

Centers for Disease Control and Prevention (CDC) Atlanta GA 30329-4027

Category: Science Administration Policy #: CDC-SA-2024-01 Date of Issue: 10/15/2024 Proponent: Office of Science (OS) Application: All CDC Domestic and International Locations Applicable Staff: CDC Employees and Non-Employees

CDC SCIENTIFIC INTEGRITY POLICY

Sections: 1. PURPOSE AND SCOPE

- 2. BACKGROUND
- 3. POLICY
- 4. **RESPONSIBILITIES**
- 5. <u>REFERENCES</u>
- 6. ACRONYMS AND ABBREVIATIONS
- 7. DEFINITIONS

1. PURPOSE AND SCOPE

The Centers for Disease Control and Prevention (CDC)¹ aims to ensure the application of the highest scientific integrity standards to all its scientific activities, including proposing, conducting, reviewing, managing, and communicating about science and scientific activities and using the results of science. The purpose of this policy is to provide direction to enhance and promote a continuing culture of scientific integrity at CDC. By displaying scientific integrity, CDC will uphold its core values of accountability, respect, integrity, and health equity.

Scientific integrity is the responsibility of the entire CDC workforce. Covered individuals who must adhere to this policy include all CDC employees² and non-employees³ at all locations, domestic and international, and CDC's Centers, Institute, and Offices (CIOs) and Business Services Offices when, in the course of their official duties, they propose, conduct, or review science or communicate about science and scientific activities, and includes all levels of employees who manage, evaluate, or supervise scientific activities, or use scientific information in decision-making. This policy also applies to science conducted or proposed to be conducted in CDC facilities by any person. Express requirements that apply will be outlined in individual agreements, contracts, statements of work, and memoranda of understanding or established by issuing a separate rule or other policy.

In addition to the policies and procedures outlined here, all covered individuals are required to adhere to the <u>HHS Scientific Integrity Policy</u>.

¹ References in this document to "CDC" or "agency" refer to both CDC and the Agency for Toxic Substances and Disease Registry (ATSDR).

² For the purposes of this policy, the term "employees" consists of members of the civil service, United States Public Health Service Commissioned Corps officers, and locally employed staff.

³ For the purposes of this policy, the term "non-employees" includes individuals who provide consistent services to CDC, maintain a regular presence in a CDC facility, or have been issued a physical or logical access credential and are funded by CDC-managed appropriations. As used in this policy, non-employees include groups of individuals such as guest researchers, contractors, Intergovernmental Personnel Act personnel, or students.

2. BACKGROUND

Scientific information, data, and evidence are central to the development and iterative improvement of sound policies and the delivery of equitable services and programs across every area of government. The National Science and Technology Council's 2022 Report of the Scientific Integrity Fast-Track Action Committee (SI-FTAC), "Protecting the Integrity of Government Science," noted that strong scientific integrity policies and practices bolster the ability of federal agencies to protect the integrity of government science. The SI-FTAC Report summarizes foundational Executive branch actions on scientific integrity. The requirements of this policy stem from these foundational actions, the collective experience of federal agencies, and the informed engagement of stakeholders both inside and outside of government.

A. Definition of Scientific Integrity and Scientific Integrity Official

CDC adopts the following official federal definition of scientific integrity⁴:

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

Consistent with federal requirements,⁵ CDC has designated as the agency's lead Scientific Integrity Official (SIO) a CDC career employee with appropriate scientific credentials who holds a permanent position at a senior level at CDC. The CDC SIO leads the implementation and iterative improvement of CDC's scientific integrity policies and processes. Consistent with applicable laws, regulations, and policies, the CDC SIO has the responsibility and discretion required to gather and protect information to support the review and assessment of potential scientific integrity concerns and to coordinate with appropriate agency authorities to implement and enforce corrective scientific actions and administrative actions, as well as actions to prevent scientific integrity matters. The agency's CSO serves as the principal advisor to the CDC director on scientific issues and ensures appropriate engagement of CDC scientific leadership in decision-making.

B. Effective Date and Policy Amendments

This policy is effective when approved by the CDC Chief Operating Officer. CDC reviews this policy at a frequency consistent with CDC-GA-2003-05, "Management of CDC Operational Policies." The CDC SIO, who is the subject matter expert for this policy, shall coordinate updates and communicate them to the White House Office of Science and Technology Policy (OSTP) through its Subcommittee on Scientific Integrity), a chartered subgroup of the National Science and Technology Council, a cabinet level council no later than 30 days after adoption.

⁵ Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policy Making. January 27, 2021. <u>https://www.whitehouse.gov/briefing-room/presidential-</u> actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-

⁴ Scientific Integrity Framework Interagency Working Group of the National Science and Technology Council. A Framework for Federal Scientific Integrity Policy and Practice. January 12, 2023. <u>https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf</u>.

actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking.

C. Authorities

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

D. CDC Core Scientific Integrity Values and Principles

The success of CDC's mission to enhance the health and well-being of all Americans depends on the development and use of accurate, complete, and timely scientific and technical information. Scientific integrity requires such information to be developed under and subjected to well-established scientific processes, free from inappropriate interference that undermines impartiality, nonpartisanship, or professional judgment. CDC works to maximize the quality, accuracy, objectivity, utility, and timeliness of the scientific and technological information that it produces, uses, and disseminates. Everyone at CDC has a role to play in safeguarding the integrity of our science.

