



**FOREST SERVICE MANUAL
NATIONAL HEADQUARTERS (WO)
WASHINGTON, DC**

FSM 4000 - RESEARCH

ZERO CODE 4080 - RESEARCH ADMINISTRATION

Interim Directive No.: 4080-2002-1

Effective Date: February 12, 2002

Duration: This interim directive expires on August 12, 2003.

Approved: SALLY COLLINS
Associate Chief

Date Approved: 02/08/2002

Posting Instructions: Interim directives are numbered consecutively by title and calendar year. Post by document at the end of the chapter. Retain this transmittal as the first page(s) of this document. The last interim directive was ID No. 4 to FSM 4070.

New Document	id_4080-2002-1	20 Pages
Superseded Document(s) (Interim Directive Number and Effective Date)	None	

Digest:

4086 - 4086.33 - Incorporates new Federal policy (65 FR 76260-76264) on Research Misconduct and agency implementation procedures and the Code of Scientific Ethics produced by the Research and Development Deputy Area and issued as publication FS-686 in August 2000. Differentiates Research Misconduct from Professional Misconduct and provides a five-step process for investigating and adjudicating allegations of misconduct against Forest Service employees and/or agency cooperators. Provides a linkage to the USDA Discipline Guide for scientific misconduct.

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4080 - SCIENTIFIC ETHICS

Advances in science, engineering, and all fields of research depend on the reliability of the research record. Sustained public trust in the research enterprise also requires confidence in the research record and in the processes involved in its ongoing development. Allegations of research misconduct erode public trust in the reliability of the research record and credibility of research and development results.

4086.01 - Authority

The general provisions of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641-1648) authorize the Secretary of Agriculture to conduct, support, and cooperate in investigations, experiments, tests, and other activities deemed necessary to obtain, analyze, develop, demonstrate, and disseminate scientific information about protecting, managing, and utilizing forest and rangeland renewable resources in rural, suburban, and urban areas. Under regulations at Section 2.60(a) of Title 7 of the Code of Federal Regulations (7 CFR 2.60(a)), the Secretary has delegated this authority to the Chief.

The Executive Office of the President, Office of Science and Technology Policy, issued a Federal Policy on Research Misconduct on December 6, 2000 (65 FR 76260-76264). The policy directs Federal agencies to bring their existing procedures for dealing with research misconduct into conformance with the new policy and to establish new procedures to implement the policy, as needed.

In addition, the U.S. Office of Government Ethics has issued at part 2635 of Title 5 of the Code of Federal Regulations, (5 CFR 2635) principles of Ethical Conduct which apply to all Executive Branch employees. These regulations address financial conflict of interest as well as other unethical conduct and requirements for disclosing waste, fraud, abuse, and corruption. Finally USDA Personnel Bulletin 735-1, Subpart B prohibits, all employees from conduct that is dishonest or disgraceful to the government.

4086.02 - Objectives

The management objectives to be achieved through compliance with the code of scientific ethics and response to allegations of research misconduct are to:

1. Protect the integrity and credibility of Forest Service research and development activities.
2. Clarify expectations about ethical principles for research and development activities.
3. Set norms of behavior for agency employees and research and development cooperators.

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4. Provide a process for handling allegations of research misconduct that protects the rights of both the individual(s) making the allegation and the individual(s) alleged to have committed research misconduct.

4086.04 - Responsibilities

4086.04a - Washington Office

1. Deputy Chief for Research & Development. The Deputy Chief is responsible for defining the expectations and norms of behavior consistent with the Federal policy on research misconduct and establishing a Code of Scientific Ethics that applies to the agency's research and development activities and those of its cooperators. The Deputy Chief also is responsible for appointing an Ethics Panel to investigate findings regarding scientific misconduct by a national headquarters employee and to recommend resolution.

2. Staff Director for Human Resources Management, WO. The Staff Director is responsible for developing training on the Code of Scientific Ethics and on the process for handling allegations of research misconduct, for investigating allegations of scientific misconduct made against National Headquarters employees, and for providing general guidance and advice to Stations responding to allegations of scientific misconduct against Station employees and/or research and development cooperators.

