

# Grading Government Transparency

*Scientists' Freedom to Speak (and Tweet)  
at Federal Agencies*

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# A strong democracy depends on government transparency and accountability and on citizens' trust in the government to make evidence-based decisions that protect public health and the environment.

In the United States, federal scientists play an important role in fulfilling this mandate by providing critical expertise to decision makers and the American people. But sometimes, political or commercial forces interfere with this process by altering data, silencing scientists, or preventing vital scientific information from reaching those who need it. Strong policies at federal agencies governing external communications—hereafter referred to as “media policies”—serve as the first line of defense in protecting government scientists and the public from such abuses.

***The First Amendment does not stop at the laboratory door: scientists should be free to speak without worrying about political or industry interference in their work.***

The consequences of these policies are significant. Government scientists work on issues that affect the air we breathe, the water we drink, the food we eat, and the medicines that help maintain our health. For example, if scientists at the U.S. Food and Drug Administration have any misgivings about the safety or efficacy of a particular drug, we need to have confidence that they are able to speak out and that the issue is resolved based on science, not on politics or profits. Only in this kind of policy-making environment can we feel confident that the drug is safe. The same principle holds true when government scientists have concerns about food safety, the quality of our air or water, or a host of other issues. The First Amendment does not stop at the laboratory door: scientists should be free to speak without worrying about political or industry interference in their work. The key is that the

media—i.e., the press—and the public need to know about the science that informs federal decision making.

In 2008, the Union of Concerned Scientists (UCS) analyzed the media policies of 15 federal regulatory and science agencies, focusing on their scientists' freedom to speak to the media, the agencies' safeguards against political interference, and their general promotion—or obstruction—of open communication (UCS 2008). We gave each agency two scores: one for its written policy and one for its actual practices. Results varied widely across agencies, with some having satisfactory policies and practices and others having incomplete policies or no policy at all. Interestingly, some agencies exhibited a mismatch between their policies and practices—with strong policies in place but less effective practices, or no written policy but evidence of good practices. Yet for all 15 agencies assessed, there was a clear need for improvement in federal scientists' ability to speak freely, both in policy and in practice.

In 2013, we revisited the 2008 analysis to see if the Obama administration's scientific integrity directives and policies, its new social media guidance, and other changes in government communications policies had improved or inhibited federal scientists' freedom to speak. We analyzed agencies' written media policies, compared their 2008 and 2013 grades, and for the first time explicitly graded agencies' social media policies.

Here, in this 2015 report, we update our analysis, raising the grades of agencies that have improved their policies in the two years since the 2013 report's release while leaving in place the grades of agencies where there has been no policy change. We also briefly discuss problems with policy implementation that have been raised by other observers. Finally, we recommend steps that agencies should take in order to continue progress toward a more transparent government.

## **The Obama Administration**

When President Obama took office in 2009, he vowed to “restore science to its rightful place” and tasked his science advisor, Dr. John P. Holdren, with moving decisively toward

that goal within the federal government. In 2010, Holdren directed federal agencies to develop scientific integrity policies. In particular, his directive instructed them to include provisions affirming that “federal scientists may speak to the media and the public about scientific and technological matters based on their official work” (Holdren 2010). In response, 23 agencies and departments developed scientific integrity policies. Moreover, other initiatives in recent years, such as the Open Government Directive and the Digital Government Strategy, have further pushed federal entities to enhance their communications policies (White House 2012, 2009).

The signals sent by the White House had some effect. A 2011 survey of journalists by the Columbia Journalism Review and ProPublica found that the Obama administration performed better in overall transparency and access to information than the previous administration (Brainard 2011). However, many journalists still reported having trouble speaking with government scientists in a timely manner. The same 2011 report found that 30 percent of the nearly 400 journalists it surveyed gave the Obama administration a “poor” or “very poor” rating on overall transparency and access to information, including its handling of interviews with government experts. It is clear that better practices must accompany better policies if federal scientists are to have adequate freedom to share their work with policy makers and the public.

## A Changing Media Landscape

The recent explosion of social media—social networks such as Facebook and Twitter, blogs, wikis, online forums, and more—represent a fundamental shift in how scientists can share their work with the world, and federal scientists are taking advantage of these new tools. A 2009 report by the Chief Information Officers (CIO) Council—an interagency forum on federal information technology management convened under the E-Government Act of 2002—recommended that all federal agencies develop a social media policy to address security concerns and provide guidance to employees on how they should identify themselves in these venues (CIO Council 2009). In response to that report, and to the changing media landscape in general, some federal agencies have since developed policies to clarify how their employees may engage in social media.

