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U.S. DEPARTMENT OF EDUCATION**

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Approved by: Signed by Andrew Jackson
Assistant Secretary for Management

Scientific Integrity Policy

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This is a new directive.

I. Purpose

This document establishes a policy for assuring the integrity of the Scientific Activities supported by the Department of Education (ED).

II. Policy

In order to ensure that Scientific Activities conducted and supported by ED are of the highest quality and integrity, and can be trusted by the public and contribute to sound decision-making, ED believes that it is vital to maintain a culture of Scientific Integrity.

III. Applicability

All ED employees, including political appointees and contractors, are required to follow this Directive when engaging in, supervising, managing, or monitoring Scientific Activities, communicating information about ED Scientific Activities, or using data or findings generated through or resulting from Scientific Activities in making ED policy, management, or regulatory decisions. This Directive does not apply to ED employees' communication about or use of data, information, or research (or the findings derived from such data, information, or research) when the data, information, or research are collected as part of the ongoing management of individual programs or grants; or are collected to determine compliance with federal laws. This Directive also does not apply to ED employees' communication about or use of data, information, or research (or the findings derived from such data, information, or research) when the data, information, or research are used to assess success in achieving the ED's objectives; or to evaluate the success of training activities.

IV. Authorization

- A. 5 U.S.C. § 301 allows the head of an executive department to prescribe regulations for the conduct of its employees.
- B. Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635 and Conflict of Interest, 18 U.S.C. § 208, and related rulings by the Office of Government Ethics.
- C. Federal Policy on Research Misconduct (Dec. 6, 2000), 65 Fed. Reg. 76,260.
- D. ED Research Misconduct Policy (November 2, 2005), 70 Fed. Reg. 6637.
- E. Education Sciences Reform Act of 2002, P.L. 107-279 (January 22, 2002).

- F. National Research Act (1974) and its Common Rule for the Protection of Human Subjects in Research (34 CFR Part 97) (1991).
- G. [Presidential Memorandum to Heads of the Executive Departments and Agencies \(March 9, 2009\)](http://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09/) on Scientific Integrity, available at <http://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09/>
- H. [Office of Science and Technology Policy Memorandum on Scientific Integrity](http://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf) (December, 17, 2010), available at <http://www.whitehouse.gov/sites/default/files/microsites/ostp/scientific-integrity-memo-12172010.pdf>
- I. The National Center for Education Statistics (NCES) also adheres to the ["Statement of Commitment to Scientific Integrity by Principal Statistical Agencies"](https://www.census.gov/aboutus/pdf/Scientific_Integrity_Statement_of_the_Principal_Statistical_Agencies.pdf) available at https://www.census.gov/aboutus/pdf/Scientific_Integrity_Statement_of_the_Principal_Statistical_Agencies.pdf

The following definitions apply to this Directive:

- A. **Scientific Activities.** Scientific Activities are defined as systematic investigations, including research, development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Scientific Activities supported by ED involve collecting and analyzing data as part of systematic investigations designed to develop or contribute to generalizable knowledge; and supporting education, rehabilitation and disability research through awards to institutions and organizations capable of carrying out such work (including colleges, universities, non-profit research institutions, and for-profit firms). This work is overseen by employees with scientific training, referred to here as "ED Scientists." Scientific Activities do not include collecting or analyzing data as part of the ongoing management of individual programs or grants, or data to determine compliance with federal laws. Nor is information used to assess success in achieving ED's objectives or evaluate the success of training activities covered by this Directive as Scientific Activities. However, if these data are used to develop or contribute to new generalizable knowledge, even when not originally collected for that purpose, these activities are considered to be Scientific Activities.
- B. **Scientific Integrity.** Scientific Integrity means adherence to professional values and practices when conducting and applying the results of science that ensures objectivity, clarity, and reproducibility, and that provides insulation from bias, fabrication, falsification, plagiarism, interference, censorship, and inadequate procedural and information security.

3. **ED Scientists.** Employees who carry out, manage, supervise, or oversee Scientific Activities.