3. Staff Director for Science Policy, Planning, Inventory, and Information, WO. The Staff Director is responsible for serving as the scientific advisor to the Human Resources Management Staff on the Code of Scientific Ethics and on the process for handling allegations of scientific misconduct. The Staff Director, or designated alternate, is responsible for serving as the senior scientist who provides advice and counsel to the Human Resources Management investigator assigned to respond to allegations of scientific misconduct against a National Headquarters employee. The Staff Director is also responsible for providing general guidance and advice to Stations on responding to allegations of scientific misconduct against Station employees or research and development cooperators.

4086.04b - Stations

Station Directors are responsible for:

1. Responding to allegations of research misconduct levied against the following:
 - a. Their employees;
 - b. A cooperator who receives funding from one the Station's research work units programs;
 - c. A Forest Service unit outside the Research & Development Deputy area by station employees.

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2. Ensuring new employees receive training in scientific ethics as part of orientation activities and that periodic refresher training sessions are conducted for current employees.

3. Ensuring that Research and Development cooperators are made aware of the Federal policy on research misconduct, responsibilities under that policy, and the process available for responding to allegations of misconduct.

4086.04c - Ethics Panel

The Deputy Chief for Research and Development or a Station Director whose employee or collaborator is accused of scientific misconduct is responsible for appointing an Ethics Panel after an inquiry and/or investigation determines that there is some substance to the allegation or if management has reasonable suspicion that a specific act of misconduct has occurred. An ethics panel consists of six individuals—a panel chair, three researchers, one professional support employee, and a Human Resources Management employee familiar with administrative investigations. An Ethics Panel is responsible for reviewing investigative findings and making recommendations regarding penalty, resolution, and/or corrective action.

The Panel Chair is an individual not in the line of authority over the individual(s) whose conduct is being investigated, usually an Assistant Station Director, WO Staff Director, or person holding an equivalent position who has a minimum of 10 years experience in research and development.

The professional support employee who serves on a panel is an individual not assigned to a research position but whose work supports a researcher. This individual may not be in the line of authority beneath the individual(s) whose conduct is being investigated.

4086.05 - Definitions

Conflict of Interest. A situation in which an individual's personal interest interferes with the objectivity of actions or judgments. These include situations where actions or judgments are affected by opportunities for career advancement, professional prestige, personal allegiances or animosities, or pecuniary gain.

Duplicative Publication. Publication of findings as original in more than one publication outlet. Prior publication of data should always be referenced in later publications. Simultaneous publication of results, such as in a conference proceedings and a journal article, is not duplicative publication if both outlets and the author(s) have mutually agreed to the simultaneous publication of the results.

Fabrication of research information. Making up data or results and recording or reporting them.

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Falsification of research results. Manipulating research materials, equipment, processes, or changing or omitting data or results in such a way that the research is not accurately represented in the research record.

Professional Misconduct. Includes, but is not limited to, exploitation of research associates, conferring or denying authorship inappropriately, duplicative publication, misstating one's research credentials, failing to retain significant data for a reasonable period, unauthorized use of data, or failing to publish significant data in a timely manner without reasonable cause.

Research Misconduct. Fabrication or falsification in proposing, performing, or reviewing research, or in reporting research results. It does not include honest error or differences of professional or personal opinion.

Research Record. The record of data or results that embody the facts resulting from scientific inquiry and that includes, but is not limited to, research proposals, study plans, field and laboratory records, progress reports, abstracts, theses and dissertations, oral presentations, internal reports, journal articles, and web sites. The research record exists in a combination of physical and electronic formats.

Scientific Misconduct. Includes both research misconduct and professional misconduct. It does not include instances of honest error, honest differences of opinion, differences in interpretation of scientific data, or disagreements involving experimental design.

Senior Scientist. An employee or former employee who has at least 10 years of experience as a researcher with the Forest Service and who can serve as one of the research members of an Ethics Panel, if a panel is appointed.

4086.1 - Forest Service Research and Development Code of Scientific Ethics

The Code of Scientific Ethics established in this section applies to any Forest Service employee who participates in a study funded, in whole or in part, by the Research and Development mission area or who participates in an administrative study that seeks to demonstrate or apply research results in a specific management situation within the National Forest System (FSM 1990), research experimental forests (FSM 4060), or on state or private lands if funded by the Forest Service for research demonstration purposes.

