Scientific Integrity Report Card
Centers for Disease Control & Prevention (CDC)

Scientific Integrity Grading Rubric	**Total Possible:** 100 Points	**Total Awarded:** 38 Points
Scientific Misconduct	**Subsection Total: 40**	**Subsection Total: 13**
A. Political Manipulation of Science	6	4
B. Breadth of Coverage	5	2
C. Whistleblower Protection	12	0
D. Investigations of Complaints	5	4
E. Investigation Independent from Chain of Command	6	3
F. Sanctions for Misconduct	6	0
Public Communications of Science	**Subsection Total: 40**	**Subsection Total: 20**
A. Process for scientist to publish or lecture regarding their official work with the general public, in external peer-reviewed journals or at scientific conferences	10	10
B. Absence of policy review or agency screening for the above	10	0
C. Ability of scientists to review press releases regarding their work prior to final publication	10	0
D. Explicit provision for agency scientists to be on governing and editorial boards of scientific societies	10	10
Transparency of Policy Decision-Making	**Subsection Total: 20**	**Subsection Total: 5**
A. Requirement that all agency policy decisions must be based on science subjected to external peer review	10	5
B. Original research documents are part of administrative record	10	0

I. Scientific Misconduct – (16/40 pts)

A. Political Manipulation of Science (4/6 pts)

1. Prohibits alteration of technical/scientific documents for non-technical reasons (3/3 pts)

In its Scientific Integrity Policy, the CDC only references the Department of Health and Human Service's preexisting regulations prohibiting scientific misconduct, 42 C.F.R. Part 93. In those regulations, scientific misconduct is defined as: "fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results." 42 C.F.R. § 93.103.

In relevant part, "[f]alsification is manipulating research materials, equipment, or processes, or changing or omitting data or results *such that the research is not accurately represented* in the research record." 42 C.F.R. § 93.103(b) (emphasis added).

2. Prohibits intimidation or coercion to alter scientific data/analysis/conclusions for non-technical reasons (1/3 pts)

This definition of misconduct does not necessarily include pressure from managers to alter results, although the Scientific Integrity Policy provides that "[i]n instances when the observed conduct does not fall under the definition of research misconduct but may lead to loss of integrity, fact-findings should still be undertaken and preemptive measures instituted to prevent loss of integrity."

B. Breadth of Coverage (2/5 pts)

1. Applies to political appointees and senior managers (1/3 pts)

The CDC's Scientific Integrity Policy does not clarify exactly to whom the policy applies. With regard to supervisors, the CDC states: "Managers ensure policies are enforced, practices are followed, and training is provided for appropriate conduct of science and reporting of scientific findings and results."

2. Applies to contractors, states, and other partners (1/2 pts)

Again, it is unclear to whom the CDC Scientific Integrity Policy applies, as it is merely a summary of other policies, some—but not all—of which reference "CDC-funded scientists" without clarification.

C. Whistleblower Protection (0/12 pts)

1. *Explicitly protects those filing misconduct complaints from retaliation (0/4 pts)*

The CDC Scientific Integrity Policy does not explicitly offer whistleblower protections to those who raise scientific integrity complaints. The Policy only references compliance with the No FEAR Act—legislation which requires agencies to train employees in their existing whistleblower protection rights.

2. *Protects scientists for retaliation based on content of work (0/4 pts)*

The CDC Scientific Integrity Policy offers no protection for scientists from retaliation based on the content of their work.

3. *Provides that agency officials who engage in retaliation will be subject to discipline (0/4 pts)*

The CDC Scientific Integrity Policy does not stipulate that managers who retaliate against scientists based on the content of their work will be subject to disciplinary action.

D. Investigations of Complaints (4/5 pts)

1. *Defined process (1/1 pt)*

The CDC Scientific Integrity Policy references its procedural regulations on Responding to Allegations of Scientific Misconduct. 40 C.F.R. Part 93. Again, due to the limited definition of "scientific misconduct" discussed above, it is unclear as to whether these procedures would apply to all allegations of political manipulation of science.

2. *Timelines (1/1 pt)*

The CDC Regulations governing scientific misconduct establish a 30-day deadline for when investigations should begin, and a 120-day deadline following initiation of the investigation to its completion absent an extension granted by the Office of Research Integrity. 40 C.F.R. § 93.311.

3. *Ability of complainant to respond (1/1 pt)*

The CDC regulations governing scientific misconduct provide the respondent an opportunity to respond within 30 days of receipt of a draft investigatory report. 40 C.F.R. § 93.312.

4. *Transparency of findings and rationale (1/1 pt)*

According to CDC regulations governing scientific misconduct, the investigating institution must provide a written finding supported by the evidence. 40 C.F.R. § 93.313.

