

**Procedural Handbook
for
NAO 202-735D.2: Scientific Integrity**

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Preface.

This Procedural Handbook provides the procedures the National Oceanic and Atmospheric Administration (NOAA) require for responding to allegations of scientific misconduct or loss of scientific integrity by, or against, NOAA employees, NOAA contractors, or external recipients of NOAA financial assistance awards for scientific or research activities who are covered by the NOAA Scientific Integrity Policy.¹ Such scientific misconduct would include failures to comply with any scientific integrity requirements outlined in the Policy. Generally, the process of adjudicating allegations of scientific misconduct starts with an assessment that is followed up with inquiry and investigation phases, if warranted. This Handbook should be read in conjunction with NOAA's Scientific Integrity Policy in NOAA Administrative Order (NAO) 202-735D.2.

Section 1. Definitions.

.01 Complainant

A person, group, or company that makes an allegation of scientific misconduct or loss of scientific integrity.

.02 Determining Official

The NOAA official who makes a determination on whether an investigation is warranted and a final determination on an allegation of scientific misconduct or loss of scientific integrity and proposes corrective administrative action, as appropriate. The Determining Official (DO) is the Deputy Under Secretary for Operations (DUS/O) unless he/she designates someone else for a

¹ *Note:* For NOAA contractors and external recipients of NOAA financial assistance awards, resolution of scientific misconduct allegations should be addressed by the contractor's employer or the external recipient's home institution. NOAA may provide assistance, as appropriate, to those outside parties in resolving such misconduct allegations. See Section 5 of this Handbook for more details.

specific inquiry or investigation. The DO will be at the level of Deputy Assistant Administrator or above and will not be the same individual as the Integrity Review Panel Chair (IRPC). The DO should have no direct prior involvement in the agency's inquiry or investigation of the allegation(s) and should not be in the Line Office chain of command for either the person making the allegation(s) or the person alleged to be in violation. A DO's involvement in the appointment of individuals to any part of the process is not considered to be direct prior involvement.

.03 Inquiry Team

The team formed by the NOAA Scientific Integrity Officer (SIO) when an allegation of scientific misconduct, or loss of scientific integrity, warrants inquiry (as determined by the SIO in consultation with the DUS/O). The Inquiry Team is designated for a specific inquiry. The Inquiry Team makes recommendations to the DO on whether an investigation is warranted and other considerations. The DUS/O will be the DO, unless otherwise specified by the SIO in consultation with the DUS/O, regarding next steps in the allegation process.

.04 Integrity Review Panel

The group responsible for conducting an investigation of alleged scientific misconduct or loss of scientific integrity when a determination has been made by the DO that an investigation is warranted; members are appointed by the DO and the SIO. The Panel is chaired by an IRPC. The Integrity Review Panel (IRP) makes recommendations to the DO regarding the final outcome of the process.

.05 Integrity Review Panel Chair

The official responsible for overseeing an investigation, chairing the IRP, and carrying out other responsibilities specified in this Handbook. The IRPC is a subject matter expert and is designated for a specific investigation.

.06 NOAA Scientific Integrity Committee

A committee composed of NOAA Line Office SIOs and Staff Office Points of Contact and is responsible for supporting the NOAA SIO in responding to allegations of scientific misconduct or loss of scientific integrity, and promoting a culture of scientific integrity throughout the

agency. The objectives, scope, and a description of Committee and member responsibilities are provided in the terms of reference for the Scientific Integrity Committee².

.07 NOAA Scientific Integrity Officer

The agency official who oversees the intake of allegations of scientific misconduct or loss of scientific integrity, and ensures that all stages of the review process are independent, methodologically sound, and thorough in order to sufficiently protect NOAA's scientific integrity. The Scientific Integrity Officer (SIO) performs the initial assessment of an allegation of misconduct and chairs the Inquiry Team, and performs other responsibilities as specified in this Handbook.

.08 Respondent

The person, group, or NOAA entity who is alleged to have engaged in misconduct and/or who responds or makes a reply to an allegation of scientific misconduct or loss of scientific integrity.

All terms not otherwise defined in this Handbook shall have the meanings ascribed to them in NAO 202-735D.2.

Section 2. Scientific Misconduct or Loss of Scientific Integrity.