CDC's core values include accountability, respect, integrity, and health equity.⁶

- 1) Accountability. As diligent stewards of public trust and public funds, we act decisively and compassionately in service to people's health. We seek to ensure our research and our services are based on science and meet real public needs, to achieve our public health goals.
- 2) **Respect.** We respect and understand our interdependence with all people both inside the agency and throughout the world treating them and their contributions with dignity and valuing individual and cultural diversity. We are committed to achieving a diverse workforce at all levels within the organization as well as to ensuring the equitable delivery of health services and programs externally to the public.
- 3) *Integrity.* We strive to be honest and ethical in all we do. We intend to do what we say. We prize scientific integrity and professional excellence. We are committed to sound and evidence-based science, aiming to ensure the best available evidence informs our research and public health actions.
- 4) Health Equity. Health equity is the state in which everyone has a fair and just opportunity to attain their highest level of health. We are committed to the principle of health equity for all people; understanding the roles social determinants of health play in health equity; identifying, measuring, and addressing health disparities; and addressing social structures, practices, and barriers that adversely affect public health.

E. Exceptions

This policy shall be implemented consistent with applicable law.

⁶ CDC Scientific Integrity and Quality Overview Course: Advancing Excellence and Integrity of CDC Science. Jun 8, 2022. <u>https://www.train.org/main/course/1101984</u>.

3. POLICY

This policy outlines seven specific areas:

- Protecting Scientific Processes
- Ensuring the Free Flow of Scientific Information
- Supporting Decision-Making Processes
- Ensuring Accountability
- Protecting Scientists
- Professional Development for Government Scientists, and
- Federal Advisory Committees

CDC promotes a culture of scientific integrity by creating an empowering environment that is conducive to innovation and progress and also protects scientists and the process of science. Scientific findings and products must not be suppressed, delayed, or altered for political purposes and must not be subjected to political interference or inappropriate influence. Differences in scientific opinion are not necessarily inappropriate influence.⁷

A strong culture of scientific integrity begins with ensuring a professional environment that is safe, equitable, and inclusive. Issues of diversity, equity, inclusion, and accessibility are integral components of the entire scientific process. Responsible and ethical conduct of research and other scientific activities requires an environment that is equitable, inclusive, safe, and free from harassment and discrimination.⁸

To instill and enhance a culture of scientific integrity, CDC shall post this policy prominently and publicly on the agency website.⁹ To keep scientific integrity visible at CDC, CDC shall, as possible and appropriate, educate all CDC employees and other covered individuals, including those who perform scientific activities for the agency, on their rights and responsibilities related to scientific integrity. All employees will receive information to make them aware of their responsibilities under this scientific integrity policy. New employees will receive information or training within 90 days of their date of hire. CDC will also provide triennial training after the initial training for those who propose, review, conduct, manage, use the results of, and communicate about science and scientific activities.¹⁰ CDC will track completed training.

A. Protecting Scientific Processes

Scientific integrity fosters "honest scientific investigation, open discussion, refined understanding, and a firm commitment to evidence."¹¹ It also enables consideration and documentation of differing scientific opinions. Practices that support scientific integrity may

⁷ For examples, see the Scientific Integrity Framework Interagency Working Group of the National Science and Technology Council. A Framework for Federal Scientific Integrity Policy and Practice. January 12, 2023. <u>https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf</u>.

 ⁸ Scientific Integrity Fast-Track Action Committee (SI-FTAC) of the National Science and Technology Council (NSTC). Protecting the Integrity of Government Science. January 11, 2022. <u>https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting the Integrity of Government Science.pdf</u>.
 ⁹ CDC. Scientific Integrity at CDC. December 22, 2021. <u>https://www.cdc.gov/scientific-integrity/index.html</u>.

 ^o CDC. Scientific Integrity at CDC. December 22, 2021. <u>https://www.cdc.gov/scientific-integrity/index.ntmi</u>.
 ¹⁰ CDC Scientific Integrity and Quality Overview Course: Advancing Excellence and Integrity of CDC Science. Jun 8, 2022. <u>https://www.train.org/main/course/1101984</u>.

¹¹ Presidential Memorandum on Scientific Integrity. March 9, 2009. <u>https://obamawhitehouse.archives.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09</u>.

include peer review and open science.¹² Science, and public trust in science, thrive in an environment that prevents political interference and inappropriate influence from impacting scientific data and analyses and their use in decision-making.¹³

It is the policy of CDC to:

- Require CDC employees and other covered individuals who design, conduct, manage, evaluate, and communicate about scientific research, surveillance, and other scientific activities to do so honestly and thoroughly. CDC's public health science activities include research and non-research, per CDC-GA-2010-01, "Protection of Human Subjects in Clinical and Research Investigations."
- Prohibit research misconduct, deliberate or reckless use of improper methods or processes in conducting research, and lack of adherence to systems and practices that safeguard the quality of research. CDC-GA-2002-01, "Responding to Allegations of Research Misconduct" addresses fabrication, falsification, and plagiarism. Ordering, advising, and suggesting that subordinates engage in research misconduct are also violations of this policy.
- 3. Prohibit political interference or other inappropriate influence in the design, proposal, conduct, review, management, evaluation, communication about, and use of scientific activities and scientific information.
- 4. Prohibit inappropriate restrictions on resources that limit or reduce the availability of science and scientific products (e.g., manuscripts for scientific journals and presentations for workshops, conferences, and symposia) outside of normal agency budgetary or priority-setting processes or without valid scientific, legal, or security justification.
- 5. Require that all covered individuals who engage in scientific activities can carry out their duties objectively and free from retaliation, political interference, or inappropriate influence.
- 6. Require CDC employees, managers, and supervisors to complete training on whistleblower protection from retaliation and prohibited personnel practices,¹⁴ workforce awareness, and harassment prevention.
- 7. Require reasonable efforts by all employees and other covered individuals to ensure the accuracy of the scientific record and to correct identified inaccuracies that pertain to their contribution to any scientific records.
- 8. Safeguard scientific integrity through independent review of scientific facilities, methodologies, and other scientific activities, as appropriate.
- 9. Require implementation and adherence within CDC laboratories to the Electronic Quality Management System and quality standards outlined in CDC-SA-2019-01, "Laboratory Quality Management."
- 10. Require adherence to federal and agency requirements regarding dual use research, outlined in CDC-SM-2007-01, "Oversight and Clearance of Dual Use Research and Dual Use Research of Concern."