## Policy Assessment Methods

After assessing the policies that guide scientists’ communications at 15 federal agencies and two departments, we gave each of them two letter grades—one for media policy and the

other for social media policy. Grades ranged from A to D, indicating policies that were excellent (A), good (B), satisfactory (C), or poor (D). Rather than assigning an F for failed or absent policies, we designated them as incomplete (Inc). To inform this grading of agencies, we used publicly available

TABLE 1. Media Policy Scoring Rubric

<p><b>1. Accessible, Current, Clear, and Consistent (15 points)</b></p> <ul style="list-style-type: none"> <li>Publicly available on agency website (5 points)</li> <li>Clear and consistent (5 points)</li> <li>Updated in past 10 years (5 points)</li> </ul>
<p><b>2. Protection of Scientific Free Speech (30 points)</b></p> <ul style="list-style-type: none"> <li>Explicit personal-views exception (15 points)</li> <li>Explicit right of last review (15 points)</li> </ul>
<p><b>3. Safeguards against Abuse (25 points)</b></p> <ul style="list-style-type: none"> <li>No required preapproval of media contacts (5 points)</li> <li>No selective routing of media contacts (5 points)</li> <li>No required clearance of questions and answers (5 points)</li> <li>No required monitoring by public affairs offices (5 points)</li> <li>Only scientists may edit scientific content (3 points)</li> <li>Scientists have access to drafts and revisions (2 points)</li> </ul>
<p><b>4. Consistent with Legal Requirements (5 points)</b></p> <ul style="list-style-type: none"> <li>Complies with Anti-Gag Statute (3 points)</li> <li>No Sensitive But Unclassified (SBU) or Controlled Unclassified Information (CUI) restrictions (2 points)</li> </ul>
<p><b>5. Promotion of Openness and Timeliness (20 points)</b></p> <ul style="list-style-type: none"> <li>Rhetoric promoting openness (15 points)</li> <li>Timeliness provisions (5 points)</li> </ul>
<p><b>6. Disclosure of Misconduct and Resolution of Disputes (5 points)</b></p> <ul style="list-style-type: none"> <li>Whistle-blower provisions (3 points)</li> <li>Dispute resolution process (2 points)</li> </ul>

*Media policies were graded out of 100 points. The Anti-Gag Statute was routinely attached as a rider to congressional appropriations laws to shield provisions of the Whistleblower Protection Act (protecting public disclosures) and the Lloyd Lafollette Act (protecting congressional communications) from agency restrictions on those rights. It now is part of the Whistleblower Protection Enhancement Act of 2012.*



information, contacted agency officials, and submitted Freedom of Information Act (FOIA) requests.<sup>1</sup> Each agency received a numerical score out of 100 points, as shown in Tables 1 (p. 3) and 2, and letter grades were assigned on a curve. Further, we collected feedback from federal scientists, public affairs officers, and journalists to help us understand how these policies were working in practice.

### MEDIA POLICY GRADING

The media policy scoring rubric was based on six measures (categories) of open communication that assessed how well each policy:

1. Is accessible, current, clear, and consistent
2. Protects scientific free speech
3. Safeguards against abuse
4. Is consistent with legal requirements
5. Promotes openness and timeliness
6. Includes handling of misconduct and disputes

We also calculated sub-scores in each category, as shown in Table 1 (p. 3).

### SOCIAL MEDIA POLICY GRADING

We graded agency social media policies based on categories 1, 2, and 5 of the media policy scoring categories described above, as they apply to social media tools. For example, “free speech” in social media means that the policy distinguishes between official and personal use and that the policy grants employees the right to express their personal views on social media outlets, provided they make it clear that they are not speaking for the agency in an official capacity. In addition to these three categories, we included two social-media-specific categories: “correction of errors in technical information” and “consideration of risks.” Table 2 shows the detailed scoring rubric for agency social media policies.

## What We Found

Many agencies’ media policies have shown significant improvement, at least on paper, since 2008, and a few agencies have made improvements since our 2013 report. Notably, a majority of agency policies were enhanced by a few key additions:

- **Personal-views exception.** This is the right of scientists to express any personal views not authorized by the

agency, provided that they (a) make it clear they are not speaking for the agency and (b) do not use unreasonable amounts of government time and resources in expressing those views. We believe the personal-views exception to be one of the fundamental tenets of scientific free speech (UCS 2008).

- **Whistleblower provisions.** These statutory protections from retaliation are afforded to federal employees who speak out about fraud, waste, or abuse in government. The Whistleblower Protection Enhancement Act of 2012 recognized that these protections include scientists who expose censorship of federal information that is either crucial to public health and safety or required by law or regulation.