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4086.11 - Purpose and Intent

The Code of Scientific Ethics describes ethical conduct expectations and norms of behavior for scientific research and development activities. It does not replace any law or regulation pertaining to employee ethics and conduct issues that are not unique to the conduct of scientific research and development. Administrative rules and laws pertaining to such things as falsification of government documents, sexual harassment, civil rights, gifts, nepotism, disclosure of financial interest, conflict of interest, or outside employment are neither altered nor diminished in importance by the existence of this code.

The intent of the code is to encourage ethical conduct in science as a fundamental theme in Forest Service research and development activities. Following the principles enumerated in the code establishes a clear understanding of expectations regarding scientific ethics and fosters a genuine commitment to fairness, accuracy, and integrity in the conduct of scientific research and development. Exhibit 01 to this section sets out the Forest Service Research and Development Code of Scientific Ethics.

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4086.11 - Exhibit 01

Forest Service Research and Development Code of Scientific Ethics

- I dedicate myself to the pursuit, promotion, and advancement of scientific knowledge.
- I will conduct, manage, judge, and report scientific research honestly, thoroughly, and without conflict of interest.
- I will prevent abuse of all resources entrusted to me and endeavor to treat human and animal subjects humanely, following established guidelines where they are available.
- I will not willfully hinder the research of others nor engage in dishonesty, fraud, deceit, misrepresentation, or other professional misconduct.
- I will welcome constructive criticism of my personal scientific research and offer the same to my colleagues in a manner that fosters mutual respect amid objective scientific debate.
- I will recognize past and present contributors to my research and will neither accept nor assume unauthorized and/or unwarranted credit for another's accomplishments.
- I will claim authorship for a research product only if I am willing to be held responsible for both the interpretation of the data and the conclusions as presented.
- I will claim authorship for a research product only if I have made a major intellectual contribution (as part of conception, design, data collection, data analysis, or interpretation) and made a significant contribution to its preparation (write, review, or edit).
- I will not publish or use original ideas, research data, or unpublished findings of others without written approval.
- I will refrain from duplicative publication of the same research findings as original.
- I will show appropriate diligence toward preserving and maintaining resources, such as data records that are entrusted to me.

(from FS-686, dated August 2000)

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4086.12 - Relationship of Professional Activities to Personal Gain

Scientific honesty and integrity of Forest Service researchers and developers are in the public interest and must be placed ahead of personal gain or allegiance to individuals or organizations. Scientists are obligated to be thorough in documenting their work to ensure that details of their methods are described adequately, in such manner that other scientists can reproduce their results.

Researchers are expected to interact with other Forest Service researchers, university researchers, commercial enterprises, trade associations, and public interest groups. A researcher's interpretation of research results, recommendations to others, and review of other researchers' works or proposals, has the potential to be influenced by these individuals or entities. Furthermore, a researcher's personal prestige may depend on the perceived importance of his/her field of investigation and on the scientific community's acceptance of certain theories, paradigms, or data sets from within that field (sometimes those of the individual researcher or those of the researcher's colleagues). Even when a Forest Service researcher believes an employee is acting objectively, circumstances may exist where others may perceive that there is a conflict of interest. In these cases, researchers are advised to document these relationships and to act in an objective fashion.

Agency policy regarding financial conflict of interest as a Federal employee (5 CFR 2635) Standards of Conduct for Employees of the Executive Branch) is outside the scope of the Code of Scientific Ethics.

Research of other scientists may be hindered by actions such as biased review of research proposals or manuscripts submitted for publication, physical disruption of another scientist's experiments, denial of access to resources or data needed by scientists to duplicate research or verify its accuracy. Researchers are expected to allow other researchers access to resources that have been entrusted to them, unless doing so would compromise the scientific validity or their research or substantially interfere with its performance. Reasonable judgments that specific actions would compromise the validity of research or interfere with its performance depend on individual circumstances. Denying other researchers access to research resources or data from published studies, providing biased reviews, or physically disrupting another researcher's experiments for any reason other than responding to an emergency is unethical.