¹² OSTP. Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research. August 25, 2022. <u>https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf</u>.

¹³ Presidential Memorandum on Scientific Integrity. March 9, 2009. <u>https://obamawhitehouse.archives.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09</u>.

¹⁴ The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, also known as the No FEAR Act, requires that federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. <u>https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/images/Documents/No-FEAR-Act-Notice.pdf</u>.

- 11. Require covered individuals to practice appropriate diligence toward protecting and conserving federal research resources, such as equipment and other property, and records of data and results.
- 12. Require CDC employees to properly document CDC's official activities and comply with applicable federal laws and the CDC-GA-2005-07, "Records Management Policy," to ensure compliance with federal records management laws, regulations and guidance.
- Require CDC employees to release information per applicable provisions of the <u>Freedom of Information Act</u> (FOIA) in coordination with the CDC FOIA Office and Officer.
- 14. Require covered individuals to represent their contributions to scientific work fairly and accurately, per CDC-GA-2005-08, "Authorship."
- 15. Require authors of CDC information products to disclose potential conflicts of interest¹⁵ to their supervisor or other appropriate agency officials for determination regarding recusal, disclaimer, or other necessary actions to ensure transparency, as per CDC-GA-2005-08, "Authorship," and the <u>Supplemental Standards of Ethical Conduct for HHS employees</u>.
- 16. Require research involving human subjects and the care and use of non-human animals to be conducted in accordance with applicable, established laws, regulations, ethical considerations, federal requirements, and CDC policies, including CDC-SA-2010-01, "Protection of Human Subjects in Research and Clinical Investigations," and CDC-SA-2003-01, "Laboratory Animal Care and Use Policy."
- 17. Support and enhance scientific integrity, recognizing that violations of scientific integrity can disproportionately affect underrepresented groups or undermine the equitable delivery of federal government services and programs.

B. Ensuring the Free Flow of Scientific Information

Open and timely communication of CDC science plays a valuable role in building public trust and understanding of CDC work. CDC facilitates the free flow (i.e., sharing and dissemination) of scientific and technological information and supports scientific integrity in the communication of scientific activities, findings, and products. Dissemination of scientific and technological information will occur to the extent allowed by and consistent with privacy and confidentiality standards and responsible communication of scientific information, as well as federal policies addressing technology transfer and agency policies on the communication of scientific information, including the CDC-CM-2009-01, "CDC Media Relations Policy: Release of Information to News Media," CDC-GA-2011-01, "CDC Enterprise Social Media Policy," and CDC/ATSDR Action Plan to Improve Health Literacy.

It is the policy of CDC to:

 Facilitate the free flow of scientific and technological information to the extent permitted by federal laws, regulations, and current CDC policies. Consistent with open science requirements¹⁶ and CDC-GA-2013-01, "<u>Public Access to CDC-Funded Publications</u>," scientific and technological information produced by CDC should be communicated publicly with fidelity and timeliness.

 ¹⁵ Conflicts of interest may include financial, personal, or professional relationships, including in-kind support from either domestic or international sources, that might affect research integrity. Conflicts must be avoided for situations in which financial or other interests might compromise or give the appearance of compromising the scientific work.
 ¹⁶ OSTP. Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research. August 25, 2022. https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf.

- 2. Ensure scientific findings and products are not unduly suppressed, delayed, or altered for political purposes and are not subjected to inappropriate influence. Scientific products must adhere to agency technical review procedures, in accordance with CDC-GA-2005-06, "Scientific Information Products Disseminated Outside of CDC for Public Use," and CDC-GA-1997-02, "Securing Approval for Sponsorship of Conferences." Violations of clearance or public access policies that result in suppression, delay, or alteration of scientific and technological information without valid scientific, legal, or security justification constitute violations of this policy.
- 3. Ensure the accurate representation of the work and conclusions of CDC scientists, and the work and conclusions of work funded or supported by the federal government, in agency communications.¹⁷
- 4. Ensure the accurate representation of scientific information in responses provided by CDC to Congressional inquiries, agency personnel testimony, and other requests.
- 5. Offer a knowledgeable spokesperson who can, in an objective and nonpartisan manner, describe scientific or technological aspects of the work, in response to media requests.
- 6. Require that CDC officials, including public affairs and communications officers, not alter, nor direct agency scientists to alter, scientific research findings in a manner that may compromise the objectivity or accurate representation of those findings.
- 7. Offer opportunities for scientific communication training and communications support to agency scientists to enable their ability to clearly communicate their findings, both to policymakers within their respective agencies and to the public.
- 8. Permit, and even encourage, CDC scientists¹⁸ in their official capacities to communicate objectively with the media or the public regarding their scientific activities and areas of scientific expertise, consistent with government ethics rules and CDC policies. Consistent with the CDC-CM-2009-01, "CDC Media Relations Policy: Release of Information to News Media," CDC employees may speak to members of the media about their work; however, CDC does not require employees to speak to the media.
- 9. Allow CDC scientists to communicate with the media or the public in their personal capacities (e.g., personal accounts), subject to limitations of government ethics rules, agency social media regulations, and obligations to protect nonpublic information. For personal or private participation in outside activities, covered individuals should consult with the <u>CDC Ethics and Compliance Activity</u> for guidance and use appropriate written or oral disclaimers. CDC scientists may express their personal views and opinions; however, they should not claim to officially represent the agency or its policies, nor use the agency or other U.S. government seals or logos. CDC employees shall refer to CDC-GA-2002-04, "Use of Seals and Logos," and CDC-CM-2009-01, "CDC Media Relations Policy: Release of Information to News Media," for additional requirements.
- 10. Represent the work and conclusions of CDC scientists accurately in agency social media communications and provide appropriate guidance to agency scientists on the use of CDC social media, consistent with CDC-GA-2011-01, "CDC Enterprise Social Media Policy."