TABLE 2. Social Media Policy Scoring Rubric

<p><b>1. Accessible, Current, Clear, and Consistent</b> (30 points)</p> <ul style="list-style-type: none"> <li>• Publicly available on agency website (10 points)</li> <li>• Clear and consistent (10 points)</li> <li>• Specifies to whom the policy applies (5 points)</li> <li>• Specifies to which media platforms the policy applies (5 points)</li> </ul>
<p><b>2. Protection of Scientific Free Speech</b> (40 points)</p> <ul style="list-style-type: none"> <li>• Explicitly distinguishes between official and personal use (20 points)</li> <li>• Specifies the freedom to identify one’s employer if expressing personal views (20 points)</li> </ul>
<p><b>3. Promotion of Openness</b> (10 points)</p> <ul style="list-style-type: none"> <li>• Includes rhetoric promoting openness (10 points)</li> </ul>
<p><b>4. Correction of Errors in Technical Information</b> (10 points)</p> <ul style="list-style-type: none"> <li>• Original author of technical content has the right to have errors corrected (5 points)</li> <li>• States mechanism of correction (5 points)</li> </ul>
<p><b>5. Consideration of Risks</b> (10 points)</p> <ul style="list-style-type: none"> <li>• Includes cautions about the consequences of releasing information through social media platforms (10 points)</li> </ul>

*Social media policies were graded out of 100 points. This scoring rubric borrowed from the media policy scoring rubric (Table 1, p. 3) but applied these same principles to the social media context. The full methodology is available in an online appendix at [www.ucsusa.org/GradingGovernmentTransparency](http://www.ucsusa.org/GradingGovernmentTransparency)*

<sup>1</sup> FOIA requests were made for the 2013 report but not remade for this 2015 update. To obtain updated policies in 2015, agency websites were searched and agency officials were contacted.

- **Dispute resolution process.** This is a procedure to address and resolve any disagreements between scientists and nonscientists regarding the release of scientific information.
- **Social media policies.** All but one of the 17 agencies analyzed now have a policy in place that guides their employees' use of social media tools.

Despite these improvements, most agencies today (as in 2008) still lack several important provisions, such as:

- **Right of last review.** This is the right of scientists to review, prior to publication, the final drafts of any communications that are being released under their name or that substantially rely on their research. We believe that this too is one of the fundamental tenets of scientific free speech (UCS 2008).
- **Access to drafts and revisions.** This is the right of scientists to have access to drafts and revisions of written materials to which their research significantly contributed.

While many of the agencies studied in this report do not explicitly deny these rights, only the National Oceanic and Atmospheric Administration, National Science Foundation, and Environmental Protection Agency include provisions affirming both of them in their policies.

***Despite agencies' improvements both in media and social media policies, more work needs to be done.***

Several federal institutions, including the National Institutes of Health and the Department of the Interior, have strong policies clarifying how scientists can use social media both in official and personal capacities. However, a few agencies still have only vague, incomplete, or nonexistent policies governing social media.

Meanwhile, some agencies with significant scientific work in their missions, such as those within the Department of Transportation, do not have any meaningful and publicly accessible policies governing the communications—in media and social media alike—of their technical experts.



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*Federal scientists have a right to express personal views, provided they make clear that they are not speaking for their agency in an official capacity. Strong media and social media policies at federal agencies are critical to protecting this right.*

Thus despite agencies' improvements both in media and social media policies, more work needs to be done. A strong policy for each of these two areas is an important step toward improving federal scientists' freedom to speak and is a significant barrier against political and corporate influence on agency science.

**Media Policy and Social Media Policy Report Card**

On the following pages are the media policy and social media policy grades for each agency or department analyzed. Grades are based on written policies only, not on their implementation. We include brief explanations of the scores, our recommendations for improvement, and previously obtained quotes from agency scientists or journalists.<sup>2</sup> The quotes may not align with policy scores and may not be representative of agency practice at large; however, they are included here because they offer actual testimony from individuals who have worked with these policies and thus provide a window into agency practices. Detailed explanations for agency grades, including the scoring rubrics and FOIA request responses, can be found on our website at [www.ucsusa.org/GradingGovernmentTransparency](http://www.ucsusa.org/GradingGovernmentTransparency).

<sup>2</sup> The majority of quotes from agency staff and journalists featured in this report are from a survey of the UCS Science Network conducted for the 2013 report and thus may not necessarily reflect current opinions of agency staff and journalists on media policy implementation.

## Bureau of Land Management (BLM)

Report Card	2008	2013	2015
Media Policy	D	B	B
Social Media Policy		B+	B+

## Census Bureau

Report Card	2008	2013	2015
Media Policy	B	B+	B+
Social Media Policy		B	B

### MEDIA POLICY

As in 2008 and 2013, no media policy was obtained for the BLM. The agency responded to our FOIA request, but no relevant policies were found. However, the 2014 update to the scientific integrity policy of the Department of the Interior (DOI), of which the BLM is a part, provides a few important protections for scientists that were lacking in 2008 and further clarifies whistleblower protection. Notably, this policy includes extensive instructions for handling allegations of scientific misconduct and for dispute resolution.

