

# Scientific Integrity Policy of the Marine Mammal Commission



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## Background

Title II of the Marine Mammal Protection Act of 1972, as amended, established the Marine Mammal Commission (Commission) to provide independent, science-based oversight of domestic and international policies and actions of federal agencies to promote the conservation of marine mammals and their ecosystems. The Commission consists of three members appointed by the President and subject to Senate confirmation. The Act requires that individuals serving as Commissioners be knowledgeable in the fields of marine ecology and resource management.

The Commission is assisted in its work by a nine-member Committee of Scientific Advisors on Marine Mammals and a Special Advisor on Native Affairs. Members of the Committee are appointed by the Chair of the Commission after consultation with the Chair of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the President of the National Academy of Sciences. The Act requires that Committee members be knowledgeable in marine ecology and marine mammal affairs. The Commission also consists of an Executive Director, who is appointed by the Chair of the Commission with the approval of the other Commissioners, a Scientific Program Director, General Counsel, and a small professional staff with scientific, policy, legal, budgetary, and administrative duties and expertise.

The Marine Mammal Commission is committed to maintaining the integrity of, and promoting public trust in, the science used to inform policy decisions under the Marine Mammal Protection Act and related statutes. The Commission has developed and implemented specific measures to meet its commitment to scientific integrity. The Act assigns seven major duties to the Commission (16 U.S.C. § 1402(a)), nearly all of which involve gathering, compiling, evaluating, analyzing, interpreting, or reporting scientific information. The Commission uses such scientific information to conduct specific reviews and studies, and to formulate recommendations to other agencies, the Administration, and Congress. The Act also requires that the reports and recommendations of the Commission “be matters of public record and made available to the public at all reasonable times.”

In 2012, following consultation with the Office of Science and Technology Policy (OSTP), the Commission adopted a scientific integrity policy. In 2021, the Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking<sup>1</sup> charged OSTP with developing a Framework for regular assessment and iterative improvement of agency scientific integrity policies and practices. The Framework<sup>2</sup> was developed to assist agencies across the Federal Government to strengthen, implement, and institutionalize scientific integrity policy, practice, and culture. To align with the Framework, the Marine Mammal Commission has revised its scientific integrity policy and is adopting the policies and procedures described in this document.

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<sup>1</sup> [Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policy Making](#), January 27, 2021.

<sup>2</sup> [A Framework for Federal Scientific Integrity Policy and Practice](#), January 12, 2023.

## **Purpose**

The purpose of this policy is to promote and strengthen a continuing culture of scientific integrity within the Commission. This policy aims to ensure the integrity of all aspects of scientific activities including proposing, conducting, reviewing, managing, communicating about science and scientific activities, and using the results of science. This policy establishes the expectations and procedures required to maintain scientific integrity at the Marine Mammal Commission.

## **Definition of Scientific Integrity and Scientific Integrity Official**

The Marine Mammal Commission has adopted the following Official Definition of Scientific Integrity:

*Scientific integrity is the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.*

While promoting and upholding scientific integrity is a shared responsibility of all employees and covered entities, including the Commissioners, members of the Committee of Scientific Advisors, Commission staff, contractors, grantees, fellows, and interns, the Commission has designated its Scientific Program Director as the agency's Scientific Integrity Officer (SIO) to oversee implementation and iterative improvement of scientific integrity policies and processes. The SIO is empowered with the independence necessary to gather and protect information to support the review and assessment of scientific integrity concerns, ensure implementation of corrective scientific actions, coordinate with appropriate agency authorities to enforce corrective and administrative actions, and take actions to prevent scientific integrity concerns from arising. The SIO also advocates for appropriate engagement of senior scientific staff and the Committee of Scientific Advisors in decision making.

## **Effective Date and Policy Amendments**

This revised policy is effective when adopted, and replaces the prior scientific integrity policy. This policy shall be reviewed by the Commission every two years. Amendments to this policy shall be overseen by the Scientific Integrity Official and communicated to the Director of the White House Office of Science and Technology Policy no later than 30 days after adoption.