C. Supporting Decision-Making Processes

CDC adheres to the principles outlined below to support policy and decision-making processes.

¹⁷ If communication documents significantly rely on a scientist's research, identify them as an author, or represent their scientific opinion, the scientist shall be given the option to review the scientific content of proposed communication documents.

¹⁸ CDC scientists are CDC employees and other covered individuals who conduct these activities. This term does not refer to individuals with scientific and technical training whose primary job functions are in non-scientific roles (e.g., policymakers and communicators).

It is the policy of CDC to:

- 1. Ensure the quality, accuracy, and transparency of scientific information used to support policy and decision-making, including by:
 - a. Using scientific information that is subject to well-established scientific processes
 - b. Ensuring scientific data and research supporting policy decisions undergo peer review by qualified experts, where feasible and appropriate, and in accordance with relevant laws
 - c. Adhering to the Office of Management and Budget <u>Final Information Quality</u> <u>Bulletin for Peer Review</u>, CDC-GA-2005-06, "Clearance of Scientific Information Products Disseminated Outside of CDC For Public Use," and CDC-GA-002-09, "Peer Review of Research and Scientific Programs"
 - d. Reflecting scientific information appropriately and accurately and seeking to ensure it is free of misinformation
 - e. Making scientific findings or conclusions considered or relied on in policy decisions publicly available, as feasible
- 2. Enable scientists to, where legally permissible and appropriate, directly participate in policy and management decisions relevant to their expertise to ensure accurate representation and interpretation of science.
- 3. Ensure, to the greatest extent possible, the accuracy of communication about the science that forms the basis of policy decisions.
- 4. Acknowledge that scientists may hold differing opinions within their areas of expertise without compromising scientific integrity and encourage CDC scientists to respectfully express and engage with diverse viewpoints as an essential part of the scientific process.
 - a. Scientists are encouraged to address differences of scientific opinion within their organizational units, involving their scientific leadership as necessary.
 - b. In instances when differences of scientific opinion persist and resolution within the CIO is not possible, particularly when a scientific dispute has substantial implications for public health or policy, the CDC SIO may coordinate a scientific dispute resolution process.
 - c. The CDC SIO may involve scientific officials, including agency CIO associate directors for science (ADS), associate directors for epidemiologic science (ADES), and associate directors for laboratory science (ADLS), who form the CDC Excellence in Science Committee (EISC), as well as the agency CSO to review internal differences of scientific opinion.

D. Ensuring Accountability

CDC promotes a culture of accountability.

It is the policy of CDC to:

- 1. Encourage and facilitate early informal or formal consultation with scientific integrity officials and advisors such as the CDC SIO, ADS, ADES, or ADLS to seek advice on preventing or addressing a loss of scientific integrity, to determine if a violation of this scientific integrity policy has occurred, or to ascertain if referral elsewhere in the agency for resolution is necessary.
- 2. Provide clear instructions on how to report, formally and confidentially, concerns and allegations of violations of this scientific integrity policy. Those who report concerns and allegations need not be directly involved or witness a violation.

NOTE: Information on reporting procedures for allegations of suspected research misconduct or other scientific integrity concerns, including contact information for the CDC SIO, is located on the CDC website: <u>Scientific Integrity at CDC</u>.

- 3. Ensure that the CDC SIO, together with other CDC scientific integrity officials and advisors, as applicable, draft procedures to respond to allegations of compromised scientific integrity in a timely, objective, and thorough manner. The CDC SIO has primary responsibility for addressing scientific integrity concerns including research misconduct at CDC, consistent with CDC-SA-2002-01, "Responding to Allegations of Research Misconduct."
- 4. Ensure correction of the scientific record and implementation of corrective scientific actions when allegations of a loss of scientific integrity are substantiated. Corrective scientific actions may include correction or retraction of published scientific work or related media releases, release of inappropriately suppressed scientific materials, monitoring or supervision of future scientific activities, or required validation of data sources.

E. Protecting Scientists

CDC works to assure the protection of CDC scientists and other covered individuals from retaliation in implementation of this policy. An employee or applicant is protected from retaliation for the disclosure of information the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information. (Refer to 5 U.S.C. §§ 2302(b)(8)-(9) and Pub. L. 112-199).

It is the policy of CDC to:

- Select and retain candidates for scientific and technical positions based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and hold them and their supervisors to the highest standard of professional and scientific ethics.
- 2. Create safe workspaces that are free from harassment and discrimination, and promote diversity, equity, inclusion, accessibility, and belonging, in accordance with CDC's Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Action Plan.
- 3. Prevent CDC employees from intimidating or coercing scientists to alter scientific data, findings, or professional opinions or from inappropriately influencing scientific advisory boards.
- 4. Protect scientific integrity advisors and the SIO with all applicable employee rights required by law, ensuring they are not unjustly terminated or reassigned without good cause or legitimate organizational reason.
- 5. Protect from reprisal those individuals who report in good faith allegations of loss of scientific integrity, including research misconduct. Efforts will be made to protect the privacy of individuals involved in allegations.
- 6. Comply with whistleblower protections, specifically:
 - a. The requirements of the Whistleblower Protection Act of 1989, <u>PL 101–12</u>, and its expanded protections enacted by <u>PL 103-424</u> and the Whistleblower Protection Enhancement Act of 2012, <u>5 U.S.C. Part 2302(b)(8)-(9)</u>
 - b. <u>The National Defense Authorization Act of 2013's</u> expansion of certain whistleblower protections to employees of federal government contractors, subcontractors, and grant recipients, <u>41 U.S.C. §4712</u>, <u>48 CFR 3</u>, and <u>48 CFR</u> <u>52.203-15</u> which make permanent the pilot program for enhancement of contractor protection from reprisal for sharing certain information