### SOCIAL MEDIA POLICY

The BLM falls under the strong social media policy of the DOI; however, the agency has its own new media guide that is missing some important provisions, such as a personal-views exception. As a result, the BLM lost some points for inconsistency between the agency and department policies.

### RECOMMENDATIONS

The BLM should develop its own media policy—one that does a better job of explicitly asserting the rights of agency scientists to speak freely. Also, the agency should strengthen its social media policy to align with the DOI's policy.

### MEDIA POLICY

In 2015, as in 2008 and 2013, the Census Bureau has not yet developed its own media policy. The agency falls under the communications and scientific integrity policies of the Department of Commerce (DOC). The 2011 DOC scientific integrity policy improved on some confusing language in the department's media policy regarding scientists' right to review drafts and their need for preapproval of communications.

### SOCIAL MEDIA POLICY

The Census Bureau also falls under the DOC social media policy, which provides some guidance to agency scientists on the use of social media tools but does not grant them the right to identify their job title, even if a personal-views statement is made.

### RECOMMENDATIONS

Additional language affirming the explicit right to last review and to a personal-views exception, both in a media policy and social media policy, would help ensure that Census Bureau employees may communicate freely.

***“When I think that something I believe to be scientifically true may cause heartburn, I run it up the flagpole. [My superiors] rarely have problems [with my scientific findings].”***

—Anonymous BLM scientist, 2012

***“I’m not allowed to answer other than to tell [the media] to see our public affairs officer.”***

—Anonymous BLM scientist on receiving media requests, 2012

## Centers for Disease Control and Prevention (CDC)

Report Card	2008	2013	2015
Media Policy	A	A	A
Social Media Policy		Inc	C

## Consumer Product Safety Commission (CPSC)

Report Card	2008	2013	2015
Media Policy	D	C	C
Social Media Policy		Inc	B+

### MEDIA POLICY

In the past, journalists and scientists alike noted that despite the CDC's excellent media policy, agency scientists' interactions with the media were still sometimes curtailed by unnecessary interference from media-relations employees. Nonetheless, with the 2012 adoption of a scientific integrity policy, the CDC improved its existing policies for communication in general and outlined whistleblower provisions in particular, thereby anticipating the November 2012 passage of the Whistleblower Protection Enhancement Act (U.S. Congress 2012).

### SOCIAL MEDIA POLICY

Since our 2013 report, CDC has produced a publicly available social media policy, which leads us to upgrade the agency from its "Incomplete" score in 2013. The policy makes distinctions between personal and official use of social media. Though it does recommend use of a disclaimer when expressing personal views, the policy also disallows employees from naming their employer when using social media in a personal capacity.

### RECOMMENDATIONS

The CDC's leadership should take the initiative to ensure that its strong media policy is effectively put into practice. In addition, the CDC should allow its employees to identify their employer on social media, provided they clarify that they are communicating their own views, not those of the agency.

### MEDIA POLICY

The CPSC media policy modestly improved between 2008 and 2013, largely due to the Consumer Product Safety Improvement Act of 2008, which requires the agency to encourage its scientists to seek publishing opportunities in peer-reviewed journals. Although the current policy still has a ways to go, strong agency leadership seems to have made it more effective. CPSC former-chairman Inez Tenenbaum believed that culture change comes from the top, and she put several positive measures in place to increase transparency, including making commission meetings public.

### SOCIAL MEDIA POLICY

Since our 2013 report, the CPSC has developed a strong social media policy that includes several exemplary provisions, such as a personal views exception and an FAQ document for its employees' personal use of social media—a great tool for helping them follow pertinent agency guidance.

### RECOMMENDATIONS

The CPSC media policy should grant scientists access to drafts and revisions—especially the explicit right of last review—for agency communications that significantly rely on their work. We also recommend that the CPSC put its document, "Social Media – Frequently Asked Questions About Personal Use" on its public website.

***"I am supposed to direct the request to our media office, and I do so. However, . . . I often provide detailed background information to the reporter, off the record, so the reporter can move ahead with preparing her/his story."***

— Anonymous CDC scientist, 2012

**Department of Energy  
(DOE)**

Report Card	2008	2013	2015
Media Policy	Not Graded	Inc	Inc
Social Media Policy		C	C

**Environmental Protection Agency  
(EPA)**

Report Card	2008	2013	2015
Media Policy	D	A-	A-
Social Media Policy		B	B

#### MEDIA POLICY

We were unable to locate an official DOE media policy either on the department’s website, from contacting agency officials, or through a FOIA request. The only documents we obtained about general department communication were a brief publicly available statement on scientific integrity and a policy on the management of scientific and technical information obtained through FOIA. In its scientific integrity statement, the DOE articulates that it is committed to transparency. The department gives neither specific guidelines on how it will fulfill this commitment nor any explicit assurances to scientists of their freedom to speak.