## **Applicability & Scope**

Scientific integrity is the responsibility of the entire Commission workforce. As such, this policy applies to all Commissioners, Commission staff, members of the Committee of Scientific Advisors, contractors, grantees, fellows, and interns, when they propose, conduct, or review science or communicate about science and scientific activities, or who manage or supervise scientific activities and the use scientific information in agency decision-making.

All contractors, partners, grantees, and volunteers, who engage or assist in scientific activities on behalf of the Commission are expected to uphold the principles of scientific integrity established by this policy. Express requirements will be set forth in individual agreements, contracts, grants, statements of work, memoranda of understanding, etc., and/or established via issuance of a separate rule or other policy.

## Authorities

Pursuant to the 2021 [Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking](#), and consistent with the 2009 [Presidential Memorandum on Scientific Integrity](#) and the 2010 [Memorandum from the White House Office of Science and Technology Policy on Scientific Integrity](#), all Federal agencies must establish a scientific integrity policy. This policy is established in accordance with:

- The Marine Mammal Protection Act (MMPA), as amended (16 U.S.C. § 1361 et seq.)
- The America COMPETES ACT, as amended
- The Foundations for Evidenced-based Policymaking Act of 2018
- Public Law 106-554 --- The Information Quality Act of 2000
- 67 Fed. Reg. 8451 --- OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies
- 70 Fed. Reg. 2664 --- OMB Final Information Quality Bulletin for Peer Review
- 65 Fed. Reg. 76260-76264 --- Federal Policy on Research Misconduct
- Public Law 101-12 --- The Whistleblower Protection Act (WPA) of 1989, as amended
- 41 U.S.C. § 4712
- 5 C.F.R. § 2635 --- Standards of Ethical Conduct for Employees of the Executive Branch, as amended
- Public Law 92-463 (5 U.S.C. App.) --- The Federal Advisory Committee Act of 1972
- 5 C.F.R. Part 735 --- Employee Responsibilities and Conduct
- Presidential Policy Directive 19 --- Protecting Whistleblowers with Access to Classified Information, 2012
- M-20-12 --- OMB Phase 4 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Program Evaluation Standards and Practices

## Exceptions

This policy shall be implemented consistent with other applicable law.

## Definitions

**Agency scientists** refers to Commissioners, members of the Committee of Scientific Advisors, and scientists who are part of the Commission staff.

**Allegation** refers to a formal accusation of a suspected loss of scientific integrity.

**Conduct of Science** refers to the formulation of hypotheses, study design, testing, data collection, systematic review, statistical analysis, interpretation, findings, conclusions, or peer review.

**Covered entities** refers to those persons who must adhere to the requirements of this policy, including all Commissioners, Commission staff, members of the Committee of Scientific Advisors, contractors, grantees, fellows, and interns, when they propose, conduct, or review science or communicate about science and scientific activities or who manage or supervise scientific activities and use scientific information in decision-making.

**Decision-making/policymaking** refers to the (1) development of agency policies or recommendations and (2) making determinations about expenditures of Federal funds.

**Ethical behavior** refers to activities that reflect norms for conduct that distinguish between acceptable and unacceptable behavior, such as honesty, lawfulness, equity, and professionalism.

**Inclusivity** refers to the practice of promoting full participation of all people and all groups, including marginalized, underserved, and underrepresented contributors, without bias or prejudice. Full participation is enabled through equitable access and fair treatment in the organization. Inclusivity also means asking questions and conducting scientific activities that serve diverse constituencies and contribute to the equitable delivery of Government services.

**Inappropriate influence** refers to any attempt to shape or interfere in the conduct of scientific activities or the communication about or use of scientific activities or findings counter to well-accepted scientific methods and theories or without scientific justification.<sup>3</sup> Differences of scientific opinion are not necessarily inappropriate influence.

**Interference** refers to inappropriate, scientifically unjustified intervention in the conduct, management, communication, or use of science. It includes censorship, suppression, or distortion of scientific or technological findings, data, information, or conclusions; inhibiting scientific independence during clearance and review; scientifically unjustified intervention in research and data collection; and inappropriate engagement or participation in peer review processes or on Federal advisory committees. **Political interference** refers to inappropriate, scientifically unjustified interference on the part of political officials and/or motivated by political considerations.

