

Sexual Harassment, Other Forms of Harassment, and Sexual Assault – Compliance with Federal Granting Agency Requirements

Policies

[National Science Foundation \(NSF\)](#) [National Institutes of Health \(NIH\)](#)

[National Aeronautics and Space Administration \(NASA\)](#)

UM System Collected Rules and Regulations:

**** Prior to August 14, 2020 (Equal Employment/Educational Opportunity and Nondiscrimination Policy)**

https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.010_equal_employment_educational_opportunity_policy

**** On or after August 14, 2020 (Equal Employment/Educational Opportunity and Nondiscrimination Policy)**

https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.010-equal-employment-educational-opportunity-and-nondiscrimination

Prior to August 14, 2020 (Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy)

https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.020_sex_discrimination_sexual_harassment_and_sexual_misconduct

On or after August 14, 2020 (Sexual Harassment under Title IX)

https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.020-sexual-harassment-under-title-ix-matters-involving-conduct

Overview

On February 8, 2018, the National Science Foundation released [Important Notice No. 144](#). The notice reminds the research community of its obligations to fully investigate complaints of sexual or other harassment and for complying with federal nondiscrimination law. After conducting a public comment on a proposed award term and condition, NSF released a new term and condition, [Article X: Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault](#), on September 21, 2018. The term is effective for new awards and funding amendments to existing awards issued on or after October 22, 2018.

In September 2015, NIH issued [NOT-OD-15-152](#), which addresses civil rights protections in NIH supported programs. On February 28, 2019, the National Institutes of Health released an [Update on NIH's Efforts to Address Sexual Harassment in Science](#). In this update, NIH announced the formation of a working group that has been charged with clarifying expectations for institutions and investigators, among other endeavors. Additionally, NIH has implemented [NOT-OD-19-029](#), which establishes requirements for certification of institutional commitments in training grant proposals to ensure that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices.

On March 23, 2020, NASA issued [Grant Information Circular GIC 20-01](#), which address concerns of sexual harassment within the scientific and academic communities. This provided guidance to Grants and Technical Officers on the new term and condition regarding harassment that was incorporated in the Grants and Cooperative Agreement Manual and all financial assistance

instruments awarded after April 9, 2020.

Institutional Requirements

NSF:

1. Funding recipients must maintain workplaces that are free of discrimination and harassment by:
 - Establishing and maintaining clear and unambiguous standards of behavior
 - Establishing notification pathways for all personnel, including students, regardless of workplace location
 - Providing accessible and evident means for reporting violations, including reporting when personnel are engaged in conferences, workshops, field work, or other research facilities
 - Ensuring institutional due diligence with timely investigations of allegations and corrective actions
2. The University of Missouri will report to NSF if:
 - A PI or Co-PI is placed on administrative leave related to an investigation of an alleged violation or a finding/determination demonstrating a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.
 - The University imposes any administrative action on a PI or Co-PI related to an investigation of an alleged violation or a finding/determination demonstrating a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.
 - The University issues a finding/determination regarding a PI or Co-PI demonstrating a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.

The University will report the occurrence of 1, 2, or 3 if the NSF award includes the term, whether we are a direct recipient of NSF funding or a subrecipient of NSF funding.

The University will submit the report to NSF when an investigator is placed on administrative leave, imposition of administrative action, or the date of the finding/determination. The report submissions will be done by Office of Sponsored Programs Administration based on information provided by the MU Office of Institutional Equity (OIE).

Per NSF's Proposal and Award Policies and Procedures Guide (PAPPG) effective January 28, 2019, NSF has adopted a requirement that conference proposers have a policy or code-of-conduct that addresses sexual harassment, other forms of harassment, and sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. This policy or code-of-conduct must be disseminated to conference participants prior to attendance at the conference and made available at the conference itself. (See **Appendix I** for suggested language to provide to participants/attendees at NSF funded events)

NIH:

NIH strongly encourages individuals to report allegations of sexual harassment or assault to the appropriate authorities, which may include local police department or the institutional Title IX, Equal Employment Opportunity (EEO) or human resources offices.