4086.13 - Safeguarding Resources

Forest Service personnel are expected to prevent abuse of resources used in the conduct of scientific research. Animals used for research purposes are public resources. Forest Service employees are expected to obey public laws concerning humane treatment of research animals. While the primary existing law and Federal regulation (P.L. 99-198 and 9 C.F.R. 3) primarily apply to treatment of laboratory animals, most Forest Service research involves animals in the

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wild. Few statutory regulations or guidelines exist concerning humane treatment of animals in the wild. Researchers should be aware of and abide by any guidelines regarding humane treatment of wild animals in research studies that are promulgated by professional wildlife or scientific societies.

Data and study records are key resources that must be appropriately safeguarded. Researchers have the responsibility for presenting and maintaining information so that other researchers can reproduce their work and/or evaluate its validity. A researcher should be prepared to accurately and briefly describe methodology in manuscripts and to provide additional details on request. Likewise, researchers should maintain raw data for reasonable periods (at least 5 years) after publication of results, and if another researcher asks for the data set or a subset to evaluate its validity, provide it promptly.

The study file is the permanent possession of the unit to which the researcher or developer is assigned. When an employee departs the unit to take another job or through retirement, arrangements may be made by the former supervisor for the employee/retiree to take with her/him *duplicates* of some/all of the information contained in the study file. Original documents must always remain with the Forest Service.

Research staff should not modify, dismantle, or discard research materials, plots, or apparatuses of other researchers with few exceptions: permission was granted by the other researchers; the resources were abandoned; or the items pose an imminent safety hazard. Data gathered by others should also be treated with respect and should not be discarded unless it is objectively judged as having no scientific validity. Determination of scientific validity should not be made without consulting the individuals who gathered it. Inquiry concerning whether research resources have been abandoned is a necessary professional courtesy.

4086.14 - Responsible Authorship

Scientific knowledge is cumulative and is built on the contributions of many scientists over many years. Recognition often takes the form of credits in a publication through an acknowledgement, citation, or co-authorship. Therefore, researchers must appropriately credit another researcher's work when it has influenced a manuscript.

Individuals shall not claim rights to authorship and its associated benefits without having made a substantial intellectual contribution to the research or being willing to accept the professional responsibilities tied to authorship. Manuscripts with multiple authors reflect the creative inputs of all the authors. In complex studies, individual authors may not be able to ascertain the accuracy of every detail of the work conducted by their co-authors. In these situations, individual authors are not expected to be responsible for every technical detail of the work performed by coauthors but should be able to fully explain and defend the manuscript's major conclusions.

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Researchers may serve important roles as facilitators of research and development studies by providing administrative support, by attracting and directing financial support, or by virtue of their reputation or position facilitating cooperative relationships with other research institutions. None of these roles constitutes an intellectual contribution to the published research worthy of claiming authorship. Likewise, a junior scientist should not add the name of an established scientist to a manuscript prepared by the junior scientist to help ease a manuscript or grant proposal through the peer review process. Researchers whose names are listed as coauthors of manuscripts or proposals must have made a substantial intellectual contribution to the research and significant contributions to the preparation of the report.

An author shall not engage in the practice of publishing the same research or identical manuscripts in different outlets for the primary purpose of increasing the number of publications attributed to the researcher. This does not suggest that it is inappropriate to publish more than one manuscript based on a single piece of research. In some cases, the same research may be of interest to separate audiences having different technical specialties or to journals having different readerships. In order to make the information readily available to these different audiences, the responsible author will prepare different manuscripts whose style, emphasis, and/or scope are tailored to the specific interests of the different audiences. Also, during the execution of a study, data of different types may be collected. Often, it is infeasible to report all the data or analyses performed during a given study in a single publication outlet because of limitations on the length of manuscripts. Preparing a sequence of manuscripts that each report on a major segment of the data is ethical, even if some of the data are included in more than one manuscript for clarity. However, other publications in the sequence should be cross-referenced and earlier publications should be referenced in subsequent publications wherever possible.

