

# INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter establishes the Indian Affairs (IA) code of scientific conduct.
- 1.2 Scope.** This policy applies to all functions under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE) (collectively “Indian Affairs (IA)”). This policy applies to all information disseminated by IA, including information that IA receives from tribal governments or tribal organizations operating IA programs under grants, contracts or compacts (including but not limited to those authorized by the Indian Self Determination and Education Assistance Act, as amended (25 U.S.C. 450 *et seq.*)) and thereafter disseminates.
- 1.3 Policy.** To enhance the quality (including the objectivity, utility, and integrity) of scientific activities, all IA employees working with scientific information will, in performing their duties:
- A.** Act in the interest of the advancement of science and contribute the best, highest quality scientific information for IA.
  - B.** Conduct, process data from, and communicate the results of scientific activities honestly, objectively, and thoroughly.
  - C.** Report, thoroughly and accurately, all scientific work, except to the extent that the scientific work contains information falling under section 1.6 Exemptions, or there are compelling interests such as privacy, trade secrets, intellectual property, federal Indian trust responsibility or other confidentiality protections.
  - D.** Disclose fully all research methods used, available data, final reports, and publications consistent with applicable laws and policy.
  - E.** Respect, to the fullest extent permitted by law, confidential and proprietary information provided by communities, tribes, and individuals whose interests and resources are studied or affected by scientific activities or the resulting information.
  - F.** Maintain scientific integrity and not engage in fabrication, falsification, or plagiarism in proposing, performing or reviewing scientific activities and their scientific products.
  - G.** Participate in appropriate peer reviews and substantiate comments made as part of such reviews.
  - H.** Be diligent in creating, using, preserving, documenting, and maintaining collections and data.
  - I.** Adhere to established quality assurance and quality control programs.
  - J.** Follow the Department’s records retention policies and comply with federal laws and agreements related to use, security, and release of confidential and proprietary data.

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- K.** Adhere to appropriate standards for reporting the results of scientific activities and respect the intellectual property rights of others.
- L.** Differentiate among facts, opinions, hypotheses, and professional judgment, to every extent possible and practical, in reporting the results of scientific activities to others, including scientists, tribes, decision makers, and the public.
- M.** Be responsible for the quality of any data collected or interpretations made, and for the integrity of conclusions drawn in the course of scientific activities.
- N.** Place quality and objectivity of scientific activities and reporting of their results ahead of personal gain or allegiance to individuals or organizations.

## 1.4 Authority.

- A.** **5 U.S.C. 301** allows the head of an executive department to prescribe regulations for the conduct of its employees.
- B.** **43 CFR 20.501** requires employees of the Department of Interior to comply with all Federal statutes; Executive Orders; and Office of Government Ethics, Office of Personnel Management, and Departmental regulations.
- C.** **43 CFR 20.502** states that employees are required to carry out the announced policies and programs of the Department; and states that an employee is subject to appropriate disciplinary action if he or she fails to comply with any lawful regulations, orders, or policies.
- D. Federal Policy on Research Misconduct, Office of Science and Technology Policy, Executive Office of the President.** References include:
  - 1. Federal Policy on Research Misconduct, 65 Federal Register (FR) 76260-76264, December 6, 2000 ([http://www.ostp.gov/html/001207\\_3.html](http://www.ostp.gov/html/001207_3.html))
  - 2. Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR 2635 ([http://www.usoge.gov/pages/laws\\_regs\\_fedreg\\_stats/oge\\_regs/5cfr2635.html](http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html))
  - 3. 370 DM 752, Departmental Manual chapter on Discipline and Adverse Actions ([http://elips.doi.gov/app\\_DM/act\\_getfiles.cfm?relnum=3705](http://elips.doi.gov/app_DM/act_getfiles.cfm?relnum=3705))
- E. DOI Information Quality Guidelines** establish policy to ensure and maximize the objectivity, utility, and integrity of information disseminated to the public by the Department. These guidelines implement the Information Quality Act (P.L. 106-554 Section 515) and associated OMB Guidelines (67 FR 8452-8460).

## 1.5 Responsibilities. AS-IA Office Directors, Bureau Directors, Deputy Bureau Directors, and Regional Directors are responsible for ensuring that their staffs comply

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with this code of scientific conduct in the performance of their duties involving scientific information.

## 1.6 Exemptions.

- A. Internet Hyperlinks and Referenced Information.** Internet hyperlinks and references to information disseminated by others.
- B. Opinions.** Opinions where Indian Affairs' presentation makes it clear that what is being offered is someone's opinion rather than fact or Indian Affairs' views.
- C. Press Releases.** Press releases, fact sheets, press conferences or similar communications in any medium that announce, support the announcement, or give public notice of information Indian Affairs has disseminated elsewhere.
- D. Public Filings.** Information in public filings (such as public comments received by Indian Affairs in rulemaking proceedings or on a National Environmental Policy Act document), except where Indian Affairs distributes information submitted by a third party in a manner that suggests that Indian Affairs endorses or adopts the information, or indicates in its distribution that it is using or proposing to use the information to formulate or support a regulation, guidance, or other Indian Affairs decision or position.
- E. Research Findings.** Dissemination of information by an agency employee or contractor (including tribes acting under contracts, compacts, or grants) through publication or communication in the same manner as their academic colleagues, as long as the publication or communication does not imply official agency endorsement of the views or findings.
- F. Testimony and Other Submissions to Congress.** Information presented or submitted to Congress which is simultaneously disseminated or previously disseminated to the public.
- G. Inadvertent or Unauthorized Disclosure of Information Intended Only for Inter-agency and Intra-agency Use or Communication.** Documents in working form that are generated in day-to-day internal conduct of Indian Affairs and other Government business.
- H. Correspondence with Individuals.** An exchange of information between two individuals is not considered to be a dissemination.
- I. Records Covered by Other Laws.** Responses to requests for Indian Affairs records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or similar laws.
- J. Archived Records and Information Disseminated Prior to the Effective Date of This Policy.** Archived records of information disseminated and subsequently archived are exempt from the Guidelines.
- K. Subpoenas.**

- L. Adjudicative processes.** Information intended to be limited to adjudicative processes, including information developed during the conduct of any criminal or civil action or administrative enforcement action, investigation or audit against specific parties, or information distributed in documents related to any formal or informal administrative action determining the rights and liabilities of specific parties under applicable statutes and regulations.
- M. Solicitations.** Solicitations such as program announcements and requests for proposals.

### 1.7 Definitions.

- A.** The definitions stated in 10 IAM 1 are incorporated herein by reference.
- B. Scientific product.** The results of scientific activities including the synthesis, compilation, or translation of scientific information into formats used in the Department's decision making process.