**Loss of Scientific Integrity** refers to the failure to comply with the Scientific Integrity Policy or to adhere to the principles of honesty, objectivity, and transparency; professional practices; and ethical behavior when conducting, managing, using the results of, and communicating about science and scientific activities.

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<sup>3</sup> Examples may include 1) suppressing a decision maker's ability to offer the best judgment based on scientific information; 2) preventing the use of best available science; 3) insisting on preclearance of a scientific product for purposes other than providing advance notification or opportunity to review for technical merit; 4) suppressing, altering or delaying the release of a scientific product for any reason other than technical merit or providing advance notification; 5) removing or reassigning scientific personnel for the purposes of undermining the science; 6) using scientific products that are not representative of the current state of scientific knowledge and research (for example because of a lack of appropriate peer review, poor methodology, or flawed analyses) to inform decision making and policy formulation; or 7) misrepresenting the underlying assumptions, uncertainties, or probabilities of scientific products. This is not intended to be an exhaustive list.

**Misinformation** refers to incorrect, misleading, or misattributed information.

**Objectivity** refers to the quality of being explicit, unbiased, honest, and impartial.

**Policy** refers to laws, regulations, procedures, administrative actions, incentives, or voluntary practices of governments and other institutions.

**Professional Practices** refers to conducting oneself with the qualities that are characterized by skill, competence, ethics, and courtesy.

**Research misconduct** refers to fabrication, falsification, or plagiarism in proposing, performing or reviewing research, or in reporting research results or ordering, advising or suggesting that subordinates engage in research misconduct. Research misconduct does not include honest error or differences of opinion.<sup>4</sup>

**Retaliation**, in accordance with 5 U.S.C. § 2302(b)(8), refers to taking or failing to take or threatening to take or failing to take a personnel action with respect to any employee or applicant for employment because of any disclosure of information that the employee or applicant reasonably believes evidences any violation of any law, rule, or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs. See Public Law 112-199, § 110 (5 U.S.C. § 2302 note).

**Scientific activities** refer to activities that involve the application of well-accepted scientific methods and theories in a systematic manner, and includes, but is not limited to, data collection, inventorying, monitoring, statistical analysis, surveying, observations, experimentation, study, research, integration, economic analysis, forecasting, predictive analytics, modeling, technology development, and scientific assessment.

**Scientific integrity** is the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.

**Scientific Integrity Official** refers to a senior career employee designated as an agency's lead to oversee implementation and iterative improvement of scientific integrity policies and processes consistent with the provisions of the [2021 Presidential Memorandum](#).

**Scientist** refers to an individual whose responsibilities include collection, generation, use, or evaluation of scientific and technical data, analyses, or products. This includes, but is not limited to, Federal scientists, contractors, and trainees. It does not refer to individuals with scientific and technical training whose primary job functions are in non-scientific roles (e.g., policymakers, communicators).

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<sup>4</sup> This definition is consistent with that contained in OSTP, [Federal Policy on Research Misconduct](#), Dec. 6, 2000.

**Special Government Employee** refers to an officer or employee who is retained, designated, appointed, or employed by the Government to perform temporary duties, with or without compensation, for not more than 130 days during any period of 365 consecutive days.<sup>5</sup>

**Transparency** refers to ensuring all relevant data and information used to inform a decision made or action taken is visible, accessible, and consumable by affected or interested parties, to the extent allowable by law.

## Principles/Core Values

The Commission provides independent, science-based oversight of domestic and international policies and actions designed to promote effective implementation of the MMPA and further its goals of protecting and conserving marine mammals and their habitat. A core value of the Commission central to this policy is maintaining the integrity of, and promoting public trust in, the science used to inform policy decisions under the MMPA and related statutes.

## Promoting a Culture of Scientific Integrity

The Commission uses an established review process to develop sound scientific policy advice and formulate recommendations to further the purposes of the MMPA. The process promotes a culture of scientific integrity by facilitating “honest investigation, open discussion, refined understanding, and a firm commitment to evidence.” It includes:

- expert investigation and analysis of scientific information by Commissioners, Commission staff, or members of the Commission’s Committee of Scientific Advisors on Marine Mammals;
- scientific input from outside experts and sources when appropriate; and
- analysis, peer review, and comment by members of the Committee of Scientific Advisors on Marine Mammals, and final review and approval of agency recommendations and the underlying rationale by the Commissioners.