4086.15 - Protecting Intellectual Property Rights

Theft of ideas is plagiarism of no less importance than theft of data, unpublished findings, or quoting text without appropriate citation. Permanent damage to the research record can occur once stolen intellectual property is published and it may be impossible to correct the record to properly identify the true source.

Scientists who act as reviewers of the manuscript or proposal may not use those ideas in their own research or development activities without permission from the author. The only certain way to obtain official permission is in writing. If permission is granted, stipulations may prescribe how the ideas or information may be used and how credit shall be given. Failing to follow those stipulations is research misconduct.

Research supervisors have sometimes made oral presentations at meetings of intermediate data or results of work by scientists they supervise. This should only be done with the subordinate's written permission and knowledge and with full credit given.

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4086.15a - Public Disclosure of a New Discovery

Patents and licenses are formal mechanisms for protecting the intellectual property rights of researchers. New discoveries made by Forest Service Research & Development employees may be patentable, and if a patent is issued and licensed, employees share in royalty payments.

The first public disclosure of a new discovery is a key event for the purpose of granting a patent. Public disclosure may be through a journal article or an event far less formal, such as oral remarks at a conference. The initial public disclosure has important and different impacts for obtaining a patent in the United States compared to a patent in a foreign country. For a patent in the United States, the initial public disclosure initiates a one-year period of time in which the patent application must be filed. If a patent application is not filed within one year of the initial public disclosure of the new discovery, the ability to obtain a patent on the discovery in the United States is lost forever. For a patent in a foreign country, the patent application must be filed *before* the initial public disclosure. Once a new discovery is publicly disclosed; very few foreign countries will issue a patent on a new discovery. Researchers should consult the Forest Service Patent Advisor before the initial public disclosure to determine if a new discovery is potentially patentable and protect the intellectual property rights inherent in the discovery.

Deliberate initial disclosure of another individual's new discovery triggers unalterable processes pertaining to domestic and foreign patent rights and is unethical. Disclosing someone else's new discovery before they are prepared to do so is misappropriation of another person's ideas, processes, or results. Federal government contractual obligations may also be violated with a premature disclosure.

Inadvertent disclosure of a new discovery will trigger the one-year window for applying for a patent in the United States and also will very likely render it impossible to patent the discovery overseas. The most likely cause of inadvertent disclosure is when making oral remarks at a meeting. It is especially important that all the researchers involved in cooperative research project understand the statutes and regulations regarding initial public disclosure and take steps to avoid talking about potentially patentable results before a patent application is filed. Further, where cooperative research is conducted under the auspices of a Cooperative Research and Development Agreement (CRADA), there may be stipulations in the CRADA that prohibit initial public disclosure of results without the written concurrence of all the parties to the agreement. Inadvertent disclosure may not only eliminate foreign patent rights, it may subject the individual(s) making the disclosure to legal action for violating the CRADA stipulations.

4086.15b - Respecting Intellectual Property Rights in Special Situations

Special situations are created by the untimely death, permanent disability, or changes in employment of a researcher (e.g., to a nonresearch position or retirement) who still has work in progress. In most cases, supervisors or colleagues may take steps to make the unpublished ideas, data, and/or findings available to the public. In doing so, the researcher who originated the ideas,

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data, and/or findings should be clearly identified through co-authorship. Senior authorship by a deceased or incapacitated scientist may be appropriate and determined in the same way as for active scientists. This should not be confused with ghostwriting—writing for and giving credit of authorship to another person who hires him/her to do so—which is unacceptable for a researcher.

Speeches and papers that are not scientific papers or presentations are outside the scope of this directive. For example, researchers or developers may occasionally write speeches for agency officials on programmatic or policy issues, functioning as anonymous authors.

