



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
ACQUISITION AND GRANTS OFFICE

January 13, 2016

MEMORANDUM FOR: Deputy Assistant Administrators
Staff Office Directors

FROM: Mitchell J. Ross 
Director

SUBJECT: Financial Assistance Alert 16-02 Scientific Integrity on NOAA
Grants and Financial Assistance Awards

The purpose of this memorandum is to provide the attached Financial Assistance Alert 16-02, which implements the National Oceanic and Atmospheric Administration (NOAA) Acquisition and Grants Office (AGO) policy related to scientific integrity in the performance of NOAA grants, financial assistance awards, and cooperative agreements.

NOAA Administrative Order (NAO) 202-735D established the reciprocal responsibilities among scientists, their managers, and those who use scientific results to set policy, to include NOAA employees and grants recipients who conduct, supervise, assess, or interpret scientific information for the use of NOAA, the Department of Commerce, and the nation. NOAA recipients must foster an atmosphere conducive to the responsible conduct of funded research by safeguarding against and resolving allegations of research misconduct. Financial Assistance Alert 16-02 establishes the NOAA AGO policy regarding scientific integrity and scientific and research misconduct in order to provide appropriate protections for all NOAA grants, financial assistance awards, and cooperative agreements.

Questions pertaining to this Financial Assistance Alert may be addressed to Arlene Simpson Porter, Director of the NOAA Grants Management Division, at Arlene.S.Porter@noaa.gov, or by telephone at (301) 628-1314.

Attachment

Financial Assistance Alert 16-02 Scientific Integrity on NOAA Grants, Financial Assistance Awards, and Cooperative Agreements

January 13, 2016

FINANCIAL ASSISTANCE ALERT 16-02

Scientific Integrity on NOAA Grants, Financial Assistance Awards, and Cooperative Agreements

This Financial Assistance Alert (FAA) is being transmitted to all NOAA Line Offices and Staff Offices for dissemination.

1. **Purpose:** The purpose of FAA 16-02 is to implement the appropriate protections regarding the scientific integrity and scientific and research misconduct in the performance of NOAA grants, financial assistance awards, and cooperative agreements.
2. **Background:** On December 7, 2011, NOAA issued *NOAA Administrative Order (NAO) 202-735D, Scientific Integrity*, to promote a continuing culture of scientific excellence and integrity; and to establish a policy on the integrity of scientific activities that the agency conducts and uses to inform management and policy decisions and the presentation of the results of scientific activities. The NAO established the reciprocal responsibilities among scientists, their managers, and those who use scientific results to set policy, to include NOAA employees, contractors, and recipients who conduct, supervise, assess, or interpret scientific information for the use of NOAA, the Department of Commerce, and the nation. The order also detailed the specific processes to be used for responding to allegations of scientific and research misconduct.

NOAA recipients must foster an atmosphere conducive to the responsible conduct of funded research by safeguarding against and resolving allegations regarding the violation of scientific integrity or scientific and research misconduct. Recipients also have the primary responsibility to prevent, detect, and investigate any allegation regarding the violation of scientific integrity or scientific and research misconduct. Expenditure of federal funds on an activity that is determined to be invalid or unreliable because of scientific and research misconduct may result in remedial action under the grant, financial assistance awards, or cooperative agreement, including award termination and suspension or debarment from future federal awards.

3. **Applicability:** This FAA is applicable to all NOAA Line and Staff Offices.
4. **Policy:** The NOAA Acquisition and Grants Office (AGO) has established the following policy to provide the appropriate protections for all NOAA grants, financial assistance awards, and cooperative agreements.
 - a. Grants officers shall include the attached provision, *Scientific Integrity*, in all NOAA grants, financial assistance awards, and cooperative agreements.
 - b. Recipients must notify the grants officer of any allegations regarding the violation of scientific integrity or scientific and research misconduct, determine whether there is sufficient evidence to proceed with an investigation, and inform NOAA of results of their investigations. The primary responsibility of preventing, detecting, and investigating

allegations regarding the violation of scientific integrity or scientific and research misconduct under a NOAA grant, financial assistance award, or cooperative agreement belongs to the recipient and the subrecipient, as applicable.

- c. In cases where a finding regarding the violation of scientific integrity or scientific and research misconduct related to a NOAA grant, financial assistance award, or cooperative agreement has been made, the grants officer shall pursue appropriate remedies available to the government under the grant, financial assistance award, or cooperative agreement terms and conditions and applicable laws and regulations that may include, but are not limited to: disallowance of costs, recoupment of payments, termination, suspension, or debarment.

5. **Point of Contact:** Questions concerning this Financial Assistance Alert should be directed to Arlene Simpson Porter, Director of the NOAA Grants Management Division, at Arlene.S.Porter@noaa.gov, or by telephone at (301) 628-1314.

Attachment

Scientific Integrity Provision

Scientific Integrity Provision

(a) Definitions. As used in this provision –

Investigation is formal collection and evaluation of information and facts to determine if scientific or research misconduct can be established, to assess its extent and consequences, and to recommend appropriate action.

