d. Federal employees are prohibited from using appropriated funds, official time, or Government equipment to instigate or generate lobbying activity on any issue pending before, or of interest to, the Congress or an official of any government. (18 U.S.C. § 1913)

e. Federal employees are prohibited from being involved in the fundraising activities of a non-Federal organization.

f. Federal employees may not utilize official Government postage, stationery, envelopes, or labels for other than official Government business. (18 U.S.C. § 1719)

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The relationship between the [organization's abbreviation or acronym] and the (bureau), addressed in this document, is intended to enhance service to the American public through more efficient operation of (bureau) programs. All actions should be directed toward attainment of that mutually beneficial goal.

5. Under Federal law, a Federal employee serving in his/her official capacity owes his/her first duty of loyalty to the Government of the United States. By signing this memorandum of understanding, the [organization's abbreviation or acronym] acknowledges and consents to the fact that since (Name) is acting as a (Position) in the [organization's abbreviation or acronym] in his/her official capacity as a (bureau) employee, (Name) will owe his/her first duty of loyalty to the United States Government and specifically the (bureau) before that of the [organization's abbreviation or acronym] if those interests ever conflict. Consequently, to the fullest extent permitted by state law, the [organization's abbreviation or acronym] agrees to waive any fiduciary duty owed by (Name) to the [organization's abbreviation or acronym] as a (Position) in the [organization's abbreviation or acronym] when (Name) acts in the interests of the United States Government. This authorization is limited to actions taken in the interests of the United States Government by (Name) as a (Position) in the [organization's abbreviation or acronym] while acting in his/her official capacity. (Name) retains a fiduciary duty to act in the best interests of the [organization's abbreviation or acronym] except when in conflict with the interests of the United States Government.

6. The foregoing is not intended to impose on the [organization's abbreviation or acronym] any obligations or restrictions other than those set forth above. The [organization's abbreviation or acronym] has an obligation to respect the limitations described above on the activities and function of (Name) and benefits which may be received by the (bureau). This agreement does not constitute a representation or warranty by the [organization's abbreviation or acronym] as to the benefits which the (bureau) will receive in fact from (Name)'s service as a (Position) in the [organization's abbreviation or acronym]. Nor does the [organization's abbreviation or acronym] assume any obligation to inquire into or enforce (Name)'s compliance with paragraph 4 above.

_____ Date:
[Outside Activity Official's Name]
[Position]
[organization's abbreviation or acronym]

_____ Date:
[AD/REX Name]
[Position]
(bureau)

_____ Date:
(Bureau Head's Name)
Director/Commissioner/Etc.
(bureau)

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Recusal Memorandum Template

Memorandum

Date_____ Appendix K

To: (Appropriate Official)

From: (Name, Title, and Address)

Subject Notice of Recusal by (Name)

1. This is to notify you that I have an interest in the (name of outside non-profit organization) [organization's abbreviation or acronym] because I have been elected as a (Position) with the [organization's abbreviation or acronym] through (date). I will not be serving as [Officer or Board of Director position] in an official (bureau) capacity unless and until I am authorized by the Director of the (bureau) to be assigned to this position in my official capacity and have been so assigned.

2. Even though authorization by the Director of the (bureau) and subsequent assignment will allow me to serve as (Position) and act on [organization's abbreviation or acronym] matters utilizing limited Government time and resources, I will not involve myself with the following:

a. Any (bureau) grants, contracts, cooperative agreements, or other agreements with the [organization's abbreviation or acronym];

b. Providing support to the [organization's abbreviation or acronym], including personnel or equipment from or to the [organization's abbreviation or acronym] except that the following actions are specifically permitted:

(1) Requesting that official travel funds be spent or other government resources be utilized for the employee to conduct the affairs of the organization;

(2) Speaking as an official duty activity at a conference or other meeting of the organization;

(3) Providing advice and consultation with respect to, or otherwise conducting, the business affairs of the organization, including voting on matters that come before [organization's abbreviation or acronym] officers and board members;

c. Participating in investigations of the activities of the [organization's abbreviation or acronym], other than as a provider of information or testimony;

d. Directing a subordinate to speak at any conference or other meeting of the [organization's abbreviation or acronym];

e. Developing regulations that would impact the [organization's abbreviation or acronym] or enforcing regulations pertaining to the [organization's abbreviation or acronym];

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f. Preparation or presentation of requests from the [organization's abbreviation or acronym] to obtain any Federal funds, manpower, or any other form of Federal support to [organization's abbreviation or acronym] activities. An authorization, and subsequent assignment, will permit me to request official travel authorizations to attend and/or to be a speaker or presenter at meetings or conferences of the [organization's abbreviation or acronym] but approval of my travel authorization requests must be based on a determination by my travel approval authority that my attendance or presentation at the meeting or conference of the [organization's abbreviation or acronym] is in the best interests of the (bureau);

g. Lobbying on behalf of the [organization's abbreviation or acronym] in any manner to a Member of Congress, a jurisdiction, or an official of any government as prohibited by 18 U.S.C. § 1913.
This includes the use of money appropriated by any enactment of Congress to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, at any time unless specifically authorized by Act of Congress. This does not prevent employees of the United States or of its departments or agencies from communicating to Members of Congress or other officials, at their request, or to Congress or such officials, through the proper official channels regarding requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business;

h. Participation in fundraising activities of the [organization's abbreviation or acronym]; or

i. Approval of Federal travel authorizations of (bureau) employees to attend meetings or conferences of the [organization's abbreviation or acronym].