4086.2 - Findings of Scientific Misconduct

4086.21 - Finding of Research Misconduct

A finding of research misconduct requires that:

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

4086.22 - Finding of Professional Misconduct

A finding of professional misconduct requires that:

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

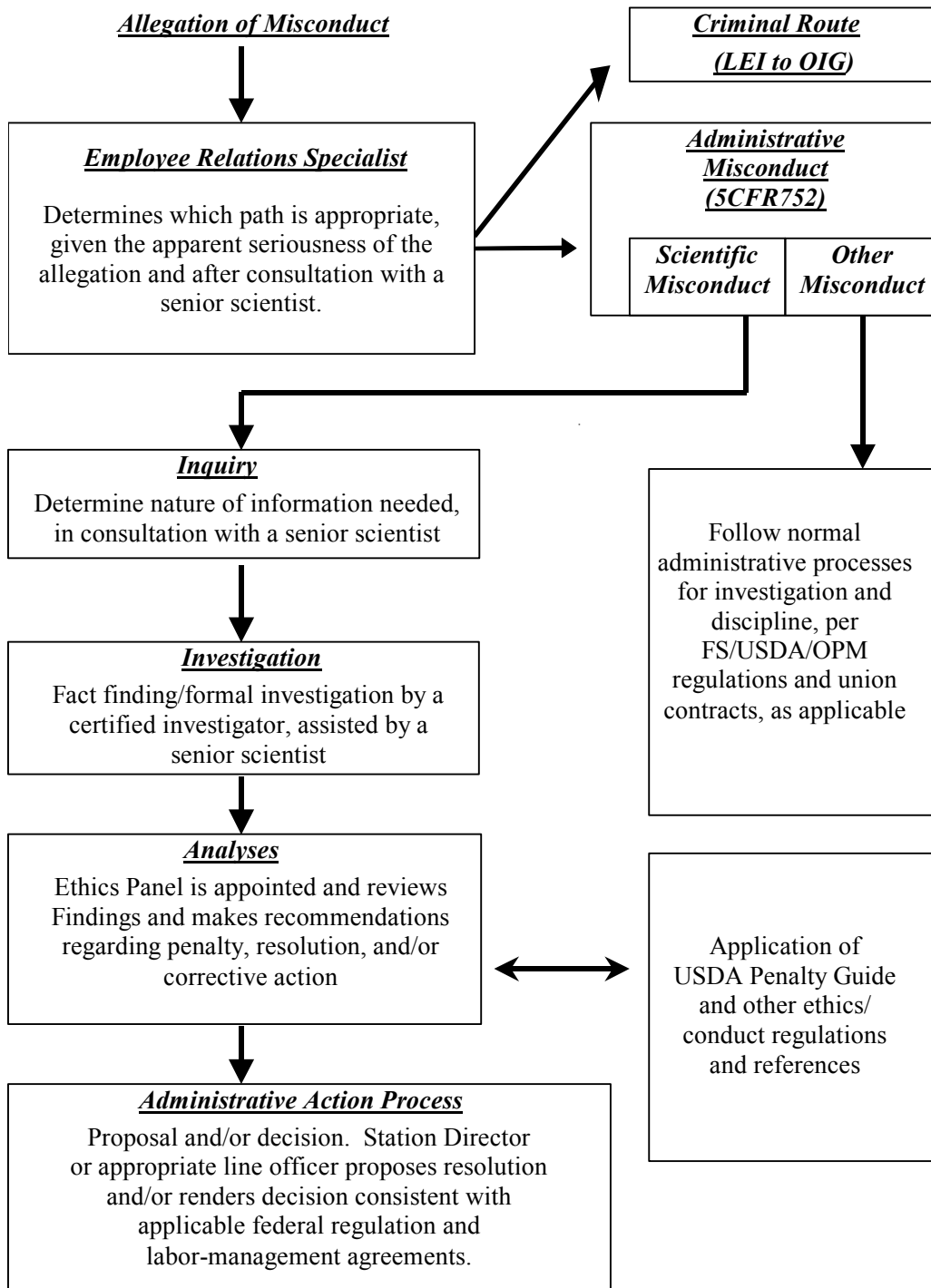
4086.3 - Process for Handling Allegations of Scientific Misconduct

Use the 5-step process outlined in section 4086.31 to address allegations of scientific misconduct. Exhibit 01 to this section sets out the process. If, at any point in the process, there is a determination of “no misconduct,” the case immediately goes to the Station Director or appropriate line officer for a decision to take no further action on the allegation.