Peer Review is a widely used, time-honored practice in the scientific and engineering community for judging and potentially improving a scientific or technical plan, proposal, activity, program, or work product through documented critical evaluation by individuals or groups with relevant expertise who had no involvement in developing the object under review.

Presentation of scientific activities results includes the analysis, synthesis, compilation, or translation of scientific information and data into formats for the use of the Department of Commerce or the United States of America.

Reproducibility means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision. For information judged to have more (less) important impacts, the degree of imprecision that is tolerated is reduced (increased). With respect to analytic results, "capable of being substantially reproduced" means that independent analysis of the original or supporting data using identical methods would generate similar analytic results, subject to an acceptable degree of imprecision or error.

Scientific activities mean activities that involve inventorying, monitoring, observations, experimentation, study, research, integration, modeling, and scientific assessment.

Scientific integrity means the condition resulting from 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.

Scientific and Research Misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing scientific and research activities, or in the products or reporting of the results of these activities. It specifically includes intentional circumvention of the integrity of the scientific and research process and actions that compromise that process, but does not include honest error or differences of opinion.

(b) General Guidelines

1. *Maintaining Integrity.* The recipient shall maintain the scientific integrity of research performed pursuant to this grant or financial assistance award including the prevention, detection, and remediation of any allegations regarding the violation of scientific integrity or scientific and research misconduct, and the conduct of inquiries, investigations, and adjudications of allegations of violations of scientific integrity or scientific and research misconduct. All the requirements of this provision flow down to subrecipients.
2. *Peer Review.* The peer review of the results of scientific activities under a NOAA grant, financial assistance award, or cooperative agreement shall be accomplished to ensure consistency with NOAA standards on quality, relevance, scientific integrity, reproducibility, transparency, and performance. NOAA will ensure that peer review of "influential scientific information" or

"highly influential scientific assessments" is conducted in accordance with the Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review and NOAA policies on peer review, such as the Information Quality Guidelines.

3. In performing or presenting the results of scientific activities under the NOAA grant, financial assistance award, or cooperative agreement and in responding to allegations regarding the violation of scientific integrity or scientific and research misconduct, the recipient and all subrecipients shall comply with the provisions herein and NOAA Administrative Order (NAO) 202-735D, Scientific Integrity, and its Procedural Handbook, including any amendments thereto. That Order can be found at <http://nrc.noaa.gov/ScientificIntegrityCommons.aspx>.
4. *Primary Responsibility.* The recipient shall have the primary responsibility to prevent, detect, and investigate allegations of a violation of scientific integrity or scientific and research misconduct. Unless otherwise instructed by the grants officer, the recipient shall promptly conduct an initial inquiry into any allegation of such misconduct and may rely on its internal policies and procedures, as appropriate, to do so.
5. By executing this grant, financial assistance award, or cooperative agreement the recipient provides its assurance that it has established an administrative process for performing an inquiry, investigating, and reporting allegations of a violation of scientific integrity or scientific and research misconduct; and that it will comply with its own administrative process for performing an inquiry, investigation, and reporting of such misconduct.
6. The recipient shall insert this provision in all subawards at all tiers under this grant, financial assistance award, or cooperative agreement.

(c) Investigating Scientific Integrity or Scientific and Research Misconduct

1. *Initiating Investigation.* If the recipient or subrecipient determines that there is sufficient evidence to proceed to an investigation, it shall notify the grants officer and, unless otherwise instructed, the recipient or subrecipient shall:
 - a. Promptly conduct an investigation to develop a complete factual record and an examination of such record leading to either a finding regarding the violation of scientific integrity or scientific and research misconduct and an identification of appropriate remedies or a determination that no further action is warranted.
 - b. If the investigation leads to a finding regarding the violation of scientific integrity or scientific and research misconduct, obtain adjudication by a neutral third party adjudicator. The adjudication must include a review of the investigative record and, as warranted, a determination of appropriate corrective actions and sanctions.
2. *Finalizing Investigation.* When the investigation is complete, the recipient shall forward to the grants officer a copy of the evidentiary record, the investigative report, any recommendations made to the recipient adjudicating official, the adjudicating official's decision and notification of any corrective action taken or planned, and the subject's written response (if any).

(d) Findings and Corrective Actions

1. If the recipient finds that scientific integrity has been violated or scientific and research misconduct has occurred, it shall assess the seriousness of the misconduct and its impact on the research completed or in process and shall:
 - a. Take all necessary corrective actions, which includes, but are not limited to, correcting the research record, and, as appropriate, imposing restrictions, controls, or other parameters on research in process or to be conducted in the future, and
 - b. Coordinate remedial action with the grants officer.

(e) Department of Commerce Actions

1. The Department of Commerce may accept the recipient's findings or proceed with its own investigation, in which case the recipient shall fully cooperate with the investigation. The grants officer will inform the recipient of the Department's final determination.
2. The Department of Commerce reserves the right to pursue such remedies and other actions as it deems appropriate, consistent with the terms and conditions of the grant or financial assistance award and applicable laws and regulations. Such remedies and actions may include, but are not limited to, disallowance of costs, recoupment of the grant, financial assistance award, or cooperative agreement payments, and suspension or debarment.