01. A finding of scientific misconduct or misconduct resulting in the loss of scientific integrity requires a determination by the DO (in consultation with the SIO) by a preponderance of the evidence on the record before him/her that the person or entity:

- a. Has significantly departed from accepted practices of the relevant research community and violated the Code of Scientific Conduct or Code of Ethics for Science Supervision and Management set forth in NAO 202-735D.2 (including, but not limited to, engaging in fabrication, falsification, plagiarism, and interference, all defined in NAO Section 3); and
- b. Knew or should have known that the conduct departed from the Code of Scientific Conduct or Code of Ethics for Science Supervision and Management in NAO 202-735D.2.

02. NOAA recognizes that managers exercise judgment to make decisions in the context of

² NOAA Approval of Scientific Integrity Committee Terms of Reference (2015), <http://nrc.noaa.gov/sites/nrc/Documents/Scientific%20Integrity/Final%20approved%20-%20Spinrad-Devany.pdf>

complex fact patterns, divergent opinions, and uncertainty. Science and scholarship are important elements in NOAA's decision making process. Other factors that inform decision making may include economic, budget, institutional, cultural, legal, and environmental considerations. Therefore:

- a. Disagreement with management decisions does not constitute a case for misconduct leading to a loss of scientific integrity.
- b. Differences of scientific opinion do not constitute a case for misconduct leading to a loss of scientific integrity.
- c. Actions (e.g., staff assignments) related to general office or organizational management and supervision generally will not be considered as misconduct leading to a loss of scientific integrity. Employment concerns and grievances are more appropriately filed through NOAA's Employee and Labor Relations Division or in accordance with collectively bargained procedures.
- d. Honest error does not constitute a case for misconduct leading to a loss of scientific integrity.

03. Interference, coercion, or suppression of scientific work (as defined in NAO 202-735D.2, Section 3) may involve the loss of scientific integrity.

04. In the event the Determining Official (DO) determines by a preponderance of the evidence that a loss of scientific integrity has taken place but no misconduct is evident, the NOAA Scientific Integrity Officer (SIO) and/or DO will propose and ensure appropriate action is taken to restore NOAA's scientific integrity.

Section 3. Allegations of Scientific Misconduct or Loss of Scientific Integrity.

01. NOAA has the primary responsibility for all scientific and research activities conducted by its employees using agency resources. NOAA also has certain oversight and monitoring responsibilities pertaining to the implementation and administration of NOAA contracts and financial assistance awards for scientific and research activities.

02. An allegation of scientific misconduct or loss of scientific integrity against NOAA employees, contractors, and NOAA-funded researchers must be submitted within 90 calendar days after the discovery of the alleged misconduct. The allegation must be submitted in writing to NOAA's SIO, via:

- a. Email to research.misconduct@noaa.gov, or,
 - a. The Office of the DUS/O at 14th & Constitution Avenue, NW, Washington, DC 20230.
03. An allegation may be submitted by individuals or entities, internal or external, to NOAA, and should bear the name of the individual or entity making the allegation. Complainants may remain anonymous; Complainants who wish to remain anonymous should recognize that any follow-up inquiries and actions to an anonymous allegation may be limited by the inability to obtain additional, important information to conduct a full and fair investigation.
04. An allegation should contain all of the following information, if applicable, before a complaint can be evaluated:
 - a. The name of the person or organization alleged to have committed the misconduct;
 - b. A statement of facts (e.g., dates, locations, actions) that support the allegation, including when and how the Complainant first learned the facts;
 - c. A list of documents supporting the allegation;
 - d. A list of witnesses who may corroborate the allegation;
 - e. An explanation of how the criteria for scientific misconduct or loss of scientific integrity are met (e.g., citations or other information identifying the accepted practices of the relevant scientific community);
 - f. An explanation of how the alleged misconduct constitutes a significant departure from those practices and violates NAO 202-735D.2.
 - g. An explanation of any conflict of interest, as defined in section 4.04(b)(i), the Complainant has with the subject of the allegation; and
 - h. A statement indicating whether the allegation has been submitted elsewhere, such as the NOAA Employee and Labor Relations Division, Office of Special Counsel, or Office of the Inspector General.
05. The process for handling an allegation of scientific misconduct or loss of scientific integrity is detailed in Sections 4 and 5 of this Handbook.
06. Any publicity or media attention about an allegation or any other step specified in this Handbook will be handled by the SIO and DUS/O with assistance from the NOAA Office of Communications.