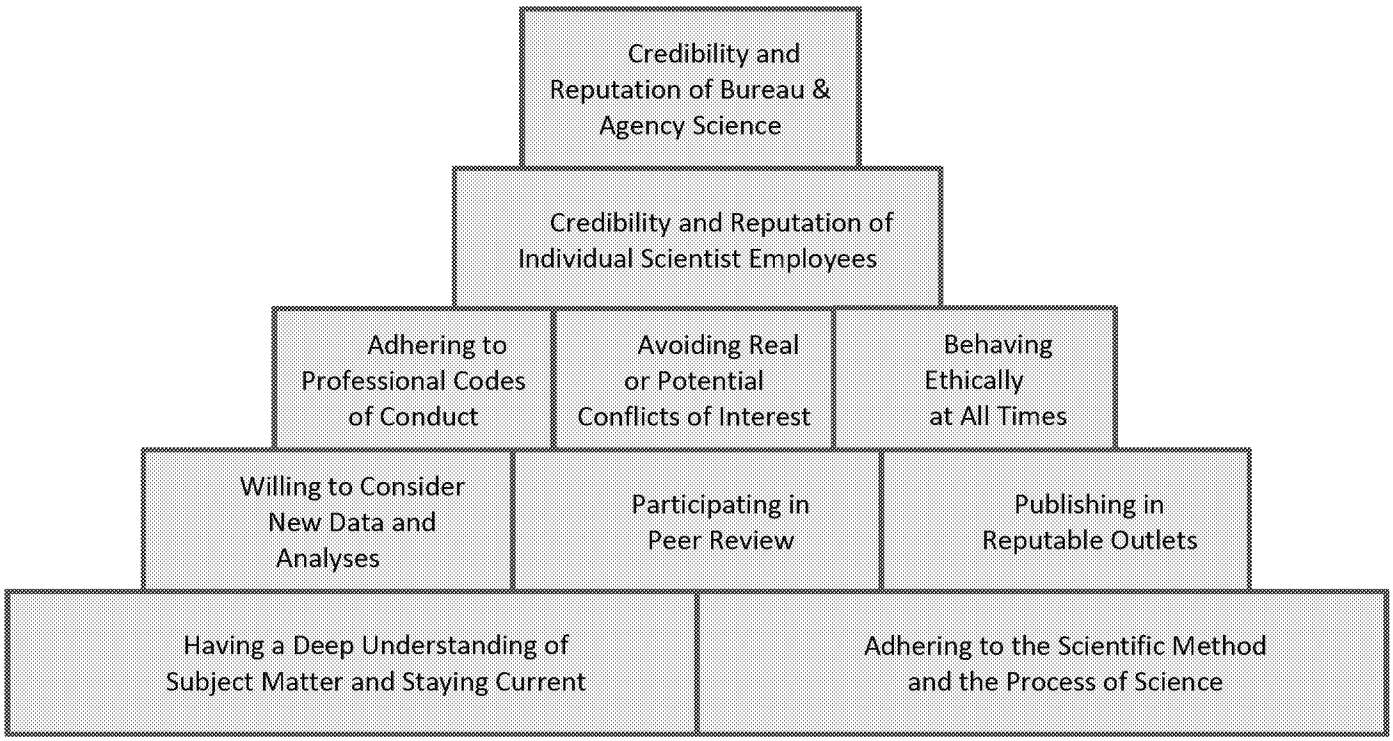
3. I have retained a copy of this recusal memorandum for my records and distributed it as listed below.

Copy to: (bureau) Ethics Office

Appendix L

An Introduction to Scientific and Scholarly Integrity

The credibility and reputation of the Department of the Interior (DOI) as a science-based agency is directly related to the credibility and reputation of the scientists who work here. An excellent reference for scientists to better understand and explore integrity related to the scientific process is the National Academy of Sciences' publication, On Being a Scientist: A Guide to Responsible Conduct in Research (http://www.nap.edu/catalog.php?record_id=12192). A credible and reputable scientist fulfills particular requirements and expectations. The figure below provides an illustration from the foundation to the top, of eight prerequisites for scientists to be considered credible and reputable.



Scientific Integrity is maintained when all of the building blocks are solid and uncompromised. A transgression in any of elements of these building blocks could undermine the credibility of the individual scientists involved and potentially damage the reputation of the entire bureau or agency.