Before NIH makes an award to a domestic organization, the Authorized Organization Representative (AOR) must certify, by means of the signature on the application that the organization has on file with the HHS OCR a one-time submission of assurance of compliance with

the civil rights statutes.

Recipients of NIH awards must comply with a number of public policy requirements related to civil rights, including:

- [Equal Employment Opportunity – NIHGPS chapter 10.5](#)
- [Civil Rights Protections – NIHGPS chapter 4.1.2](#)
- [Age Discrimination Act of 1975](#)(link is external)
- [Civil Rights Act of 1964 \(Title VI\)](#)(link is external)
- [Education Amendments of 1972 \(Title IX\)](#)(link is external)
- [Rehabilitation Act of 1973 \(section 504\)](#)

All institutions that receive Federal financial assistance must have a Title IX Coordinator on staff. The coordinator is a resource who can answer questions, address concerns, or be a contact to file a complaint.

The University must contact NIH if there is a change in status of senior/key personnel. If the University seeks to remove or change the status of senior/key personnel named on the notice of award from an NIH-funded project due to civil rights violations, NIH must be notified and the replacement personnel must be approved by NIH.

Per [NOT-OD-19-029](#), for Institutional Training (T) Applications (T15, T32, T34, T35, T36, T37, T90/R90, TL1, TL4) with due dates on or after January 25, 2019 institutions must include as part of the Letters of Support on the PHS 398 Research Training Program Plan form, a signed letter on institutional letterhead from an institutional official that describes institutional commitment to the following areas:

- (i) ensuring that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices;
- (ii) responding appropriately to allegations of discriminatory practices, including any required notifications to OCR (see NOT-OD-15-152); and
- (iii) adopting and following institutional procedure for requesting NIH prior approval of a change in the status of the Program Director/Principal Investigator (PD/PI) or other senior/key personnel if administrative or disciplinary action is taken that impacts the ability of the PD/PI or other key personnel to continue his/her role on the NIH award described in the training grant application (also see NOT-OD-18-172 re policy on change in PD/PI status).

The letter to ensure that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices will be in addition to the content that is currently included in the Letters of Support describing the applicant institution's commitment to the planned program in order to ensure its success (e.g., providing facilities and a research environment conducive to preparing trainees for successful careers as biomedical research scientists; providing appropriate inter- or multidisciplinary research training opportunities and courses which will allow trainees to acquire state-of-the-art scientific knowledge).

Sample language to include in the proposal letter can be found in **Appendix II**.

NASA:

The term requires:

- Grant recipient organizations must notify NASA of any findings/determination of sexual

harassment, other forms of harassment, or sexual assault regarding a NASA-funded Principal Investigator (PI) or Co-Investigator (CO-I).

- Grant recipient organizations must notify NASA if the PI or Co-I is placed on administrative leave or if the awardee has imposed any administrative action on the PI or any determination or an investigation of an alleged violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.
- Such reporting must be submitted by the Authorized Organizational Representative (AOR) to NASA's Office of Diversity and Equal Opportunity at <https://missionstem.nasa.gov/term-condition-institutional-harassment-dscr.html> within 10 business days from the date of the finding/determination, or the date of the placement of a PI or Co-I by the recipient on administrative leave or the imposition of an administrative action.
- This term and condition impose new reporting requirements regarding harassment and sexual assault among recipients of NASA financial assistance.
- Other personnel supported by a NASA award must likewise remain in full compliance with awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault. With regard to any personnel not in compliance, the awardee must make appropriate arrangements to ensure the safety and security of other award personnel and the continued progress of the funded project. Notification of these actions is not required under this term and condition.

Risks

NSF:

NSF holds responsible the 2,000 U.S. colleges, universities and other institutions that receive NSF funding and requires their implementation of Title IX protections. And NSF encourages NSF-funded researchers and students to hold colleagues accountable to the standards and conditions set forth in Title IX, and to inform their institution of violations.

For any NSF-funded entity that fails to adhere to Title IX, NSF will work with the Departments of Justice and Education to ensure compliance with nondiscrimination laws. NSF may terminate funding to any institution found to be in noncompliance with Title IX regulations and that does not voluntarily come into compliance.