07. An allegation that has been previously resolved will not be reopened unless substantial new information is submitted, as determined by the SIO in consultation with the DUS/O.

Section 4. Review Process for Allegations of Misconduct against NOAA Employees.

01. General – NOAA will attempt to resolve each allegation of scientific misconduct or loss of scientific integrity as quickly as possible while also guaranteeing the completion of a full and fair investigation. The Scientific Integrity Officer (SIO) will adhere to timeframes cited below to the extent possible but has the discretion to adjust those as necessary and appropriate. This includes postponement of an inquiry or investigation pending the outcome of a parallel investigation or litigation concerning the same agency action at issue in the scientific misconduct inquiry/investigation. As appropriate, the SIO will notify the Complainants, Respondents and the Deputy Under Secretary for Operations (DUS/O) of any changes in the timeframes. The SIO, with the approval of the DUS/O, may refer this process to an external body for action, on a case-by-case basis, if both concur that such referral is appropriate.

02. Pre-Allegation Consultation – Interested persons are encouraged to contact members of the NOAA Scientific Integrity Committee and the NOAA SIO to discuss concerns about scientific misconduct or loss of scientific integrity prior to submitting a formal allegation. Pre-allegation consultation is optional, but recommended, and will be confidential. Such consultations will not result in the initiation of an inquiry or investigation unless a formal allegation is filed.

03. Assessment – The SIO is responsible for overseeing the agency’s process for responding to allegations of scientific misconduct\ or loss of scientific integrity.

- a. An allegation must be submitted through the DUS/O or directly to the SIO (as described in Section 3 of this Handbook).
- b. Within 30 calendar days of receiving an allegation, the SIO will:
 - i. Collect additional input from the Complainant (as needed);
 - ii. Assess the allegation of scientific misconduct or loss of scientific integrity to determine if the alleged misconduct falls within the definition in NAO 202-735D.2 Section 9, Scientific and Research Misconduct and Responding to Allegations, of and warrants an inquiry on the basis that the

allegation is sufficiently credible and specific so that potential evidence of scientific misconduct or loss of scientific integrity may be identified.

- iii. The SIO will consult with NOAA General Counsel and other members of the Scientific Integrity Committee, as appropriate, to assess individual allegations.
 - c. The SIO will communicate his/her assessment of the allegation to the DUS/O and to the Complainant (if known).
 - d. Respondent notification of the allegation and the assessment is at the discretion of the SIO, with counsel from NOAA General Counsel on appropriate procedure, as determined on a case-by-case basis.
04. Inquiry - The purpose of the inquiry phase is to assess whether an allegation sufficiently specifies scientific misconduct or loss of scientific integrity can be resolved with evidence and expertise that can be collected by the Inquiry Team, or if a more extensive investigation is warranted.
- a. Timeline - Once the SIO determines under Section 4.03 that further evaluation of an allegation is required, he or she will appoint an Inquiry Team within 30 days. The Inquiry Team, once formed, has 90 days to collect and evaluate evidence, and prepare a final report to the DUS/O and the relevant Line Office Assistant Administrator, unless the SIO, at his/her discretion, provides for a different time frame.
 - b. Inquiry Team Members - The Inquiry Team will be chaired by the SIO, and members will include the Scientific Integrity Officer from the same Line Office as the Respondent and a Scientific Integrity Officer from a different Line Office, as well as other Scientific Integrity Committee Points of Contact, as appropriate. Other NOAA employees not in the chain of command of the Respondent and with relevant expertise, will be appointed by the SIO, as appropriate.
 - i. Conflict of Interest - The Inquiry Team members must disclose any actual or potential conflicts of interest to the SIO prior to their appointment. Conflicts of interest will result in the disqualification of the individual from serving on the team. These conflicts include:
 - 1. Personal knowledge of, or involvement in the incidents that resulted in the allegation;
 - 2. Close personal, professional, or financial relationships with either the Complainant or Respondent; and
 - 3. Other contact, associations, or interests that could compromise the impartiality or appearance of impartiality of the Inquiry Team member.