#### SOCIAL MEDIA POLICY

The DOE has a policy in place that provides some basic guidance to its staff. The department could strengthen this policy by clarifying how employees may use social media in unofficial capacities, including under a personal-views exception.

#### RECOMMENDATIONS

The DOE should develop standard department-wide media and social media policies that provide clear guidelines for department scientists to speak openly about their work.

#### MEDIA POLICY

Between 2008 and 2013, the EPA’s media policy evolved from a disparate, nonpublic, and incomplete set of documents to a publicly available scientific integrity policy that includes substantive positive features. Scientists now have an explicit right of last review, as well as the right to express their views to the media, as long as they indicate these views are their own. However, testimony from agency scientists and journalists indicates that concerns remain over how well this policy is being implemented within the agency.

#### SOCIAL MEDIA POLICY

The EPA has a solid social media policy in place, though it could be strengthened by allowing scientists to express their personal views through a personal-views exception.

#### RECOMMENDATIONS

The EPA’s media policy could be strengthened by explicitly allowing scientists to interact with the media without the interference of public affairs staff; the agency should also revise its social media policy to grant scientists a personal-views exception.

***“It seems impossible to simultaneously describe my place of employment on a social media site and abide by my employer’s requirements for speaking only as an individual.”***

—Anonymous DOE scientist, 2012

***“Anything I might want to say [to the media] would have to be cleared first. The clearance process stifles any spontaneous debate.”***

—Anonymous EPA scientist, 2012



## Fish and Wildlife Service (FWS)

Report Card	2008	2013	2015
Media Policy	D	B	B+
Social Media Policy		B+	A

## Food and Drug Administration (FDA)

Report Card	2008	2013	2015
Media Policy	Inc	C	C
Social Media Policy		Inc	Inc

### MEDIA POLICY

Along with the 2014 update to the Department of the Interior (DOI) scientific integrity policy, the FWS has its own solid media policy in place that affirms the right of scientists to express their views as private citizens and that permits them to review and edit scientific content, although an explicit right of last review is still missing. Anecdotal evidence from journalists and FWS scientists, however, suggests that practices may not be consistently following this strong policy. Overall, FWS policies have improved significantly, and feedback from agency scientists has illustrated the importance of having strong policies firmly in place.

### SOCIAL MEDIA POLICY

While in our 2013 report the FWS had a limited social media policy, which did not link to the DOI policy, the agency now has a more comprehensive Social Media Hub that organizes its tool-specific policies and refers to the DOI's strong social media policy.

### RECOMMENDATIONS

The FWS should revise its media policy on the routing and pre-approval of media contacts in order to affirm that agency scientists not only “may” speak to the media about their work without interference from public affairs officers but also that the scientists have the right to do so freely, as long as they invoke the personal-views exception.

### MEDIA POLICY

The FDA did not have a media policy in 2008 but has since made some progress toward developing one through the agency's scientific integrity policy and other directives. It is particularly noteworthy that, through the Department of Health and Human Services (HHS) media policy, agency scientists now have an explicit right to express their personal views in publications and speeches. However, restrictions on scientific speech continues to be problematic at the agency, both in the written policy and, anecdotally, according to some journalists and agency scientists.

### SOCIAL MEDIA POLICY

The FDA appears to be in the process of developing a social media policy, but its development is delayed, according to an agency website (FDA 2015). Social media at the FDA falls under a brief policy statement put out by the HHS, but this is only the first step toward clarifying how FDA scientists may use social media tools.

### RECOMMENDATIONS

As it builds the communications policy currently under development, the FDA should include additional safeguards against abuse, such as an explicit right of last review for scientists and not requiring the preapproval or selective routing of media contacts. Also, the agency should establish a strong social media policy, which it indicates it is now developing.

***“Constraints on reporting in agencies, including CDC, EPA, and FDA, are now serious. Agencies work with public funds and often powerfully impact the public. But a few people behind closed doors decide what the public may or may not know.”***

— Kathryn Foxhall, veteran Washington health reporter, 2015

## National Aeronautics and Space Administration (NASA)

Report Card	2008	2013	2015
Media Policy	B	B	B
Social Media Policy		B+	B+

## National Institute of Standards and Technology (NIST)

Report Card	2008	2013	2015
Media Policy	B	B+	B+
Social Media Policy		B	B

### MEDIA POLICY

Anecdotal evidence and the addition of a 2011 scientific integrity policy suggest improvements in NASA scientists' freedom to speak. But other evidence suggests that NASA may need to do more to put its policies into effective practice. In a 2011 assessment of agency transparency, former Columbia Journalism Review science writer/editor Curtis Brainard asserted that reporters continue to complain "that transparency and access to information is often just as bad, if not worse in some cases, than it was under the Bush administration" (Brainard 2011).