5. *Relationship with the IG is clearly defined (0/1 pt)*

The CDC's Scientific Integrity Policy does not explicitly reference the Inspector General. The CDC's regulations governing scientific misconduct provide that "[a]ny authorized HHS component may impose, administer, or enforce HHS administrative actions separately or in coordination with other HHS components, including, but not limited to [the Office of Research Integrity], the Office of Inspector General, the PHS funding component, and the debarring official." 40 C.F.R. § 93.407(c).

E. Investigation Independent of the Chain of Command (3/6 pts)

The CDC regulations governing scientific misconduct provide that the institution should "[t]ake reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practicable, including participation of persons with appropriate scientific expertise who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation." 40 C.F.R. § 93.310.

However, CDC employees must report violations of scientific integrity to the Research Integrity Officer. The SIP and the CDC regulations do not define who that officer is, so he or she could be in the chain of command.

F. Sanctions for Misconduct (0/6 pts)

1. *States that misconduct is grounds for disciplinary action or dismissal (0/2 pts)*

Neither the CDC's Scientific Integrity Policy nor its research misconduct regulations specify what "administrative action" will result from a finding of scientific misconduct.

2. *Explicit procedure for discipline of sustained misconduct complaints (0/2 pts)*

Neither the CDC's Scientific Integrity Policy nor its research misconduct regulations address this.

3. *Automatic review of court rulings based upon arbitrary and capricious application of scientific information or scientific findings (0/2 pts)*

Neither the CDC's Scientific Integrity Policy nor its research misconduct regulations address this.

II. Public Communications of Science – (20/40 pts)

A. Process for scientist to publish or lecture regarding their official work with the general public, in external peer-reviewed journals or at scientific conferences (10/10 pts)

The CDC's Scientific Integrity Policy references the agency's detailed written policy on Clearance of Information Products Disseminated Outside CDC for Public Use, *available at* http://www.cdc.gov/od/foia/policies/clearance.pdf.

B. Absence of policy review or agency screening for the above (0/10 pts)

Neither the CDC's Scientific Integrity Policy nor its policy on Clearance of Information Products Disseminated Outside CDC for Public Use explicitly prohibit policy review of the content of scientific research. The Clearance policy states in relevant part that prior to clearance supervisors should "[e]nsure that information is based on sound, ethical science."

Particularly problematic is the statement that, pre-clearance, supervisors should "[e]nsure compatibility of information with CDC recommendations." The Clearance policy goes on to state that "[i]f findings have implications for changing recommendations or policies, authors or their supervisors should alert appropriate supervisors and staff in other centers. A cleared document may contain information that could support the development of new policies." This seems to be an explicit approval of policy review of CDC scientists' work.

C. Ability of scientists to review press releases regarding their work prior to final publication (0/10 pts)

The CDC's Scientific Integrity Policy does not provide any review authority to scientists with regard to press releases.

D. Explicit provision for agency scientists to be on governing and editorial boards of scientific societies (10/10 pts)

"To the extent allowed by the Standards of Ethical Conduct, CDC encourages its qualified scientists to participate on editorial boards or to serve as editors of professional journals. . . .CDC scientists are allowed participation in professional or scholarly societies, committees, task forces and other specialized bodies of professional societies, including addressing concerns related to serving as officers or on governing boards of such societies[.]"

Ethical Limitation: "Pursuant to 18 U.S.C. 208, official participation in an outside organization as an officer, director, or trustee is prohibited except when (1) participation is authorized by statute; (2) waiver is submitted in accordance with 18

U.S.C. 208(b)(1); (3) the release of fiduciary obligations associated with participation are consistent with state law."

III. Transparency of Policy Decision-Making – (5/20 pts)

A. Requirement that all agency policy decisions must be based on science subjected to external peer review (5/10 pts)

The CDC's Scientific Integrity Policy references the agency's policy on Peer Review of Research and Scientific Programs, *available at* http://www.cdc.gov/maso/pdf/PeerReview.pdf.

Although CDC's Scientific Integrity Policy's discussion heading is "Peer review of data and research to support policy decisions," the Scientific Integrity Policy does not explicitly state that *all* decisions must be based on science subjected to external peer review. According to the Peer Review policy, all extramural research applications are required to go through external peer review by a Federal Advisory Committee, except in emergencies. All intramural research conducted by CDC must be externally peer reviewed at least once every five years. Scientific programs conducted or funded by CDC are subject to external peer review at least once every five years.

B. Original research documents are part of administrative record (0/10 pts)

The CDC provides no guarantee that original documents will be part of the administrative record. In the CDC's discussion on transparency, the Scientific Integrity Policy only guarantees compliance with the preexisting Federal Records Act and the CDC Records Management Policy, CDC-GA-2005-07, which implements the same.