- c. Presidential Policy Directive 19 (<u>Protecting Whistleblowers with Access to</u> <u>Classified Information</u>) which prohibits supervisors from taking, failing to take, or threatening to take or fail to take any action affecting an employee's eligibility for access to classified information in reprisal for making a protected disclosure, and
- d. Whistleblower Protections for Members of the Armed Services (codified at <u>10</u> <u>U.S.C. §1034</u>), made applicable to Public Health Service Commissioned Corps officers through <u>42 U.S.C. § 213a(a)(18)</u> and implemented by <u>Commissioned</u> <u>Corps Directive</u> <u>121.06</u>.

F. Professional Development for Government Scientists

CDC encourages professional development for scientists.

It is the policy of CDC to:

- 1. Encourage covered individuals involved in agency scientific activities to interact with the broader scientific community, in a manner consistent with federal rules of ethics, job responsibilities, and to the extent practicable, given the availability of funding to support such interactions and any budgetary restraints.¹⁹
- 2. Permit, as appropriate, participation in professional meetings, receipt of scientific awards, service on editorial boards, and performance of outreach and community engagement activities, as part of their official duties.
- 3. Encourage timely sharing of scientific activities, findings, and materials through appropriate outlets, including digital repositories, consistent with CDC-GA-2013-01, "Public Access to CDC-Funded Publications."

G. Federal Advisory Committees

Federal advisory committees (FACs) are an important tool for ensuring the credibility, quality, and transparency of agency science, and are a key component of CDC's overall strategy to engage the public and partners in its efforts and commitment to improve people's health. The role of FACs is to provide advice or recommendations to the agency director. The agency may then craft policy based on the FACs' advice or recommendations if it chooses to adopt those recommendations. The Federal Advisory Committee Act and Federal Advisory Committee Act implementing regulation require that the advice, recommendations, and reports of advisory committees will not be inappropriately influenced by the committee appointing authority, a federal agency, or by any special interest, but will instead be the result of the advisory committee Management Handbook, and, in coordination with the General Services Administration, provides Federal Advisory Committee Information for convening FACs tasked with giving scientific advice and recommendations to CDC. CDC's Office of Strategic Business Initiatives is responsible for policy and oversight of CDC's FAC Management Program.

Consistent with applicable laws and guidance, it is the policy of CDC to:

- 1. Promote transparency in the recruitment of new FAC members, as feasible and appropriate.
- 2. Select members to serve on a scientific or technical FAC based on expertise, knowledge, and contribution to the relevant subject area.

¹⁹ Subject to limitations and requirements outlined in the HHS Scientific Integrity Policy.

- 3. Utilize members of scientific and technical FACs as Special Government Employees whenever feasible and appropriate.
- 4. Treat all reports, recommendations, and products produced by FACs as solely the findings of such committees rather than of the U.S. government, and thus not subject to intra- or inter-agency clearance or revision.
- 5. Require completion and certification of ethics training and appropriate financial disclosures as part of the onboarding process for new committee members. CDC uses the Ethics and Program Activity Tracking System to track compliance.
- 6. Comply with current standards governing conflict of interest as defined in statutes and implementing regulations.²⁰

4. **RESPONSIBILITIES**

Scientific integrity is everyone's responsibility. CDC leaders at all levels shall recognize, support, and promote this policy and its underlying principles, as well as model behavior exemplifying a strong culture of scientific integrity. The following people have specific scientific integrity roles and responsibilities at CDC:

A. CDC Director

- Provides leadership for the agency, including by leading through example on scientific integrity, upholding scientific integrity principles, and regularly communicating the importance of scientific integrity
- Ensures that all agency scientific activities are conducted in accordance with applicable law and this policy
- Ensures that all supervisors and managers comply with the scientific integrity policy and ensures accountability for those who do not
- Ensures that violations of scientific integrity policies are investigated to the full extent described in this policy and that appropriate corrective scientific actions are taken
- Designates a senior agency career employee with appropriate qualifications and scientific credentials for the role of chief science officer (CSO) to serve as scientific advisor or chief scientist
- Designates a senior career employee to report to the CSO and serve as agency SIO, with responsibility to oversee implementation and improvement of scientific integrity policies and processes
- Ensures that this policy considers, supplements, and supports HHS and agency plans for forming evidence-based policies, including agency evidence-building plans required by <u>5 U.S.C. 312(a)</u> and annual evaluation plans required by <u>5 U.S.C. 312(b)</u>
- Allocates resources, including staffing, monitoring, evaluation, and training, for policy implementation
- Ensures the CSO and SIO possess all applicable employee protection rights and appeals and have protection against retaliation of any kind, and
- Supports and respects the CDC SIO's role and responsibility to conduct independent reviews, develop recommendations, identify corrective scientific actions, and oversee agency compliance with corrective scientific actions when violations of this policy are substantiated

²⁰ U.S. Department of Health & Human Services. Ethics Rules for Advisory Committee Members and Other Individuals Appointed as Special Government Employees. October 2004. <u>https://ethics.od.nih.gov/sites/default/files/topics/SGE-Training-Oct-04.pdf</u>.