- c. After consulting with the NOAA General Counsel or his/her designee on procedure appropriate to the specific allegation, the Inquiry Team may collect any evidence it deems necessary to evaluate the merits of an allegation. The Inquiry Team will ensure that the Respondent has adequate opportunity to address the allegation and any evidence. The Inquiry Team will guard the confidentiality of the proceedings and the SIO will only notify other NOAA employees (such as those in the chain of command of the Respondent) on a need to know basis.
- d. At the time of, or before, beginning an inquiry, the SIO must make a good faith effort to notify the Respondent in writing, if the Respondent is known. The Respondent will be provided with the specific allegation and any evidence or statements used to support the allegation. The Respondent may seek the advice of counsel, union representation (if applicable), and/or other advisor during the inquiry and investigations phases, to the extent permitted by law. This includes the right to not respond to the allegation. A Respondent's non-response will not be used as evidence to support the Complaint against the Respondent.
- e. If known, the Respondent must be (and Complainant may be) given an opportunity to provide written testimony, including third-party witness statements, or documentary evidence to the Inquiry Team.
- f. After collecting information and assessing the merits of a scientific misconduct or loss of scientific integrity allegation, the Inquiry Team will:
 - i. Develop and provide to the NOAA General Counsel for legal review, a draft inquiry report that must contain the five elements described below in subparagraph (f) (iii).
 - ii. Develop the final inquiry report, following NOAA General Counsel review, and provide it to the Complainant (if known) and Respondent, who may provide written exceptions to the findings contained in the final inquiry report within five calendar days after receipt.
 - iii. Provide the final inquiry report, with exceptions from the Complainant and Respondent, if any, to the DUS/O containing:
 - 1. Description of the allegation(s)
 - 2. Summary of process used by the Inquiry Team
 - 3. List of records reviewed
 - 4. Summaries of written testimony
 - 5. A recommendation for one of three findings and actions to be taken by the DUS/O and/or appropriate Line Office Assistant Administrator:
 - a. No scientific misconduct occurred: dismissal of the allegation;

- b. No scientific misconduct occurred. However, there was honest error; specific actions by NOAA must be taken to restore scientific integrity; or
 - c. Scientific misconduct likely did occur and/or insufficient evidence collected or provided; investigation should be conducted.
- g. If the Inquiry Team finds evidence of waste, fraud, or abuse, the SIO will refer the evidence to the Department of Commerce Office of Inspector General for further investigation. If the SIO finds evidence of a violation of criminal law, the evidence will be referred to the DUS/O for consideration and possible referral to the Office of Inspector General for investigation. At all times, any employee who believes that he/she has been subject to a prohibited personnel practice for engaging in this process has the right to contact the Office of Inspector General or the U.S. Office of Special Counsel.

05. Investigation - The purpose of this stage is to collect additional evidence (if necessary), to determine whether scientific misconduct or loss of scientific integrity occurred, and to recommend corrective action.

- a. Once the DUS/O determines under Section 4.04 (of this Handbook), that further evaluation of an allegation is required, the DUS/O will work through the SIO to appoint a DO and an Integrity Review Panel Chair (IRPC). The DUS/O may retain or delegate DO authority. The appointments will be commensurate with the scope of the allegation.
- b. Upon appointment of an Integrity Review Panel Chair (IRPC), the DUS/O and SIO will also propose to appoint an Integrity Review Panel (IRP) consisting of members who are chosen based on their experience, availability, and mature judgment. The IRPC will propose at least two additional panel members who are U.S. Federal Government employees with the appropriate expertise in the type of research in which the alleged misconduct occurred. The IRPC will submit the proposed composition of the Panel through the SIO to the DUS/O for approval.
- c. The SIO or his/her designee will provide the IRPC and Panel the benefit of expertise and counsel. The IRPC will work with the SIO to ensure that the Panel is properly staffed and has the expertise and capacity appropriate to carry out a thorough and authoritative collection and evaluation of the evidence.