V. Responsibilities

A. **Managers and Supervisors** of ED Scientists will:

1. Ensure that grants and contracts to support Scientific Activities are awarded, monitored, and overseen consistent with all applicable ED policies and procedures;
2. Ensure that ED employees responsible for the award, monitoring, or oversight of grants and contracts supporting Scientific Activities receive Scientific Integrity training that is appropriate for the unique needs and responsibilities of ED Scientists, their managers, and supervisors;
3. Make ED Scientists available to respond to media or public inquiries concerning Scientific Activities; and
4. Ensure compliance with the Whistleblower Protection Act of 1989, P.L. 101-12, and its expanded protections enacted by P.L. 103-424, as well as the Secretary's Policy Statement on the NO FEAR Act, dated September 7, 2011.
(<http://www2.ed.gov/about/offices/list/om/docs/nofearpolstate.pdf>).

B. **ED Scientists**, including Managers and Supervisors who are responsible for carrying out or oversight of Scientific Activities, will:

1. Adhere to ED policies and procedures concerning the award, monitoring, and oversight of grants and contracts supporting Scientific Activities;
2. Recognize and immediately report to the Office of Inspector General (OIG) any activities that compromise Scientific Integrity, including conflicts of interest, research misconduct, gross waste of resources, abuse of authority, alleged criminal violations, or danger to public safety;
3. Monitor grant and contract awardee awareness of and compliance with applicable requirements for public access to findings, peer-reviewed scientific publications, research reports and data generated through or resulting from Scientific Activities; and
4. Provide advance notice to supervisors and ED public affairs officials before responding to media or public inquiries about Scientific Activities, if feasible.

VI. Procedures and Requirements

A. Promoting a Culture of Scientific Integrity at ED

1. In order to ensure the integrity of ED's research award processes, ED staff shall adhere to established policies and procedures to prevent conflict of interest in the review of both grants and contracts to support Scientific Activities. ED employees are subject to the Standards of Ethical Conduct and criminal conflict of interest statutes. In the review of research grant applications, peer reviewer conflict of interest requirements are governed by the Education Department General Administrative Regulation (EDGAR) Parts 74-99, ED's Handbook for Discretionary Grants, and the Institute of Education Sciences' (IES) peer review procedures for grants and reports issued by the Institute of Education Sciences. For Scientific Activities supported through contracts, conflicts of interest are governed by procurement rules set out in the Federal Acquisition Regulations (FAR) and ED Acquisition Regulations.
2. ED grant and contract awardees are required to have research misconduct policies in place that adequately define research misconduct, set standards for a finding of misconduct, and include fair and timely procedures for responding to allegations of research misconduct. See Federal Policy on Research Misconduct (Dec. 6, 2000), 65 Fed. Reg. 76,260 and ED Research Misconduct Policy (November 2, 2005), 70 Fed. Reg. 6637.
3. ED employees responsible for awarding, monitoring, or overseeing grants and contracts carrying out Scientific Activities shall be trained to report to the OIG any activities that may compromise Scientific Integrity including conflicts of interest, research misconduct, gross waste of resources, abuse of authority, alleged criminal violations, or danger to public safety. Under this Scientific Integrity policy, ED will continue to comply with the requirements of the Whistleblower Protection Act of 1989, P.L. 101-12, and its expanded protections enacted by P.L. 103-424. ED shall also continue to comply with the Secretary's Policy Statement on the NO FEAR Act.¹
4. When data or findings generated through or resulting from Scientific Activities are cited as support for ED policy decisions, those data and findings will have undergone independent peer review by qualified experts,

¹ ED guidance on compliance with the [NO FEAR Act](http://www2.ed.gov/about/offices/list/om/docs/nofearpolstate.pdf) can be found here: <http://www2.ed.gov/about/offices/list/om/docs/nofearpolstate.pdf>.

where feasible and appropriate, and consistent with law.

5. Under no circumstances will ED employees, including political appointees, seek to suppress or alter data or findings generated through or resulting from Scientific Activities of ED Scientists or awardees.
6. ED will post this Directive and information on how to contact ED regarding issues of Scientific Integrity on the ED's website.
7. Differing scientific opinions will be resolved during the ED's internal deliberations and, if not, will be addressed in scientific peer review, if conducted, and made available to policy makers.

B. Committees Established Pursuant to the Federal Advisory Committee Act (FACA)

When ED establishes Committees pursuant to the FACA that are tasked with giving scientific advice, ED will:

1. Ensure that the recruitment process for new Federal Advisory Committee (FAC) members is transparent by announcing FAC member vacancies widely with an invitation for the public to recommend individuals for consideration;
2. Make widely available to the public the professional biographical information (including current and past professional affiliations, and qualifications for serving) for appointed committee members, subject to legal considerations;
3. Ensure that the selection of members to serve on a scientific or technical FAC is based on expertise, knowledge, and contribution to the relevant subject area (other considerations may include availability to serve, diversity of FAC composition, balance of views, and ability to work effectively on a FAC);
4. Make all conflict-of-interest waivers granted to committee members publicly available, except where prohibited by law; and
5. Treat all reports, recommendations, and products produced by FACs as solely the findings of the FACs rather than of ED, and thus, not subject to ED revision.