B. CDC Chief Science Officer (CSO)

- Serves as the principal advisor to the CDC Director on scientific issues and ensures CDC's research programs are scientifically and technologically well-founded and conducted with integrity
- Oversees the implementation and iterative improvement of this policy and other policies and processes affecting the integrity of research funded, conducted, or overseen by the agency
- Supports the SIO's designation of and agency compliance with corrective scientific actions when violations of this policy are substantiated, and
- Ensures CDC's CIOs, in consultation with the CDC Office of Human Resources and Office of the General Counsel (OGC), as needed follow recommended administrative actions for substantiated violations of scientific integrity policies, assigning responsibility for each aspect of accountability

C. CDC Scientific Integrity Official (SIO)

- Provides leadership on matters of scientific integrity, serving as champion and primary agency contact for questions regarding scientific integrity
- Collaborates with the CSO to lead the development, implementation, and iterative improvement of agency scientific integrity policies and processes
- Oversees agency standards for adjudicating scientific integrity matters and related monitoring and reporting
- Reports to the CDC CSO on matters involving scientific integrity, including identifying emerging matters, and regular reporting on agency compliance and may also inform the CDC Director or deputies as appropriate
- Leads development and implementation of trainings and resources to facilitate employee awareness and understanding of scientific integrity and leads dissemination of best practices
- Serves as a neutral point of contact for receiving scientific inquiries, concerns, or allegations of loss of scientific integrity, providing informal consultation for employees who have scientific integrity concerns
- Conducts an initial assessment of allegations and submitted materials following established procedures, to determine whether the allegations pertain to loss of scientific integrity, and then determines the appropriate handling of allegations
- Provides independent oversight of agency responses to allegations of loss of scientific integrity referred for an inquiry or investigation, including reviewing agency-submitted reports of allegations and their disposition and maintaining a status report of responses to allegations as a means of monitoring the progress toward resolution
- Collaborates with other CDC scientific integrity officials and advisors such as the EISC, ADSs, ADESs, ADLSs, or scientific integrity advisors across the agency and other CIO science leaders
- Coordinates as necessary with the agency's Immediate Office of the Director including the <u>Office of Science</u>, <u>Ethics and Compliance Activity</u>, Office of Human Resources, <u>Office of Communications</u>, <u>Office of the Chief Information Officer</u>, and <u>Office of</u> <u>Laboratory Science and Safety</u>, as well as other federal agencies, legal counsels, and committees including the <u>HHS Scientific Integrity Official</u>, <u>HHS Office of Research</u> <u>Integrity</u>, <u>Office of the General Counsel</u>, <u>HHS Office for Civil Rights</u>, <u>HHS Office of the</u> <u>Inspector General (OIG)</u>, <u>National Science and Technology Council</u>, <u>Subcommittee on</u> <u>Scientific Integrity</u>, and other offices on matters related to scientific integrity

- Reports any potentially criminal behavior related to waste, fraud, or abuse uncovered while responding to an allegation of loss of scientific integrity, coordinating as appropriate with the HHS OIG
- Leads efforts for the iterative improvement of this policy and CDC scientific integrity initiatives overall, including development and implementation of an evaluation plan
- Reports publicly, as appropriate and consistent with applicable law, on agency scientific integrity activities, such as the annual number of scientific integrity investigations and appeals

D. Other CDC Scientific Integrity Advisors

- Support and assist the SIO as needed²¹
- Oversee implementation and iterative improvement of scientific integrity policies and processes in their respective CIOs
- Coordinate with the CDC SIO in implementing the agency's scientific integrity policies and processes

E. CDC Managers and Supervisors

- Ensure compliance with this policy within their organizational unit—including reporting, or advising others on reporting, allegations of loss of scientific integrity—and taking appropriate action in coordination with the SIO
- Lead by example by upholding scientific integrity principles and communicating their importance
- Ensure that staff in their organizational unit receive relevant resources and complete all required science integrity training
- Report any knowledge of potential loss of scientific integrity to the SIO
- Refrain from committing acts of reprisal against agency employees and other covered individuals, including those who uncover and report allegations of loss of scientific integrity in good faith, as well as those alleged to have engaged in a loss of scientific integrity
- Consult, as appropriate with their ADS/ADES/ADLS, the CDC SIO, human resources officers, contracting and grant personnel, ethics officers, OIG, OGC, and the <u>HHS Office</u> <u>for Civil Rights</u>

F. CDC Employees and Other Covered Individuals

- Read and comply with this policy
- Complete all required scientific integrity training
- Adhere to accepted professional values and practices of their relevant research and scientific communities
- Report any concerns about potential losses of scientific integrity or violations of this policy to their supervisor, their ADS/ADLS, or the agency's SIO, maintaining confidentiality if involved in any part of the process,²² and report any instances of retaliation or potential criminal activity to the <u>HHS OIG Hotline</u>, and

²¹ Other CDC scientific integrity advisors include CIO-level ADSs, ADESs, and ADLSs, who are members of the EISC. Additional support and assistance is available from division-level ADSs, ADESs, and ADLSs within each CIO.
²² CDC. Scientific Integrity at CDC. December 22, 2021. https://www.cdc.gov/scientific-integrity/index.html.