In addition, the Commission ensures an environment that is equitable, inclusive, safe, and free from harassment and discrimination. To instill and enhance a culture of scientific integrity, the Commission posts its Equity Action Plan and its policies for scientific integrity, equal employment opportunity, and ensuring a work environment free of discrimination and retaliation prominently [on its website](#).

The Commission will take other measures to communicate and stress its scientific integrity goals and keep them in the forefront of the Commission’s activities. Among other things, it will educate all agency employees and other covered entities, including contractors who perform scientific activities for the Commission, on their rights and responsibilities related to scientific integrity. All employees and other covered entities will be apprised of scientific integrity policies as they are hired or otherwise begin their association with the Commission. The SIO will meet with all new scientific staff to review the Commission’s scientific integrity policy, and will communicate with existing staff

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<sup>5</sup> The definition for “special Government employee” can be found in 18 U.S.C. § 202.



at least annually to remind them of their responsibilities related to scientific integrity.

The Commission will take appropriate steps to recognize the value of different modes of science, such as citizen science, community-engaged research, and participatory science. Further, the Commission will encourage funding sources to recognize and support the various modes of science with the resources necessary to meet the same high standards of scientific integrity that traditional modes are expected to uphold. Scientific integrity practices will be applied in ways that are inclusive of these modes of science. This may require expanded scientific integrity practices and expectations, such as granting communities more autonomy over research questions and research design, recognition of data and knowledge sovereignty, and inclusion of multiple forms of evidence and ways of knowing, such as Indigenous Knowledge.

Agency leadership will recognize, support, and promote this policy and its underlying principles and serve as models of exemplary behavior indicative of a strong culture of scientific integrity.

To promote scientific integrity at the Commission, this policy includes seven specific areas:

- Protecting Scientific Processes
- Ensuring the Free Flow of Scientific Information
- Supporting Marine Mammal Commission Recommendations
- Ensuring Accountability
- Protecting Scientists
- Professional Development for Government Scientists, and
- Federal Advisory Committees

## **Protecting Scientific Processes**

Protecting scientific processes requires consideration and documentation of differing scientific opinions, and includes peer review. The Committee of Scientific Advisors on Marine Mammals constitutes a standing peer review body. Its members provide independent assessment of recommendations being considered by the Commission and the scientific underpinning for those recommendations. Such reviews help to ensure the scientific integrity of Commission recommendations and shield the Commission's use and interpretation of scientific data and analyses from political influence. The Commission has adopted [guidelines](#) to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by the agency.

In addition, it is the policy of the Commission to:

- prohibit inappropriate restrictions on resources and capacity that limit and reduce the availability of science and scientific products outside of normal budgetary or priority-setting processes or without scientific justification;
- require that all employees and other covered entities present their contributions to scientific work fairly and accurately and neither accept nor assume unauthorized and/or unwarranted credit for another's accomplishments. To be named as an author in scientific publications,

contributors shall have made a substantial intellectual contribution, written or provided editorial revisions that include critical intellectual content, and approved the final version and agreed to be accountable for all aspects of the work;

- require that employees and other covered entities comply with agency policies and procedures for planning and conducting research and other scientific activities and show appropriate diligence toward protecting and conserving Federal research resources, and records of data and results that are entrusted to them;
- prohibit research misconduct and the use of improper or inappropriate methods or processes in conducting research;
- require that all employees and other covered entities design, conduct, manage, evaluate, and report scientific research and other scientific activities honestly and thoroughly, and disclose any conflicts of interest to their supervisor or other appropriate agency official(s) for their determination as to whether a recusal, disclaimer, or other appropriate notification would be appropriate; and
- take steps to recognize and implement prompt remedial actions to address and prevent scientific integrity policy violations that have a disproportional impact on underrepresented groups or weaken the equitable delivery of Federal Government programs.