### SOCIAL MEDIA POLICY

Despite its exemplary use of social media tools to allow NASA scientists to engage with the public, NASA does not have an official social media policy. However, the agency does provide employees with a comprehensive guidelines document on its intranet. Our social media grade was based on this document.

### RECOMMENDATIONS

To reinforce its rhetoric of openness and to safeguard against abuse, we recommend that NASA revise its media policy to include the explicit right of last review and to permit scientists to access drafts and revisions of materials that rely on their work. The agency also should ensure that its scientists have clear directions on the use of social media tools through a publicly available social media policy.

***"We have come a long way [over] the last few years."***

—Anonymous NASA scientist, 2012

***"On my own time I can express personal views as long as I don't do so as a representative of our agency."***

—Anonymous NASA scientist, 2012

***"At my discretion, I can answer directly or put the person in contact with my public affairs office."***

—Anonymous NIST scientist, 2012

### MEDIA POLICY

As in 2008, NIST is subject to the policies of the Department of Commerce (DOC). While the DOC media policy is unchanged since 2008, the 2011 DOC scientific integrity policy clarifies some rights for agency scientists. Despite these improvements on paper, there is some indication that agency may face challenges in putting this policy into practice. In the past, some employees have noted that the internal review processes at the DOC "can impede the dissemination of information" from NIST.

### SOCIAL MEDIA POLICY

The DOC social media policy provides some guidance to NIST employees on the use of these tools, but it does not grant scientists the right to identify their job title, even with an accompanying personal-views statement. Though not an official policy, NIST does conduct comprehensive training of its employees on the effective use of social media tools.

### RECOMMENDATIONS

NIST should develop its own media and social media policies that clearly articulate more robust safeguards against abuse, such as a stronger timeliness provision and scientists' explicit right of last review.

## National Institutes of Health (NIH)

Report Card	2008	2013	2015
Media Policy	C	C	C
Social Media Policy		A	A

## National Oceanic and Atmospheric Administration (NOAA)

Report Card	2008	2013	2015
Media Policy	B	A	A
Social Media Policy		B	B

### MEDIA POLICY

The NIH policy we reviewed in 2008 has not been changed. While it remains a solid policy, two areas that still need better safeguards against abuse are scientists' right of last review, which should be made explicit, and provisions to ensure that public affairs or other nonscientist personnel do not interfere with scientists' interviews with the media. Although the policy does not require public affairs staff to be present, anecdotal reports indicate scientists are under pressure to consent to the monitoring of their interactions with the media.

### SOCIAL MEDIA POLICY

The NIH has an exemplary social media policy. In addition, the agency has developed a streamlined and accessible "New Media Checklist" to assist its employees in understanding and implementing the policy.

### RECOMMENDATIONS

The NIH should update its media policy to include more direct language guaranteeing scientists' freedom of speech, and it should focus on fully implementing that policy.

### MEDIA POLICY

NOAA has an excellent media policy, substantively improved since 2008 through the creation of a strong scientific integrity policy. Notably, the scientific integrity policy bolsters two key areas cited as weaknesses in 2008: a personal-views exception and access to drafts and revisions, including an explicit right of last review.

### SOCIAL MEDIA POLICY

NOAA is subject to the DOC social media policy, which includes many important provisions, such as the encouragement of openness and a distinction between official and personal use of social media. However, the policy does not allow employees to identify their job title when they are using social media in a nonofficial capacity, even if they include a personal-views statement.

### RECOMMENDATIONS

While commending NOAA for its media policy, we encourage the agency to focus on implementation—to ensure that the policy is effective in protecting scientists' free speech. Further, NOAA should develop its own social media policy so as to strengthen the guidance in the DOC social media policy.