• Cooperate with the SIO and other scientific integrity advisors in the review of allegations and the conduct of assessments, inquiries, and investigations, as needed

5. REFERENCES

- A. 5 C.F.R. §§ 5501 and 5502 (1996) <u>Supplemental Standards of Ethical Conduct for</u> <u>Employees of the Department of Health and Human Services</u>
- B. 21 C.F.R. § 50,36,312, 812 (1980) Protection of Human Subjects
- C. 41 C.F.R. § 102-3 (2024) Federal Advisory Committee Management (Final Rule)
- D. 42 C.F.R § 93 (2005) Public Health Service Policies on Research Misconduct
- E. 48 C.F.R.§ 3 (2015) Improper Business Practices and Personal Conflicts of Interest
- F. 48 C.F.R. § 52.203-15 (2021) <u>Whistleblower Protections Under the American</u> <u>Recovery and Reinvestment Act of 2009</u>
- G. 70 F.R. § 2664 (2005) Final Information Quality Bulletin for Peer Review
- H. 5 U.S.C. Ch.10 (2022) The Federal Advisory Committees
- I. 5 U.S.C. § 312(a)-(b) (2019) <u>Agency Evidence-Building Plan</u>
- J. 5 U.S.C. § 2302(b)(8)-(9) (1995) Prohibited Personnel Practices
- K. 10 U.S.C. §1034 (1995) Whistleblower Protections for Members of the Armed Services
- L. 41 U.S.C. § 4712 (2024) Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information
- M. CDC. "CDC/ATSDR Action Plan to Improve Health Literacy," dated August 2021,
- N. CDC. CDC-GA-2005-08: Authorship, dated August 25, 2016,
- **O.** CDC. CDC-GA-2011-01: CDC Enterprise Social Media Policy, dated January 8, 2015.
- P. CDC. CDC-GA-2005-06: Clearance of Scientific Information Products Disseminated Outside of CDC For Public Use, dated May 18, 2020,
- Q. CDC. CDC-SA-2003-01: Laboratory Animal Care and Use Policy, dated March 15, 2022,
- R. CDC. CDC-SA-2019-01: Laboratory Quality Management, dated June 3, 2019,
- **S.** CDC. CDC-GA-2003-05: *Management of CDC Operational Policies*, dated December 14, 2018,
- T. CDC. CDC-CM-2009-01: CDC Media Relations Policy: Release of Information to News Media, dated September 3, 2019,
- U. CDC. CDC-SM-2007-01: Oversight and Clearance of Dual Use Research and Dual Use Research of Concern, dated November 13, 2019,
- V. CDC. CDC-GA-002-09: *Peer Review of Research and Scientific Programs*, dated December 19, 2013,
- **W.** CDC. CDC-SA-2010-01: *Protection of Human Subjects in Research and Clinical Investigations*, dated October 15, 2021,
- X. CDC. CDC-GA-2013-01: Public Access to CDC-Funded Publications, dated April 8, 2024,
- Y. CDC. CDC-GA-2005-07: Records Management Policy, dated September 14, 2021,
- **Z.** CDC. CDC-SA-2002-01: *Responding to Allegations of Research Misconduct*, dated July 28, 2009,
- AA. CDC. CDC-GA-1997-02: Securing Approval for Sponsorship of Conferences, dated September 22, 2008,
- **BB.** CDC. "Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Action Plan," dated June 9, 2022.
- **CC.** CDC. "Ethics and Compliance Activity," dated July 18, 2023, <u>https://www.cdc.gov/ethics</u>.

- **DD.** CDC. "Federal Advisory Committee (FAC) Information," dated May 20, 2024, <u>https://www.cdc.gov/faca/index.html</u>.
- **EE.** CDC. Freedom of Information Act (FOIA). July 6, 2023. <u>https://www.cdc.gov/od/foia/index.htm</u>
- FF. CDC. Scientific Integrity at CDC. December 22, 2021. <u>https://www.cdc.gov/scientific-integrity/index.html</u>
- **GG.** CDC. Scientific Integrity and Quality (SIQT) Overview Course: Advancing Excellence and Integrity of CDC Science. May 24, 2023. <u>https://www.train.org/main/course/1101984</u>
- HH. CDC. CDC-GA-2002-04: Use of Seals and Logos, dated March 3, 2017,
- II. HHS. "Commissioned Corps Directive (CCD) 121.06: Protected Communications", dated February 10, 2022, <u>https://dcp.psc.gov/ccmis/ccis/documents/CCD121_06.pdf</u>.
- JJ. HHS. "Ethics Rules for Advisory Committee Members and Other Individuals Appointed as Special Government Employees (SGEs)", dated October 2004, <u>https://ethics.od.nih.gov/sites/default/files/topics/SGE-Training-Oct-04.pdf</u>.
- KK. HHS. "Federal Advisory Committee Management Handbook", dated November 2013.
- LL. HHS. Scientific Integrity Policy, Expected 2024 https://www.hhs.gov/sites/default/files/draft-hhs-scientific-integrity-policy.pdf.
- **MM.** OSTP. "Memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research", dated August 25, 2022, <u>https://www.whitehouse.gov/wp-content/uploads/2022/08/08-2022-OSTP-Public-Access-Memo.pdf</u>.
- NN. OSTP. "Memorandum on Scientific Integrity", dated December 17, 2010. <u>https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf</u>
- **OO.** OSTP. "No FEAR Act Notice", dated May 15, 2022. <u>https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/images/Documents/No-FEAR-Act-Notice.pdf</u>
- PP. Presidential Memorandum for the Heads of Executive Departments and Agencies, "Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policy Making" dated January 27, 2021. <u>https://www.whitehouse.gov/briefing-room/presidential-</u> <u>actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientificintegrity-and-evidence-based-policymaking</u>
- QQ. Presidential Memorandum for the Heads of Executive Departments and Agencies, "Memorandum on Scientific Integrity", dated March 9, 2009. <u>https://obamawhitehouse.archives.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09</u>
- **RR.** Presidential Policy Directive (PPD-19): *Protecting Whistleblowers with Access to Classified Information*, dated October 10, 2012, <u>https://www.dni.gov/ICIG-Whistleblower/resources/PPD_19.pdf</u>
- **SS.** Scientific Integrity Fast-Track Action Committee (SI-FTAC) of the NSTC. Protecting the Integrity of Government Science. January 11, 2022. <u>https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting_the_Integrity_of_Government_Science.pdf</u>
- TT. Scientific Integrity Framework Interagency Working Group of the NSTC. A Framework for Federal Scientific Integrity Policy and Practice. January 12, 2023. <u>https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf</u>
- UU. Whistleblower Protection Act of 1989, Pub. L. No. 101–12 103 Stat. 16 (1989) https://www.govinfo.gov/content/pkg/STATUTE-103/pdf/STATUTE-103-Pg16.pdf
- VV. Whistleblower Protection Enhancement Act of 2012, Pub. L. No. 112-199 126 Stat. 1465 (2012) <u>https://www.congress.gov/112/statute/STATUTE-126/STATUTE-126-Pg1465.pdf</u>