## **Ensuring the Free Flow of Scientific Information**

The Commission welcomes input from and open dialogue with parties engaged in all scientific, technological, and related issues pertaining to marine mammals. The Commission considers the open exchange of information and viewpoints central to well-informed decision making.

It is the policy of the Commission to:

- make all Commission reports and recommendations matters of public record and available to the public, as specified in the MMPA. In accordance with this requirement, the Commission publishes all of its recommendations, annual reports, and technical reports on its website in a timely manner and, when appropriate, in other formats;
- publish an annual report of Commission activities and accomplishments for the preceding year;
- make available to the public various periodic, annual, or final reports from those conducting Commission-supported research;
- encourage those conducting Commission-supported research to publish scientific or management data or findings in refereed journals, and to provide links to publications from such studies to be placed on the Commission's websites;
- encourage investigators to make data or meta-data available to the public in open formats and, when appropriate, post or provide links to such material on the Commission website;
- ensure that the work and conclusions of agency scientists and the work and conclusions of work funded/supported by the federal government are accurately represented in agency communications. If Commission documents significantly rely on a scientist's research it will provide appropriate recognition and/or citations;

- allow agency scientists to communicate their scientific activities objectively without political interference or inappropriate influence, while at the same time complying with agency policies and procedures for engaging with media contacts, planning and conducting scientific activities, reporting scientific findings, and reviewing and releasing scientific products;
- allow Commission employees and other covered entities to report their scientific findings and communicate with the media or the public in their official capacities at the Commission. Absent prior agency approval, Commission scientists shall refrain from making or publishing statements that could be construed as being judgments of, or recommendations concerning, the policies of the Commission or any other Federal agency. Such communications shall be governed by the Commission's policies and procedures for media engagement and remain within the bounds of the employee's or other covered entity's scientific or technological findings, unless specifically otherwise authorized; and
- allow scientists to communicate with the media or the public in their personal capacities subject to limitations of government ethics rules. Commission scientists may express their personal views and opinions; however, they should not claim to represent the agency in an official capacity and may not use the agency or other U.S. Government seals or logos. Employees and other covered entities shall use appropriate written or oral disclaimers for personal activities.

Due to its small size, the Commission does not have a public affairs office. Rather, media contacts are addressed by appropriate staff, in coordination with the Executive Director and the Communications and Legislative Affairs Officer. In general, the Executive Director or Communications and Legislative Affairs Officer fields media requests or directs them to the staff member with the appropriate knowledge and expertise. Agency scientists may speak to the media and the public about the scientific and technical aspects of their work, subject to coordination with their supervisor and/or the Executive Director. Agency scientists responsible for responding to media requests may not be asked or directed to alter their scientific findings.

Given the Commission's duties and its role as an independent oversight agency, a premium is placed on accurate and full presentation of scientific findings and their implications for effective marine mammal management and conservation. Disputes that may arise over whether to proceed with requested media interviews or contacts are handled through consultations between the Executive Director, the Commissioners, and the Commission staff.

## **Supporting Marine Mammal Commission Recommendations**

- It is the policy of the Commission to provide a detailed rationale for all of its recommendations involving scientific and policy advice to other government agencies. Among other things, the rationale for Commission recommendations is intended to explain any underlying assumptions and portray and discuss scientific uncertainties.
- The Commission's annual reports provide a broad summary of Commission activities and accomplishments in a given year and highlight important issues concerning the conservation of marine mammals, including related scientific and technical information.
- When appropriate, the Commission provides references to the sources of scientific information that underlie its scientific and policy recommendations, and in such cases

includes citations to those sources in letters and reports to promote transparency of its findings.

- Through its letters and reports, the Commission provides independent expert analysis of scientific, policy, and regulatory issues consistent with the provisions of the Marine Mammal Protection Act.
- If a Commission employee involved in providing scientific input informing an agency recommendation disagrees with the scientific data, interpretations, or conclusions that are to be relied upon for that recommendation, the employee is encouraged to express that opinion in writing, complete with his or her rationale. If differing scientific opinions are not resolved during internal deliberations, they are called to the attention of the Commissioners and can be reviewed by the Committee of Scientific Advisors. When not reviewed by the Committee of Scientific Advisors, the differing opinions will be represented in the agency deliberative documents for the Commissioners' and Executive Director's consideration.

