

SCIENTIFIC MISCONDUCT REVIEW PANEL

PURPOSE

A Scientific Misconduct Review Panel will be established by the Director, U.S. Geological Survey (USGS), to review allegations of scientific misconduct reported against employees and volunteers of the USGS. The panel shall address the materiality or significance of the alleged misconduct and explain why the conduct does or does not constitute a serious deviation from accepted practices under institutional or general scientific standards. To fully understand the severity of alleged infractions, an effort to determine deliberate intent should be included in the investigation. Three criteria are necessary to establish research misconduct (Federal Policy on Research Misconduct):

- (1) There is a significant departure from accepted practices of the relevant research community, and
- (2) The misconduct is committed intentionally or knowingly or recklessly, and
- (3) The allegation is proven by a preponderance of evidence.

COMPOSITION OF THE PANEL

The Director of the USGS, in consultation with the Discipline Chief Scientists, shall appoint a Chairperson, four additional scientists, and one alternate scientist to serve as panel members. The alternate will serve on the panel when it is necessary for one of the panel members to recuse themselves because of a conflict of interest or if a panel member is prevented from participation for some other reason. Panel members will serve a 4-year term and may serve for no more than two consecutive terms. To ensure panel continuity, half of the originally selected panel members will serve for 2-year terms and half of the originally selected panel members will serve for 4-year terms. Ad hoc panel members may serve as panel members in order to provide necessary technical assistance. They may be chosen from a specific discipline or a specific area of expertise that is not represented on the permanent panel. The Chairperson, with the concurrence of the Director, will select these panel members as needed. The Director may replace any panel member at any time.

Panel members shall have appropriate expertise to evaluate the allegations of scientific misconduct. Although the integrity and fairness of the peer-evaluation process is paramount, every effort will be made to maintain a balance of discipline specialties, grade levels, and gender representation among panel members.

SERVICING HUMAN RESOURCES OFFICE REPRESENTATIVE

The Chairperson of the Panel, in consultation with the servicing human resources office, will set the specific dates, time, and place for the panel to meet. The servicing human resources office will provide support to the Chairperson of the Panel and members by assisting in scheduling

meetings; obtaining and distributing case and related materials in advance of panel meeting dates; and providing advice, as necessary, relating to this personnel matter.

PANEL OPERATIONS AND RESPONSIBILITIES

The Chairperson of the Panel, with the assistance of the servicing human resources office, will ensure that information concerning the case is distributed to panel members at least two weeks prior to the meeting date.

The Panel, at its discretion, will conduct the investigation and may utilize one or both of the following methods: (1) Securing and reviewing documentary evidence including all original experimental records, protocols, and data; (2) Interviewing relevant persons, whether in person, or by telephone; and securing written statements from the interested parties, as necessary.

The Chairperson of the Panel shall advise panel members of the extreme importance of confidentiality of materials and discussions relating to the alleged scientific misconduct. There is to be no release of information by panel members pertaining to any allegation. All discussions by the panel shall be safeguarded and not shared outside of the Scientific Misconduct Review Panel.

The Scientific Misconduct Review Panel will arrive at a consensus decision, if possible, about whether or not misconduct has occurred. Consensus decision means that all panel members, including the Chairperson, agree with a decision; this is distinct from a majority-rule decision. In the consensus-based process, panel members work together to develop a finding with which all of the members of the panel can agree. The Chairperson will determine if consensus has been reached by asking all panel members if they agree with the finding. If consensus is reached, then the Panel shall write a report of their findings that contains: a summary of the findings, the basis for determining whether or not scientific misconduct occurred, and an assessment of the seriousness and extent of any misconduct found that is in violation of the USGS Code of Scientific Conduct.

The Panel will take the time necessary to address all of the relevant issues associated with the allegation in order to reach a consensus finding. If, after all efforts are exhausted, the Panel is still unable to reach consensus about whether or not misconduct has occurred, then a majority decision will be made. Panel members will write majority and minority reports to send to the employee's supervisor.

Within 30 calendar days of the completion of the report, the Chairperson of the Panel shall forward the completed report to the servicing human resources office and the supervisor of the subject of the allegations for appropriate action.