- d. The IRPC and proposed panel members must reveal any actual or potential conflicts of interest to the SIO and DUS/O prior to their appointment. Conflicts of interest will result in the disqualification of the individual from serving on the Panel. These conflicts include those detailed in Section 4.04(b)(i).
- e. After consulting with the SIO and NOAA General Counsel, or his/her designee on procedure appropriate to the specific allegation, the Panel may collect any additional information it deems necessary to evaluate the merits of an allegation.
- f. Based upon information found in the inquiry phase, the IRP may broaden the scope of its inquiries beyond the initial allegation. If the Panel changes the scope of the investigation, it must notify the Respondent of the new areas being examined and provide the Respondent the opportunity to comment and supply additional information regarding the conduct examined in the expanded investigation.
- g. The Panel will conclude the investigation within 120 calendar days after the date the investigation began at the request of the Panel, unless the SIO, at his/her discretion, provides for a different time frame.
- h. The Respondent must be (and the Complainant may be) given an opportunity to provide additional written testimony to the Panel. The Panel may request oral testimony.
- i. The Respondent may suggest additional avenues of investigation, witnesses, or questions, and the Panel may determine at its discretion whether to pursue them. If the Panel decides not to pursue a Respondent's suggestion, the Panel will state its reasons in the final report.
- j. After completing its investigation, the Panel will:
 - i. Develop a draft investigation report and provide it to the NOAA General Counsel for legal review.
 - ii. Develop the final investigation report following the NOAA General Counsel review, and provide it to the Complainant (if known) and Respondent, who may provide written exceptions to the findings of the final investigation report within 10 calendar days after receipt.
 - iii. Transmit the final investigation report, with exceptions from the Complainant and Respondent, if any, to the DO. The final report will include:
 - 1. Description of the allegation(s);
 - 2. Summary of process used by the IRP;
 - 3. List of records reviewed;
 - 4. Summaries of interviews; and

5. A recommendation for one of following three findings and actions to be taken by the DUS/O and/or appropriate Line Office Assistant Administrator:
 - a. No scientific misconduct occurred; allegation(s) dismissed; or
 - b. No scientific misconduct occurred. However, there was honest error and recommend any specific action by NOAA to restore scientific integrity; or
 - c. Scientific misconduct occurred and recommend any specific action by NOAA to restore scientific integrity.
 - k. If the Panel finds that scientific misconduct or loss of scientific integrity has occurred, the Panel will include in its report an assessment of the seriousness of the misconduct and, if possible, a recommended determination as to whether misconduct was isolated or part of a pattern. The report will contain a summary of all relevant evidence and the basis for the recommendations.
 - l. The DO will determine in writing within 30 calendar days of receipt of the final investigation report whether NOAA:
 - i. Accepts the investigation report, its findings, and any recommended actions;
 - ii. Declines to accept the report, findings, and recommendations, or
 - iii. Accepts with modification the report, findings, and recommendations.
 - m. The DO will also specify the appropriate agency actions, if any, in response to accepted findings of scientific misconduct or loss of scientific integrity. If the DO's findings or determinations vary from the findings of the Panel, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the Panel. Alternatively, the DO may return the report to the Panel with a request for further fact-finding or analysis.
 - n. Once the DO makes a final decision on the case, the IRPC will provide the findings, report, and any recommended actions to the SIO and DUS/O within 10 days. Once the DUS/O has had an opportunity for review, the SIO will notify both the Complainant (if known) and Respondent in writing.
06. Adjudication - If the DO finds within the standard in Section 2 of this Handbook that scientific misconduct or loss of scientific integrity has occurred, the DUS/O will refer the matter to an appropriate manager in the Respondent's reporting structure for action. In consultation with the NOAA General Counsel, Director of the Office of Human Capital Services (OHCS), and the Department of Commerce Assistant General Counsel for Administration (AGC/Admin), or their designees, the management official will propose

disciplinary action, subject to applicable provisions of Chapter 75 of Title 5 of the United States Code; Department Administrative Order 202-751; other relevant laws, regulations, and policies; and collective bargaining agreements, as applicable, taking into consideration the following factors:

- a. The nature of the misconduct;
- b. The nature and degree of damage to the scientific record caused by the actions;
- c. The nature and degree of real or potential damage to the public caused by the actions;
- d. The degree of damage to NOAA's reputation for quality science;
- e. The Respondent's cooperation with the inquiry or investigation;
- f. Whether the Respondent engaged in retaliation or intimidation of the Complainant or other witnesses;
- g. The Respondent's professional experience; and
- h. Whether the Respondent destroyed or altered evidence.

Any employee who believes that he/she has been subject to a prohibited personnel practice for engaging in this process has the right to contact the Office of Inspector General or the U.S. Office of Special Counsel.