## **Ensuring Accountability**

The Commission will investigate and attempt to resolve any allegation of scientific misconduct or breaches of its scientific integrity policy in a timely manner.

Prior to submitting an allegation, interested parties are encouraged to contact the SIO or Executive Director to seek advice on preventing or addressing a situation of concern and to determine if it is an actual or potential violation of the Scientific Integrity Policy. Pre-allegation consultation will be confidential and will not result in the initiation of an investigation unless a formal allegation is filed.

Allegations of a violation of Scientific Integrity policy must be made in writing and submitted to:

Scientific Integrity Official  
Marine Mammal Commission  
4340 East-West Highway, Suite 700  
Bethesda, MD 20814

If the alleged violation involves the SIO, the allegation shall be submitted to the Commission's Executive Director and/or General Counsel, as appropriate. If the alleged violation involves the SIO, Executive Director, General Counsel, or one of the Commissioners, external consultation may be sought from the National Science and Technology Council (NSTC) Committee on Science (COS) Subcommittee on Scientific Integrity (SOSI).

Within 60 calendar days of receiving an allegation, the SIO will, in consultation with the Executive Director and General Counsel, collect evidence deemed necessary to evaluate the merits of the allegation.

## **Protections**

To assure the protection of government scientists and, when appropriate, other covered entities from retribution, retaliation, or reprisal, the SIO, in consultation with the Executive Director and General Counsel, shall implement the following Commission policies:

- selecting and retaining candidates for scientific and technical positions based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and holding them to the highest standards of professional and scientific ethics;
- promoting diversity, equity, inclusion, and accessibility in the scientific workforce and creating and maintaining a safe workplace that is free from harassment and discrimination. Seeking to recruit and support scientists and researchers from diverse backgrounds including, but not limited to, Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQI+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality; and advancing the equitable delivery of Federal programs;
- protecting those individuals who, in good faith, report allegations of compromised scientific integrity practices or violations of this policy and the rights of any agency employees and other covered entities subject to such claims, including those covered by prohibited personnel practices (as defined in 5 U.S.C. § 2302(b));
- preventing agency leadership from intimidating or coercing scientists to alter scientific data, findings, or differences in scientific opinions, or inappropriately influencing scientific advisory boards; and
- complying with whistleblower protections, specifically:
  - a. by protecting employees from prohibited personnel practices (as defined in 5 U.S.C. § 2302(b)), especially employees who uncover and report allegations of loss of scientific integrity in good faith, or Commission employees alleged to have compromised scientific integrity in the absence of an affirmative finding that the individual compromised scientific integrity; and
  - b. the requirements of the Whistleblower Protection Act of 1989, and its expanded protections enacted by Public Law 103-424 and the Whistleblower Protection Enhancement Act of 2012.

## **Professional Development for Government Scientists**

The Commission is committed to promoting and facilitating the professional development of its staff, including scientists, consistent with federal ethics rules, job responsibilities, and budgetary constraints. The Commissioners and members of the Committee of Scientific Advisors on Marine Mammals are independent scientists that serve as special government employees. Their pursuit of scientific research and professional development is not limited in any way by their membership on the Commission or Committee except as required under applicable ethics laws and requirements.

- To the extent consistent with their job responsibilities and applicable ethics laws, Commission employees are allowed and encouraged to prepare articles and papers for publication in peer-reviewed, professional, or scholarly journals. Newly hired employees are provided opportunities and encouraged to complete and submit for publication any papers or research results pending at the time of appointment.
- Scientific, management, and policy findings of the Commission and related work products, including those arising from studies or workshops sponsored by the Commission, may be appropriate for submission to peer reviewed, professional, or scholarly journals or

presentation at professional meetings. Employees are encouraged to pursue such publications or to make such presentations, both for their own professional development and as a means to further the mission of the Commission.