It is incumbent on all DOI employees, volunteers, contractors, cooperators, partners, permittees, lessees, and grantees who are engaged in, supervise, manage, or influence scientific and scholarly activities, or communicate information about the Department's scientific activities, or utilize scientific information in making agency policy, management or regulatory decisions to ensure that all the building blocks are solid and uncompromised. A transgression in any of elements of these building blocks could undermine the credibility of the individual scientists and potentially damage the reputation of the entire agency.
It is up to each and every one of us to safeguard scientific integrity and defend against its potential loss.

New 12/16/14

Appendix M.

Process Flow Chart for Allegations of Misconduct or Loss of Integrity Regarding DOI Employees and Volunteers

Allegation. Within 60 days of discovery, an allegation must be submitted by letter or via e-mail to the Office of the Executive Secretariat and Regulatory Affairs (OES), and include all the required information (see 305 DM 3.8 A or SIP Handbook).

Allegations of fraud, waste, and abuse or criminal law violations will be immediately referred to the DOI Office of the Inspector General. **Allegations of reprisal** related to the scientific integrity process will be referred to the DOI Office of the Inspector General or the Office of Special Council

Preliminary Review. The allegation is referred to the DSIO or appropriate BSIO. The DSIO or BSIO will evaluate the timing, content, and reasonableness of the allegation to determine if the allegation should be dismissed or proceed to the inquiry stage.

If the allegation is not complete, is found to have no merit, or was previously investigated and no significant new information is provided, the DSIO or BSIO will close the complaint and inform the complainant of the reason for closure in writing.

Inquiry. If the preliminary review indicates that the complaint is timely, complete and has merit, the DSIO/BSIO will conduct an inquiry into the complaint, working with a coordinating manager for purposes of this inquiry. The DSIO/BSIO will:

1. inform the subject in writing that a complaint has been filed;
2. gather documents and other evidence, conduct interviews, and obtain signed and dated witness statements or declarations from any individual with information relevant to the complaint, as appropriate;
3. allow each subject an opportunity to provide a statement and other material the subject believes is relevant to the complaint.
4. retain the assistance of subject-matter experts, as appropriate.

SIRP Review. A formal review and fact finding of the allegation may be carried out by a Scientific Integrity Review Panel (SIRP) of Department employees.) In conducting an SIRP, the DSIO/BSIO must: (i) remain responsible for the actions outlined in Section 3.8 C (2); (ii) clearly describe the scope of the SIRP's investigation and the questions to be answered; and (iii) provide the SIRP with the complaint and any additional information the SIRP requires to answer those questions. The SIRP will provide to the DSIO/BSIO a final report answering the questions posed by the DSIO/BSIO. The DSIO or BSIO working with the coordinating manager makes the final determination if the allegation constitutes a loss of scientific integrity or misconduct.

Report of Inquiry (ROI). The ROI, written by the DSIO/BSIO, must contain: a record of all the evidence (documents, SIRP final report, etc.) relied upon; findings of fact that reference the evidence of record; and a determination as to whether (or not) scientific misconduct or loss of scientific integrity has occurred and an explanation of the reasons for the determination. DSIO/BSIO will provide a copy of the ROI to the coordinating manager, the Bureau Head, the non-political deputy bureau director or equivalent, OES and SOL, and must separately notify the subject in writing of the results of the inquiry.

Reconsideration. Reconsideration of a decision may be requested if substantive, relevant, new information is available. Reconsiderations can be made via letter or email addressed to the Executive Secretariat.

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Appendix N.

Process Flow Chart for Allegations of Misconduct or Loss of Integrity Regarding Contractors, Cooperators, Partners, Permittees, Lessees, and Grantees

Allegation. . Within 60 days of discovery, an allegation must be submitted by letter or via e-mail to the Office of the Executive Secretariat and Regulatory Affairs (OES), and include all the required information (see 305 DM 3.8 A or SIP Handbook).

Allegations of fraud, waste, and abuse or criminal law violations will be immediately referred to the DOI Office of the Inspector General. **Allegations of reprisal** related to the scientific integrity process will be referred to the DOI Office of the Inspector General or the Office of Special Council

Preliminary Review. The allegation is referred to the DSIO or appropriate BSIO. The DSIO or BSIO will evaluate the timing, content, and reasonableness of the allegation to determine if the allegation should be dismissed or proceed to the inquiry stage.

If the allegation is found to have no merit or was previously investigated and no significant new information is provided, no action is taken and notification that the case is dismissed is provided to the complainant and others as appropriate.

Inquiry. (1)The DSIO or BSIO will:

a. Contact the appropriate federal official responsible for the activities of the contractor, cooperator, partner, permittee, lessee, or grantee to inform the official that a complaint of scientific misconduct or loss of scientific or scholarly integrity has been filed. The appropriate official could be the Contracting Officer, Financial Assistance official or permit/lease manager.

b. The appropriate Federal official and the DSIO/BSIO will notify the subject and the subject's organization of the complaint.

(2) No inquiry will be conducted regarding a complaint against a cooperator, partner, permittee, lessee, or grantee until the DSIO/BSIO and the appropriate Federal official have consulted the Solicitor Office.

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