07. Sending Inquiry/Investigation Outside the Agency - Per language under Section 5.02 of this Handbook, the SIO, with approval of the DUS/O, may send any or all parts of this process outside the agency, on a case-by-case basis, if both agree that the nature of the allegation is such that referral outside the agency is appropriate. If this occurs, NOAA SIO and the NOAA Office of General Counsel (OGC) may provide appropriate guidance to the outside organization regarding criteria to be used for making a recommendation on determination. This is most likely to occur with allegations of interference (see Section 2.03 this document; NAO 202-735D.2 Section 3, Definitions). Examples of interference include coercing the authors of the scientific product to change the language of those products or simply changing the language without consultation as part of the internal review, restricting the venues whereby the scientific information can be communicated, and sending scientific products to individuals who lack relevant expertise for final review.

Section 5. Contracts and Financial Assistance.

01. Organizations that perform research for NOAA under contract or financial assistance awards must foster an atmosphere conducive to the responsible conduct of sponsored research by

safeguarding against and resolving allegations of scientific misconduct or loss of scientific integrity.

- a. These organizations have the primary responsibility to prevent, detect, and investigate allegations of scientific misconduct or loss of scientific integrity and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so.
- b. Expenditure of federal funds on an activity that is determined to be invalid or unreliable because of scientific misconduct or loss of scientific integrity may result in appropriate enforcement action under the award, up to and including award termination and possible suspension or debarment.

02. Organizations must notify the Grants Officer or Contracting Officer, as appropriate, of any allegation of scientific misconduct or loss of scientific integrity related to a NOAA contract or financial assistance award, determine if the allegation contains sufficient information to proceed with an investigation, and inform NOAA of the results of their investigations.³

- a. If an inquiry or investigation will take place, the organization must submit the allegation to the Grants Officer or Contracting Officer, as appropriate, who will notify the SIO and DUS/O of the allegation within 30 days.
- b. Once the organization has investigated the allegation, it will submit its findings to the Grants Officer or Contracting Officer, as appropriate, who will provide the findings to the SIO and DUS/O within 30 days after receipt.
- c. NOAA may accept the organization's findings or proceed with its own investigation.
- d. The SIO and NOAA Grants Officer or Contracting Officer, as appropriate, will consult with the Federal Program Officer (FPO) or the Contracting Officer's Representative (COR), as appropriate, in reviewing and responding to an allegation of scientific misconduct or loss of scientific integrity in connection with a NOAA financial assistance award or contract. In cases of joint or collaborative federal funding, the federal agencies funding the award(s) will jointly investigate any allegation of scientific misconduct or loss of scientific integrity.

³ U.S. Department of Commerce Financial Assistance Standard Terms and Conditions (2019), https://osec.doc.gov/oam/grants_management/policy/documents/Department%20of%20Commerce%20Standard%20Terms%20Conditions%2030%20April%202019.pdf

Section 6. General Rights and Responsibilities.

01. The Complainant has the responsibility to make any allegation in good faith, maintain confidentiality, and cooperate with any resulting inquiry and investigation. The Complainant has the right to be informed of the status of their allegation and will be notified of significant developments throughout the process. If the Complainant violates confidentiality or otherwise does not cooperate with any resulting inquiry and investigation, the Complainant will forfeit all rights to be informed of the status of the allegation.
02. No allegation of scientific misconduct, or loss of scientific integrity, will be used as the basis for any adverse action taken against a Respondent until the allegation is proven and a finding is issued in accordance with the NAO and these procedures.
03. Recognizing the potential for possible adverse effect on the person or entity against whom an allegation is made, NOAA officials involved will maintain confidentiality during and after the process, consistent with Section 8 and to the extent permitted by law.
04. The Scientific Integrity Officer (SIO) supports the Deputy Under Secretary for Operations (DUS/O) in oversight and implementation of NOAA's process for responding to allegations of scientific misconduct, non-compliance with any scientific integrity requirements, or loss of scientific integrity. In addition to the responsibilities described in this Handbook, the SIO will:
 - a. Maintain the confidentiality of the proceedings, and monitor the treatment of the Complainant and Respondent, as well as those who participate in the review process;
 - b. Recuse himself/herself in the case of a personal, professional, or financial conflict of interest as defined at Section 4.04(b)(i), in which case the DUS/O, or his/her designee, shall take on the responsibilities of the SIO to oversee the agency's process for responding to an allegation;
 - c. Consistent with Section 4.04(b)(i), determine whether any person involved in handling an allegation of scientific misconduct or loss of scientific integrity has an unresolved personal, professional, or financial conflict of interest, and take appropriate action, including recusal, to ensure that no person with such a conflict is involved in the scientific misconduct or loss of scientific integrity proceeding;
 - d. If the SIO determines, due to the nature of an allegation or conflicts of interest among NOAA employees, that the adjudication of a particular allegation using solely NOAA personnel is impracticable, he/she will work with the OGC to identify an