- Employees are allowed and encouraged, subject to applicable ethics laws, to serve as editors or editorial board members of professional or scholarly journals.
- Employees may participate fully in professional or scholarly societies and, subject to applicable ethics laws, serve as officers or on governing boards of such societies.
- Subject to applicable ethics laws, staff may receive honors and awards for their research and discoveries.
- Employees are allowed and encouraged, subject to budgetary constraints, to continue their education by taking training and leadership courses related to their work responsibilities. They also are encouraged to participate in a wide array of interagency activities to ensure that they are well-informed regarding all scientific and related activities pertinent to Commission responsibilities.

## **Federal Advisory Committees**

The Committee of Scientific Advisors on Marine Mammals is a chartered federal advisory committee. The Commission manages Committee activities to see that they are in compliance with the Federal Advisory Committee Act.

### **Recruitment Process**

- The knowledge requirements and appointment process for members of the Commission's Committee of Scientific Advisors on Marine Mammals are set forth in section 203(a) of the Marine Mammal Protection Act (16 U.S.C. § 1403(a)). It is the policy of the Commission, to the extent consistent with the Act's appointment process, to make the recruitment of new members of the Committee as transparent as practicable.
- Appointments initially are for a three-year term and may be extended for an additional period or indefinitely unless and until a successor is appointed. As such, vacancies do not occur on a regularly scheduled basis.
- Because of the statutorily mandated appointment process, which can take months to complete, it is impractical to solicit recommendations for each vacancy as it occurs. Rather, it is the policy of the Commission to publish in the Federal Register periodic (e.g., every three years), general invitations seeking names of candidates for appointment to the Committee. This will provide the Commission with a list of possible candidates that can be considered each time that a vacancy occurs.

### **Biographical Information**

- The Commission's website identifies the current members of the Committee of Scientific Advisors on Marine Mammals and lists their affiliation and other relevant biographical information.

## **Selection Process**

- The members of the Committee of Scientific Advisors on Marine Mammals are appointed by the Chair of the Commission, in consultation with the other Commissioners and with the Chair of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the President of the National Academy of Sciences. The consultation process helps ensure that the selection of candidates for the Committee is appropriately based on an individual's expertise in and knowledge of marine mammal science and marine ecology and his or her contribution to these disciplines.
- The appointment process helps to maintain a high level of member expertise with regard to relevant scientific disciplines (e.g., marine mammal veterinary medicine, population dynamics, biometrics, behavior, etc.), marine mammal species (e.g., cetaceans, pinnipeds, sirenians), and geographic areas of particular importance to the Commission's responsibilities.
- Diversity among Committee members and points of view represented also are considered by the Commissioners during the selection process. Expertise and geographical representation are two of the main considerations for selection.

## **Conflict of Interest Waivers**

- The Commission endeavors to select Committee members who have limited conflicts of interest or conflicts that can be addressed successfully through recusals. Occasionally, a waiver of otherwise applicable conflict of interest requirements, as provided for under 18 U.S.C. § 208(b), is needed. Any such waiver is reviewed by, and issued only after consultation with the Office of Government Ethics.

## **Scientific Integrity Officer and Role of Other Agency Officials**

### **Roles and Responsibilities**

Scientific Integrity is an agency-wide responsibility with the following positions having specific scientific integrity roles and responsibilities:

#### **Marine Mammal Commission Executive Director**

- provides leadership for the agency on scientific integrity by leading through example, upholding scientific integrity principles, and regularly communicating the importance of scientific integrity to the staff and others;
- ensures that all agency activities associated with scientific and technological processes are conducted in accordance with this policy;
- takes steps to ensure that all supervisors and managers comply with the scientific integrity policy and to provide accountability for those who do not;
- acts to see that violations of scientific integrity policies are responded to and come with appropriate consequences;
- allocates adequate resources and funding to implement this policy including staffing,

- monitoring, evaluation, reporting, and training; and
- supports and respects the scientific integrity official's role and independence and takes appropriate corrective actions when violations of this policy are substantiated.