***“We are encouraged to contact our public affairs officer but are free to respond [to the media] without doing so. I almost always contact the public affairs office because they provide useful services and information.”***

— Anonymous NOAA scientist, 2012

***“I don’t know what I can and cannot do on social media. It’s never been brought up at [my center].”***

— Anonymous NOAA scientist, 2012

## National Science Foundation (NSF)

Report Card	2008	2013	2015
Media Policy	Inc	A	A
Social Media Policy		Inc	B+

## Nuclear Regulatory Commission (NRC)

Report Card	2008	2013	2015
Media Policy	B+	B+	B+
Social Media Policy		Inc	B

### MEDIA POLICY

In 2008 the NSF had no written media policy, but the agency now has a very strong one in place. An important highlight of the NSF media policy includes its language granting scientists the explicit right of last review: “Employees have the right to review, approve, and comment publicly on the final version of any proposed publication that significantly relies on their research, identifies them as an author or contributor, or purports to represent their scientific opinion” (NSF 2011). The NSF’s language that details scientists’ personal-views exception also is exemplary and should serve as a model for other agencies: “NSF-funded scientists and NSF staff have the fundamental right to express their personal views, provided they specify that they are not speaking on behalf of, or as a representative of, the agency but rather in their private capacity. So long as this disclaimer is made, the employee is permitted to mention his or her institutional affiliation and position if this has helped inform his or her views on the matter.”

### SOCIAL MEDIA POLICY

Since our 2013 report, we have obtained a copy of the NSF social media policy. Though the policy is not on the agency website, it provides strong guidance to its employees on social media, including a provision allowing them to identify their employer provided they include a disclaimer stating that they are representing their personal views.

### RECOMMENDATIONS

NSF leaders should regularly reaffirm their commitment to their media policy and post the agency’s social media policy on its public website.

### MEDIA POLICY

The NRC has made no changes to its media policy since 2008. While the agency still deserves praise for providing some clarification to its employees on engaging with the media, a B+ no longer puts the NRC at the top of the class.

### SOCIAL MEDIA POLICY

We obtained a copy of the NRC social media policy in 2015 through a FOIA request. Though not publicly available on the agency website, the policy provides solid guidance to its employees on social media use, and the agency has greatly expanded its use of social media for science communications in recent years, including webinars and blogs on timely topics. The NRC social media policy could be improved by explicitly allowing its employees to name their employer on personal social media accounts.

### RECOMMENDATIONS

Because reinforcing the culture of openness at the NRC should be a priority, the agency should update its existing policies on media relations by bringing together disparate information into one policy and by explicitly giving scientists the right of last review. We also encourage the NRC to strengthen and make public its social media policy.



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*The recent explosion of social media has provided federal scientists with new opportunities to engage with the public. NASA, for example, has taken advantage of this, allowing its scientists to fully utilize these tools. But all federal scientists should have guidance from their agencies on how to share their expertise on social media responsibly.*



## Occupational Safety and Health Administration (OSHA)

Report Card	2008	2013	2015
Media Policy	F	D	D
Social Media Policy		D	D

## U.S. Department of Agriculture (USDA)

Report Card	2008	2013	2015
Media Policy	Not Graded	C-	C-
Social Media Policy		D	D

### MEDIA POLICY

OSHA's media policy has improved since 2008 through the addition of several new provisions; however, the agency still has a long way to go. OSHA is subject to the policies of the Department of Labor (DOL), whose media policy is deficient. The 2012 DOL scientific integrity policy, for example, emphasizes controlling agency message rather than promoting transparency. There is some rhetoric suggesting that more openness be part of the policy, thereby raising the agency's score; however, the policy does not yet ensure that any specific measures would reinforce this transparency in practice.

### SOCIAL MEDIA POLICY

The DOL social media policy is an important first step in providing guidance to agency scientists on the use of social media tools, but this policy is missing some important provisions, such as a distinction between official and personal use and a personal-views exception.

### RECOMMENDATIONS

OSHA should develop its own strong media and social media policies in order to clarify how its scientists may communicate.

### MEDIA POLICY

Between 2008 and 2013, the USDA developed a scientific integrity policy that clarified its scientists' right to communicate. However, the agency's general communications policy has not been updated since 2003, and anecdotal evidence from journalists and agency scientists suggests that the department's overall guidance governing scientists' freedom to speak still needs improvement. Moreover, the multiple policies have created inconsistencies, such as conflicting statements concerning the role of the communications staff in editing scientific content.

### SOCIAL MEDIA POLICY

The USDA has a new media policy that provides some instruction to its employees on the use of social media tools, but the policy is missing some key provisions, including the right of its scientists to invoke a personal-views exception.

### RECOMMENDATIONS

The USDA should revise its existing media policy to include a personal-views exception, access to drafts and revisions, the explicit right of last review, and whistleblower provisions. The agency also should strengthen its social media policy by including a personal-views exception and a clearer distinction between personal and official use of social media tools.