C. Public Access to Research

1. To facilitate the free flow of scientific information, all ED grantees and contractors are expected to make public findings resulting from their Scientific Activities. ED grantees engaged in research are encouraged to submit findings resulting from their Scientific Activities to peer reviewed journals for publication. Research reports, including evaluation and statistical reports describing findings resulting from Scientific Activities conducted by ED or its contractors should be peer reviewed, including, where appropriate, internal review by ED Scientists, prior to publication in print or on the ED's website.
2. If extramural researchers, including grantees and contractors, present the findings resulting from the Scientific Activities supported by ED in peer-reviewed reports or journal articles, they will be required to make these publications available to ED for posting on publicly available ED websites such as the Education Resources Information Center (ERIC) or National Rehabilitation Information Center (NRIC).
3. When appropriate and feasible, data generated through or resulting from Scientific Activities supported by ED are made available to the public on the ED website, or for example, through restricted-use licensing with NES. In all cases, ED must protect confidential data as required by the Privacy Act of 1974, the Family Educational Rights and Privacy Act (FERPA), the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), the Common Rule for the Protection of Human Subjects in Research, and other applicable statutes and regulations.

D. Public Communication

1. When ED communicates data or findings generated through or resulting from Scientific Activities, ED will include a clear explication of underlying analytic assumptions, statistical power and confidence intervals as relevant, and other accurate contextualization of uncertainties, and any appropriate disclaimers.
2. In response to media interview requests about the ED's Scientific Activities, ED will offer knowledgeable ED Scientists who can, in an objective and nonpartisan fashion, describe and explain the issues to the media and the American people.
3. ED Scientists may freely speak to the media and the public about scientific matters based on their official Scientific Activities, after providing advance notice, if feasible, to supervisors and ED public affairs officials. This includes communication in person, by phone, or through email. [Social media](#) communications are governed by the ED's policy on the use of social media (<http://www.ed.gov/about/overview/focus/social-media.html>).

4. Under no circumstances will ED public affairs officials ask or direct ED Scientists to alter data or findings generated through or resulting from Scientific Activities.

E. ED Scientists' Role in Developing and Disseminating Research

1. ED selects candidates for scientific positions based primarily on their scientific and technological knowledge, credentials, and experience.
2. ED Scientists are encouraged to disseminate data and findings generated through or resulting from Scientific Activities through effective ways that are consistent with ED's reputation for reliable science, including online in open formats and through peer-reviewed, professional, or scholarly journals. Except for IES reports, which may be published according to the terms of the Education Sciences Reform Act, development and dissemination of these data and findings must be consistent with ED policies and procedures related to peer review, the [Open Government Directive](#) (http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf) , ED's information quality guidelines, and other legislative and policy mandates.
3. ED Scientists are encouraged, consistent with Federal ethics laws and regulations, to engage with their peers in academia, industry, government, and non-governmental organizations through presenting their work at scientific meetings, serving on editorial boards and on scientific and technological expert review panels, and actively participating in professional societies and national/international scientific advisory and science assessment bodies.
4. ED allows ED Scientists to receive honors and awards for their research, consistent with Federal ethics laws and regulations, with the goal of advancing scientific knowledge and minimizing, to the extent practicable, disparities in the potential for private-sector and public-sector scientists to accrue the professional benefits of such honors or awards.
5. ED permits the election or appointment of ED Scientists to fellowships or positions in professional organizations, including as officers and on governing boards, subject to applicable ethics requirements and ED policy.
6. ED is committed to ensuring ED Scientists are up to date on the most recent advances in analytic techniques, research, development, and evaluation in education and related fields. To this end, ED permits and encourages ED Scientists and managers of Scientific Activities to pursue educational activities related to the ED's goals such as taking short

courses, attending professional conferences, and serving as journal reviewers or conference discussants.

7. To ensure that ED Scientists understand their rights and responsibilities, ED will provide Scientific Integrity training to all ED Scientists, including supervisors and managers.