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4086.3 - Exhibit 01

**Process for Handling Allegations of
Scientific Misconduct**



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4086.31 - The Five Step Process

The following 5-step process governs the Forest Service process for handling allegations of scientific misconduct.

1. Determine the Seriousness and Type of Misconduct. An employee relations specialist should be designated as the initial point of contact for any allegation of misconduct received. After consultation with a senior scientist appointed by the Station Director and given the apparent seriousness of the allegation, the Employee Relations Specialist shall make one of the following five decisions:

- a. Determine that no misconduct occurred.
 - b. Determine that the allegation is a criminal matter. Refer the allegation to a Forest Service Law Enforcement Investigator or the USDA Office of the Inspector General for investigation.
 - c. Determine that the subject of the allegation is not a Forest Service employee. If so, forward the allegation to the responsible official at the research institution that employs the subject (see FSM 4086.33b). Inform the Director of the Station that is funding the research that the allegation has been forwarded to the institution.
 - d. Determine that the subject of the allegation is a Forest Service employee and the matter is appropriately handled as an Administrative Misconduct matter that is not a matter of scientific misconduct. Normal administrative procedures are then followed for investigation and discipline per Forest Service, Department of Agriculture, and Office of Personnel Management regulations and union contracts, as applicable.
 - e. Determine that the subject of the allegation is a Forest Service employee and the matter is an Administrative Misconduct matter that is best handled as a matter of scientific misconduct. Apply the remaining four steps in the process.
2. Inquiry. The Human Resources Specialist determines the nature of the information needed, in consultation with the senior scientist.
3. Investigation. The fact-finding phase of the formal investigation, conducted by a certified investigator who is assisted by the senior scientist.
4. Analysis. An Ethics Panel is appointed by the Station Director or other appropriate line officer. The senior scientist is one of the three researchers named to the panel. The Ethics Panel reviews the findings of the investigator and makes recommendations to the Station Director or appropriate line officer regarding the penalty, resolution, and/or corrective action. To assure the independence of the process, at least half the panel members should be selected from outside the research station responding to the inquiry.

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5. Administrative Action Process. The Station Director or appropriate line officer receives the Ethics Panel proposal, reviews it, and decides what action to take, based on Forest Service Delegation of Authorities, Federal regulations, and labor-management provisions.

4086.32 - Guidelines for Fair and Timely Procedures

1. Safeguards for Informants. Safeguards for informants give individuals the confidence that they can bring allegations of scientific misconduct made in good faith to the attention of appropriate authorities or serve as informants to an inquiry or an investigation without suffering retribution. Safeguards include protection against retaliation for informants who make good faith allegations, fair and objective procedures for the examination and resolution of allegations of scientific misconduct, and diligence in protecting the positions and reputations of those persons who make allegations of scientific misconduct in good faith.

2. Safeguards for Subjects of Allegations. Safeguards for subjects of allegations give individuals the confidence that their rights are protected and that the mere filing of an allegation of scientific misconduct against them will not bring their research to a halt or be the basis for other disciplinary or adverse action absent other compelling reasons. Other safeguards include timely written notification of subjects of the allegations regarding substantive allegations made against them; a description of all such allegations; reasonable access to the data and other evidence supporting the allegations; and the opportunity to respond to allegations, the supporting evidence and the proposed findings of scientific misconduct, if any. Safeguards must include:

- a. Objectivity and Expertise. The selection of individuals to review allegations, conduct investigations, serve on Ethics Panels who have appropriate expertise and have no unresolved conflicts of interests helps to ensure fairness throughout all phases of the process.
- b. Timeliness. Reasonable time limits to conduct the inquiry, investigation, analysis, and administrative action process, with allowances for extensions where appropriate provide confidence that the process will be well managed.
- c. Confidentiality During the Inquiry, Investigation, and Decision-making Processes. To the extent possible consistent with a fair and thorough investigation and as allowed by law, knowledge about the identity of subjects and informants is limited to those who need to know. Records maintained by the agency during the course of responding to an allegation of scientific misconduct are exempt from disclosure under the Freedom of Information Act to the extent permitted by law and regulation.