***“The policies are written so vaguely that the [USDA] can and does suppress papers that may be inconvenient for other government agencies and industry.”***

— Anonymous USDA scientist, 2012

***“‘Loose lips sink ships’ appears to be management’s motivation.”***

— Anonymous USDA scientist on the agency’s social media policy, 2012

**U.S. Geological Survey (USGS)**

Report Card	2008	2013	2015
Media Policy	C	B	B+
Social Media Policy		B+	A+

**MEDIA POLICY**

Reports from journalists and scientists on USGS media practices have been largely positive since 2008, despite a written media policy that could use some improvement. In addition to the need for key features, such as right of last review and a personal-views exception, the policy could be strengthened by explicitly reaffirming scientific transparency to protect against what one agency scientist perceived as “a heavy burden of internal review that has a chilling effect and slows down the ability to crank out publications.” The 2014 update to the DOI scientific integrity policy added some important language on whistleblower protection and dispute resolution that helped the USGS improve its grade in 2015.

**SOCIAL MEDIA POLICY**

Following the release of our 2013 report (the same day, in fact), the USGS heeded our recommendation and enhanced its already strong social media policy by adding a procedure by which USGS employees can obtain corrections of errors in official posts—making the USGS the first federal agency in our study to include this important provision. The USGS social media policy builds on and makes reference to the DOI’s strong policy.

**RECOMMENDATIONS**

The USGS should revise its existing media policy by making timeliness a priority and by providing scientists with a clear right of last review and an explicit personal-views exception.

***“Even in...communications that need approval, . . . the scientist has the final word on the way the science is presented.”***

—Anonymous USGS scientist, 2012



*It is essential that federal agencies have strong communications policies in place. These policies help safeguard access to government experts, even in emergency situations where access to scientific information can be crucial or in case of future administrations who seek to block the flow of information.*

**Access to Government Scientific Information in 2015**

Since 2008, we have seen improvements in policies that govern the ability of federal scientists to openly communicate. With the development of scientific integrity policies and committed leadership at the top, many agencies have made serious progress in establishing and implementing strong media policies. Moreover, agencies have recognized the need for comprehensive policies to help clarify how staff scientists may use social media platforms to share their expertise.

Despite these improvements, however, many agencies still do not have written policies that afford their scientists the basic right to speak freely. Further, concerns remain regarding the implementation of policies that are already on the books. At a September 2012 Science and Democracy Forum convened by the Union of Concerned Scientists, journalists and government watchdog groups alike noted barriers to accessing government scientific information in recent years. According to Katherine McFate, president and CEO of the Center for Effective Government, “This administration is particularly schizophrenic about [making its] staff accessible to

***In July 2014, 39 journalism and related organizations stated in a letter to President Obama that a lack of transparency is “getting worse throughout the nation, particularly at the federal level.”***

journalists.” Curtis Brainard, science writer and then-editor at the Columbia Journalism Review, concurred with her concerns, particularly regarding access to government scientists: “To this day I continue to hear about these problems from journalists coast to coast. This [applies] from the highest levels of [federal] government all the way down to state and municipal governments.”

In July 2014, 39 journalism and related organizations stated in a letter to President Obama that a lack of transparency is “getting worse throughout the nation, particularly at the federal level.” The letter cited lack of access to agency employees, interference by public affairs officials, difficulty getting people to speak on the record, and long delays in receiving a response (SPJ 2014).

Thus much work remains to be done to ensure that scientists and other experts at federal agencies may speak freely about their work to policy makers, the media, and the public; employees need clear guidance and protections against political interference. In other words, agencies should put free and open communication ahead of political considerations. Additionally, policies that are already strong need to be meaningfully implemented.

Below we recommend specific steps that federal agencies, the administration, Congress, and journalists can take in this direction.

## Solutions

- All federal-agency media policies should include:
  - scientists’ right to last review of materials that significantly rely on their work;
  - the right to express personal views, provided scientists make clear that they are not speaking for their agency in an official capacity.
- Agencies should incorporate into their media policies the acknowledgment that the Whistleblower Protection Enhancement Act of 2012 recognizes that scientists who expose the censorship of federal information are afforded protections from retaliation.
- All agencies should develop a social media policy that includes:
  - a distinction between personal and official use of social media tools;
  - a personal-views exception, which allows scientists to identify their job title and employer if they make clear that they are not speaking for the agency in an official capacity.
- Agencies should focus on effective implementation of their media and social media policies by keeping them visible, introducing them to new employees during orientation, providing relevant training on the interpretation and implementation of the policies, and otherwise reinforcing the policies’ tenets.

In addition, others can play a role in helping agencies develop comprehensive media and social media policies and effectively implement them. Ensuring that this happens will take a concerted effort. In particular, it is important that:
- **the Office of Science and Technology Policy (OSTP)** assesses agency progress and speaks forcefully on the need for strong and effective policies on media and social media;
- **Congress** holds agency heads accountable for encouraging the free flow of scientific information to the public;
- **the president** makes strong and effective agency policies on media and social media a priority to ensure that transparency is part of his or her legacy; and
- **journalists** call out those agencies that block the free flow of information to the public.

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