

Issue Date: 2/11/2016

RESEARCH MISCONDUCT

I. Purpose

This Directive establishes Department of Homeland Security (DHS) policy regarding Research Misconduct. It adopts the Research Misconduct policy issued by the White House Office of Science and Technology Policy on December 6, 2000, and establishes the responsibilities and policies for handling allegations of research misconduct involving research conducted or funded by DHS.

II. Scope

This Directive applies to all research conducted and supported by all Components of DHS (*i.e.*, intramural research and extramural research conducted, sponsored or funded by DHS). This Directive supersedes Management Directive 10500, "Research Misconduct." This Directive sets forth DHS's internal processes regarding investigations of alleged research misconduct, and is not intended to benefit any third party, or be enforceable by any third party.

III. Authorities

- A. Title 6, United States Code (U.S.C.), Section 182, Responsibilities and Authorities of the Under Secretary for Science and Technology (Homeland Security Act of 2002)
- B. Department of Homeland Security Management Directive 0810.1, "The Office of Inspector General" (June 10, 2004)
- C. Inspector General Act of 1978, as amended, 5 U.S.C. App. 3
- D. "Federal Policy on Research Misconduct," Notification of Final Policy, Office of Science and Technology Policy, 65 Fed. Reg. 76,260 (December 6, 2000)

IV. Responsibilities

- A. The **Under Secretary for Science and Technology** provides leadership for Department-wide implementation of this Directive.

- B. The **Research Misconduct Review Officer** ensures DHS compliance with this Directive and handles allegations of research misconduct involving DHS extramural and intramural research, and for convening the Research Oversight Panel.
- C. **DHS Component Heads** ensure Component and Directorate compliance with this Directive.
- D. The **DHS Office of the Inspector General** is notified of all allegations of research misconduct and determines within 5 business days whether it conducts an investigation. Any OIG investigation would be pursued independently of any process conducted pursuant to this Directive.

V. Policy

In accordance with the Federal Policy on Research Misconduct, published in the December 6, 2000, edition of the Federal (Fed.) Register (Reg.), 65 Fed. Reg. 76,260, DHS has established the following policies for handling allegations of research misconduct associated with intramural and extramural research programs conducted or supported by DHS.

DHS and Research Institutions are partners who share responsibility for the research process. DHS has oversight of DHS-funded research; however, Research Institutions that conduct extramural research activities funded by DHS bear the primary responsibility for prevention and detection of research misconduct alleged to have occurred in association with those activities. DHS typically defers to the Research Institution to conduct the inquiry and investigation. However, DHS may proceed at any time with its own inquiry or investigation.

Illustrative circumstances under which DHS may elect not to defer to the Research Institution include the following: DHS determines that the Research Institution has limited resources to carry out the research misconduct process or is otherwise not prepared to handle the allegation in a manner consistent with this policy; at any time during an inquiry or investigation it is determined that public health or safety is at risk or that DHS resources or interests are threatened; the research activities are suspended; or there is reasonable indication of possible violations of civil or criminal law. If DHS elects not to defer to the Research Institution, the DHS Investigation takes precedence.


- A. DHS responses to allegations of research misconduct consist of the following stages:
 - 1. Inquiry;
 - 2. Investigation; and

3. Adjudication.
- B. A finding of research misconduct occurs when:
1. There is a significant departure from accepted practices of the relevant research community;
 2. The misconduct has been committed intentionally, knowingly, or recklessly; and
 3. The misconduct is proven by a preponderance of evidence.
- C. In determining what administrative actions are appropriate, DHS considers the seriousness of the research misconduct, including the degree to which the misconduct was knowing, intentional, or reckless; whether it was an isolated event or part of a pattern; the impact to DHS's reputation and public perception; if the misconduct had significant impact on the research record, research subjects, other researchers, institutions, or public welfare; and other factors as may be appropriate.
- D. DHS administrative actions may include: appropriate steps to correct the research record; letters of reprimand; the imposition of special certification or assurance requirements to ensure compliance with applicable regulations and policies or terms of an award; suspension or termination of an active award; or government-wide suspension or debarment. With respect to administrative actions imposed upon DHS employees, DHS complies with all relevant Federal personnel policies and laws.
1. Government-wide suspension or debarment actions are conducted in accordance with DHS Directive 146-01, Suspension and Debarment Program.
 2. For intramural research, corrective action may be warranted.
- E. Proper safeguards are implemented for informants and subjects of allegations of research misconduct, to include: protection from retaliation; due diligence in protecting the positions and reputations of informants; and written notification to the subjects being investigated before there has been an adjudication of research misconduct.
- F. To the extent practicable, 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 generated, acquired, or maintained by DHS during the course of responding to an allegation of research misconduct are exempt from disclosure under the Freedom of Information Act to the extent permitted by law and regulation.

- G. Neither suspicion of or an allegation of research misconduct nor a pending inquiry or investigation normally delays a merit review of research proposals.
- H. When other federal agencies have jurisdiction over activities relevant to the allegation, agencies jointly designate a lead agency to coordinate responses to allegations of research misconduct. Each agency may implement administrative actions in accordance with applicable laws, regulations, policies or contractual practices.

VI. Questions

Any questions or concerns about this Directive should be addressed to the Research Misconduct Review Officer or the Compliance Assurance Program Office.



Russell Deyo
Under Secretary for Management



Date