- organization external to the agency to handle the inquiry/investigation of the allegation of scientific misconduct;
- e. Cooperate with other agency officials to take all reasonable and practical steps to protect or restore the positions and reputations of good faith Complainants, witnesses, and Respondents cleared of alleged scientific misconduct or loss of scientific integrity, and committee members, and counter potential or actual retaliation against them by any Respondent; and
 - f. Track and work with the DUS/O and NOAA Chief Scientist to report all allegations of scientific misconduct or loss of scientific integrity and their dispositions as provided in Section 10 of NAO 202-735D.2 on an annual basis.

05. The Integrity Review Panel Chair will:

- a. Maintain the confidentiality of the proceedings, and working with the SIO will monitor the treatment of the Complainant and Respondent, and those who participate in the review process;
- b. Cooperate with committee members and other agency officials to take all reasonable and practical steps to protect or restore the positions and reputations of good faith Complainants, witnesses, and Respondents cleared of alleged scientific misconduct or loss of scientific integrity, and counter potential or actual retaliation against them by any Respondent; and
- c. Keep the SIO, DO and others who need to know, consistent with the confidentiality provision in Section 8 of this Handbook, apprised of the review progress regarding an allegation of scientific misconduct, non-compliance with any scientific integrity requirements, or loss of scientific integrity.

06. Determining Official will:

- a. Receive the investigation report from the IRPC and determine the extent to which NOAA accepts the findings of the investigation and, if scientific misconduct or loss of scientific integrity is found, propose appropriate corrective actions, if any; and
- b. Ensure the final investigation report, the findings of the DO, and a description of any pending or completed administrative actions are provided to the DUS/O through the SIO.

07. The Deputy Under Secretary for Operations (DUS/O) will:

- a. Oversee the agency's process for responding to allegations of scientific misconduct or loss of scientific integrity, and appoint officials involved in the process;
- b. Receive the Inquiry Team report and determine if an investigation is warranted;
- c. When an investigation is warranted, work with the SIO to appoint a DO, IRPC, and panel members. The DUS/O may retain or delegate Determining Official authority.
- d. Should the DO recommend adjudication, the DUS/O will refer the matter to an appropriate manager in the Respondent's reporting structure for action and ensure appropriate action is taken.
- e. Recuse himself/herself in the case of a personal, professional, or financial conflict of interest, in which case the NOAA Administrator, or his/her designee, shall take on the responsibilities of the DUS/O to oversee the agency's process for responding to an allegation; and
- f. Work with the SIO and NOAA Chief Scientist to annually report all allegations and dispositions of scientific misconduct or loss of scientific integrity as provided in Section 10 of NAO 202-735D.2.

Section 7. Employee Appeals of Disciplinary Actions.

If disciplinary action is taken against an employee, the employee has appeal rights under DAO 202-771, "Administrative Grievance Procedure," his/her collective bargaining agreement if appropriate, and statutory appeals processes, such as through the Merit System Protection Board, as applicable. An employee's appeal rights will be outlined in the disciplinary decision letter he/she she receives.

Section 8. Confidentiality.

Disclosure of the identity of Respondents, Complainants, and witnesses in scientific misconduct or loss of scientific integrity proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair scientific misconduct or loss of scientific integrity proceeding, and as allowed by law.

Section 9. Records Retention.

The SIO and DUS/O will work with the DO and the IPRC to ensure that detailed documentation of the initial receipt of the allegation, each phase of the review process, and final disposition is retained for seven years (consistent with National Archives and Records Administration General Records Schedule 1-30) after termination of the case.