4086.33 - Administrative Action Process Options

The administrative actions available depend on whether or not the subject of the allegation is a Forest Service employee or a research cooperator employed by someone else.

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4086.33a - Subject of Allegation is a Forest Service Employee

The Ethics Panel applies the USDA Penalty Guide, the equivalency table (Exhibit 01), and other ethics/conduct regulations and references to develop their recommendations regarding penalty, resolution, and/or corrective action.

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4086.33a - Exhibit 01

**Equivalency Table
 USDA Discipline Guide and Scientific Ethics Code**

Scientific Ethics Misconduct		Administrative Misconduct	Penalty for First Offense	Penalty for Subsequent Offense
Inappropriate authorship	→	False statement, or misrepresentation of material facts or documents in connection with an official matter	Letter of reprimand to removal	Removal
		Unauthorized use, removal, or possession of a thing of value belonging to another employee or a private citizen.	Letter of reprimand to removal	Removal
Falsification of data	→	False statement, knowingly and willfully making an incorrect entry on an official document, or approving an incorrect official document.	Letter of reprimand to removal	14-day suspension to removal
Conflict of interest in review/comment on manuscripts or proposals	→	Unethical or improper use of official authority or credentials	Letter of reprimand to removal	Removal
Misrepresentation of credentials and/or accomplishments	→	False statement, misrepresentation, falsification, or concealment of material facts or documents in connection with an official matter, including an investigation	Letter of reprimand to removal	Removal
Unwarranted credits for another's accomplishments	→	Unauthorized use, removal, or possession of a thing of value belonging to another employee or private citizen	Letter of reprimand to removal	Removal
Use of another's ideas without approval	→	Unauthorized use, removal, or possession of a thing of value belonging to another employee or private citizen	Letter of reprimand to removal	Removal

(USDA DPM-751, Appendix A) (This table covers the most common cases and is not all inclusive.)

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4086.33b - Subject of Allegation is Not a Forest Service Employee

Although the Forest Service has the ultimate oversight authority for cooperative research funded by the agency, cooperating research institutions bear primary responsibility for prevention and detection of research misconduct and professional misconduct and for the inquiry, investigation, and adjudication of research misconduct alleged to have occurred in association with their own institution. However, at any time the Forest Service may proceed with its own inquiry or investigation. Circumstances when the Forest Service may elect not to defer to the research institution may include, but are not limited to, the following:

1. The Forest Service determines that the institution is not prepared to handle the allegation in a manner consistent with the published Federal policy (65 FR 76260-76264, dated December 6, 2000).
2. Forest Service involvement is needed to protect the public interest, including public health and safety.
3. The allegation involves an entity of sufficiently small size (or an individual) that the entity cannot reasonably conduct the investigation of itself.

After reviewing the record of the investigation, the institution's recommendations to the institution's adjudicating official, and any corrective actions taken by the research institution, the responsible Station Director will take additional oversight or investigative steps, if necessary. Upon completion of the review, the Station Director will take appropriate administrative action in accordance with applicable laws, Forest Service and Department of Agriculture regulations, and policies. When the Station Director has made a final determination, she/he will notify the subject of the allegation of the outcome and inform the research institution regarding the Director's disposition of the case. The Forest Service finding of research misconduct and the Forest Service administrative actions can be appealed pursuant to applicable agency procedures.

4086.33c - When Another Federal Agency is Involved

A lead agency should be designated to coordinate responses to allegations of research misconduct when more than one agency is involved in funding activities relevant to the allegation. The Deputy Chief for Research & Development, or her/his designated official, shall consult with the head of the other agency, or designated official, and mutually agree on which agency should take the lead. Each agency may implement administrative actions in accordance with applicable laws, regulations, policies, or contractual procedures.

**FSM 4000 - RESEARCH
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4086.33d - When Multiple Forest Service Research Stations Are Involved

A lead Station should be designated by the Deputy Chief for Research and Development to conduct the process for handling the allegation. In the interest of fairness, the Deputy Chief may designate a lead Station that is not one of the Stations funding the research activities in which the allegation of scientific misconduct is alleged to have occurred. In this case, the Ethics panel Chair will report the panel's recommendations directly to all the Station Directors whose employees are involved.