### **Scientific Integrity Official**

- oversees implementation, review, and improvement of scientific-integrity policies and processes by providing leadership, acting to champion scientific integrity, serving as the primary agency-level contact for questions regarding Scientific Integrity, and ensuring that scientific integrity activities and outcomes are appropriately monitored and evaluated;
- facilitates employee awareness and understanding of this policy;
- leads efforts to update this policy and any accompanying guidance, as appropriate;
- reports to the Executive Director on matters involving scientific integrity;
- coordinates with the General Counsel, as necessary;
- publishes an annual scientific integrity report as described below; and
- to the extent practicable, is involved in high level discussions and strategic planning on the recruitment, retention, development, and advancement of scientists—especially scientists from underrepresented communities—to help ensure that scientific integrity is appropriately and carefully considered.

### **General Counsel**

- assists the SIO and Executive Director in responding to allegations of scientific misconduct or other violations of this policy; and
- acts in the stead of the SIO or Executive Director in responding to allegations of scientific misconduct or other violations of this policy that involve either the SIO or the Executive Director.

### **Other employees and other covered entities**

- are made aware of the policy and are responsible for following the principles contained in this policy and knowing how the policy applies to their duties;
- are required to comply with this policy;
- are expected to adhere to accepted professional values and practices of the relevant research/scientific communities in order to promote a high level of scientific integrity; and
- are encouraged to report to the SIO any information they are aware of concerning compromised scientific integrity.

## **Reporting**

### **Annual Reporting**

The SIO is responsible for generating and posting on the agency's website an annual report on the status of scientific integrity within the Commission, as required under the 27 January 2021,



Presidential Memorandum. The report will include the number of formal administrative investigations, informal requests for assistance, inquiries, and appeals involving alleged or actual deviations from the scientific integrity policy, and the number of investigations and pending appeals. Annual reporting will also include anonymized individual closed scientific integrity case summaries. These summaries can either be posted at the completion of inquiries or incorporated into the annual report. The identities of complainants, respondents, witnesses, and others involved in the investigations shall be protected.

## **Scientific Integrity Policy Intersections with Related and Supporting Policies**

The SIO will have awareness of policies and programs that intersect with the development of the culture of scientific integrity within the agency. The SIO and, where possible, science and policy staff, will be involved in the development or revision of the broader set of policies and practices that affect the culture and applicability of scientific integrity within the Commission.

### **Related Policies and Guidelines that Can Intersect with Scientific Integrity**

#### **Diversity, Equity, Inclusion, and Accessibility (DEIA) in Addressing and Strengthening Scientific Integrity and the Disproportional Impact of Scientific Integrity Policy Violations on Underrepresented Groups**

Policies, practices, and agency culture to promote diversity, equity, inclusion, and accessibility in the scientific workforce and Federal workforce at large and to create safe workspaces that are free from harassment and discrimination are foundational for achieving a culture of scientific integrity. Because of existing power structures, racism, sexism, discrimination, and other forms of bias in the workplace, scientific integrity and DEIA policies may intersect in many places. The Commission has adopted and fully supports a policy to ensure equal employment opportunities ([EEO Policy](#)) and seeks to be as inclusive as possible in carrying out its mission ([Equity Action Plan – E.O. 13985](#)). Scientific integrity entails greater transparency into research processes and policy-making outcomes. The Commission will review and address potential scientific integrity policy violations that have a disproportionate impact on underrepresented groups or weaken the equitable delivery of agency programs.

#### **Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information**

Accurate and full presentation of scientific findings and their implications for effective marine mammal management and conservation is essential for the Commission in its role as an independent oversight agency, and is also foundational to support a culture of scientific integrity. The Commission has adopted [guidelines to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by the agency](#).

#### **Notification and Federal Employee Antidiscrimination and Retaliation Act (“[No FEAR Act](#)”)**

Protecting agency scientists and other covered entities who report allegations of compromised scientific integrity in good faith is essential for promoting a culture of scientific

integrity. The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, which became effective in 2003, requires federal agencies to take actions designed to reinvigorate their longstanding obligation to provide a work environment free of discrimination and retaliation. Federal agencies are held accountable for violations of antidiscrimination and whistleblower protection laws. Under the No FEAR Act, agencies must pay for settlements, awards, or judgments against them in whistleblower and discrimination cases out of their own budgets.