6. ACRONYMS AND ABBREVIATIONS

ADES – Associate Director for Epidemiologic Science ADLS - Associate Director for Laboratory Science **ADS** – Associate Director for Science **ATSDR –** Agency for Toxic Substances and Disease Registry **CDC** – Centers for Disease Control and Prevention **CFR –** Code of Federal Regulations CIO - CDC Centers, Institute, and Offices **CSO –** Chief Science Officer **DEIA – Diversity Equity Inclusion and Accessibility EISC –** CDC Excellence in Science Committee FAC – Federal Advisory Committee FOIA – Freedom of Information Act **HHS –** U.S. Department of Health & Human Services **NSTC –** National Science and Technology Council OGC - Office of the General Counsel **OHR –** Office of Human Resources **OIG** – Office of the Inspector General **OSTP –** White House Office of Science and Technology Policy **SI-FTAC –** Scientific Integrity Fast-Track Action Committee **SIO –** Scientific Integrity Official **SOSI –** Subcommittee on Scientific Integrity (subgroup of NSTC) **WPA –** Whistleblower Protection Act

7. DEFINITIONS

Allegation – A disclosure of a suspected loss of scientific integrity.

Corrective Scientific Action – Actions taken to restore the accuracy of the scientific record after a loss of scientific integrity has been determined, such as correction or retraction of published materials.

Ethical Behavior – Activities that reflect norms for conduct that distinguish between acceptable and unacceptable behavior, such as honesty, lawfulness, equity, and professionalism, and to adherence to statutes, regulations, policies, and guidelines governing employee conduct.

Inclusivity – The practice of providing equal access to opportunities for full participation of all people and all groups, including marginalized, underserved, and underrepresented contributors, without bias or prejudice.

Inappropriate Influence – An attempt to shape or interfere in scientific activities or the communication about or use of scientific activities, against well-accepted scientific methods and theories and without scientific, legal, or security justification.

Interference – Inappropriate, scientifically unjustified intervention in the conduct, management, communication, or use of science.

NOTE: It includes censorship, suppression, or distortion of scientific or technological findings, data, information, or conclusions; inhibiting scientific independence during clearance and review; scientifically unjustified intervention in research and data collection; and inappropriate engagement or participation in peer review processes or federal advisory committees.

Loss of Scientific Integrity – The failure to comply with this scientific integrity policy or to adhere to objectivity, transparency, and ethical behavior when conducting, managing, using the results of, and communicating about science and scientific activities.

NOTE: This loss may include research misconduct or inappropriate influence in the conduct, communication, management, and use of science.²³

Misinformation – Incorrect, misleading, or misattributed information circulated without underlying agenda or intent to harm.

Open Science – The principle and practice of making research products and processes available to all, while respecting diverse cultures, maintaining security and privacy, and fostering collaborations, reproducibility, and equity.

Policymaking – The (1) development of policies or making determinations about policy or management; (2) making determinations about expenditures of federal agency funds; (3) implementing or managing activities that involve, or rely on, scientific activities.

Political Interference – Inappropriately shaping or interfering in the conduct, management, communication, or use of science for political advantage or such that it undermines impartiality, nonpartisanship, or professional judgment.

Research Misconduct – Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion (refer to <u>42 C.F.R. § 93.103</u>).

Retaliation – Taking or failing to take (or threatening to take or failing to take) a personnel action with respect to any employee or applicant for employment because of any disclosure of information that the employee or applicant reasonably believes evidences any violation of any law, rule, or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety if such disclosure is not specifically prohibited by law and if such information is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Science – The full spectrum of scientific endeavors, including basic science, applied science, evaluation, engineering, technology, economics, social sciences, and statistics, as well as the scientific and technical information derived from these endeavors.

Scientific Activities – Activities that involve the application of well-accepted scientific methods and theories in a systematic manner, including, but not limited to, data collection, inventorying, monitoring, evaluation, statistical analysis, surveying, observations, experimentation, study, research, integration, economic analysis, forecasting, predictive analytics, modeling, technology development, and scientific assessment, as well as any findings derived from these activities.

²³ Scientific Integrity Fast-Track Action Committee (SI-FTAC) of the NSTC. Protecting the Integrity of Government Science. January 11, 2022. <u>https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-</u> <u>Protecting the Integrity of Government Science.pdf</u>.

Scientific Record – Published information resulting from scientific activities. CDC is responsible for ensuring the accuracy of elements of the scientific record that the agency publishes.

Scientist – An individual whose responsibilities include collection, generation, use, or evaluation of scientific and technical data, analyses, or products.

Special Government Employee – An officer or employee who is retained, designated, appointed, or employed by the government to perform temporary duties, with or without compensation, for not more than 130 days during any period of 365 consecutive days.

Transparency – Ensuring all relevant data and information used to inform a decision made or action taken is visible, accessible, and consumable by affected or interested parties, to the extent allowable by law.