NIH:

NIH grants are awarded to organizations, not to individual investigators. Typically, in an instance where the principal investigator or co-principal investigator named on the notice of award is placed on administrative leave because of the need to investigate an allegation of sexual harassment, the University should request a change of senior/key personnel supporting the NIH grant. If NIH learns that an awardee organization is not enforcing the terms and conditions of award, NIH may take an enforcement action within our oversight authorities, which may include suspending or even terminating the grant. NIH generally seeks to work with the awardee organization as appropriate, to help bring them back into compliance with the terms and conditions of the award. Depending on the circumstances, NIH can also consider enforcement action such as suspension of funding, or we can coordinate with other offices including law enforcement or the HHS Office of Inspector General, to consider a referral for debarment or suspension.

Failure to include the appropriate statement in the training grant application letter will result in a non-compliant proposal and will not be reviewed by NIH.

NASA:

Upon receipt and review of the information provided in the report, NASA will consult with the AOR, or designee. Based on the results of this review and consultation, the Agency may, if necessary and in accordance with 2 CFR 200.338, assert its programmatic stewardship responsibilities and oversight authority to initiate the substitution or removal of the PI or any Co-I, reduce the award funding amount, or where neither of those previous options is available or adequate, to suspend or terminate the award.

Other personnel supported by a NASA award must likewise remain in full compliance with the recipient's policies or codes of conduct, statutes, regulations or executive orders relating to sexual harassment, other forms of harassment, or sexual assault. With regard to any personnel not in compliance, the recipient must make appropriate arrangements to ensure the safety and security of other award personnel and the continued progress of the funded project. Notification of these actions is not required under this term and condition.

Responsibilities

Principal Investigator (PI) – The PI is responsible for ensuring a safe working environment that is free of harassment and discrimination. If such behaviors are observed, investigators should immediately reach out to the Office of Institutional Equity or campus human resources. Investigators shall comply with any requests for information from Office of Institutional Equity and cooperate in any investigations.

Departmental Research Administrator (DRA) – If approached by an individual who has concerns about his or her working environment, the DRA shall direct the individual to Office of Institutional Equity.

SPA and Office of Institutional Equity - The university will follow [NSF, NIH and NASA requirements](#) whenever the term and condition regarding sexual harassment, other forms of harassment, or sexual assault is included in any NSF, NIH or NASA-funded award or subaward agreement. To address the requirements, the university process will include the following steps.

- The Office of Institutional Equity receives a report of an allegation of sexual harassment, other forms of harassment, or sexual assault, as defined in the [NSF Notice, NIH policy or the NASA Circular](#).
- An investigation of the allegation is conducted in accordance with the applicable University investigatory or disciplinary procedures.
- Depending on the circumstances, prior to, during, or after an investigation, an individual (respondent) may be put on administrative leave or have an administrative action imposed.
- If an administrative leave or action is imposed, the Office of Institutional Equity will discuss the case with SPA to find out if the respondent is a PI or Co-PI on an NSF, NIH, or NASA-funded award or subaward. The search will occur as soon as possible after the individual is put on administrative leave or action is imposed.
- If a finding/determination is made regarding a respondent, the Office of Institutional Equity will contact SPA to determine if the individual is a PI or Co-PI on an NSF, NIH, or NASA-funded award or subaward. The search will occur as soon as possible after the finding or determination is made.
- If the individual in question is a PI or Co-PI on an NSF, NIH or NASA-funded award or subaward, the Office of Institutional Equity will submit information specified in NSF, NIH or NASA requirements to the Director or Associate Director of SPA. SPA will verify if the individual has an active award.

- SPA is responsible for submitting the notification to NSF, NIH or NASA, which is due within 10 business days of the date of the administrative leave/action or finding/determination.
- SPA will work with NSF, NIH, or NASA, and other appropriate offices as needed, with the primary goals of ensuring the safety and security of other award personnel and the continued progress of the funded project. Actions that may be necessary may include, but are not limited to:
 - Replacement of the PI or Co-PI
 - Review of expenditures on the award
 - When necessary, transfer of unallowable charges off the award

Need Help?

If you have questions or comments related to this procedure, contact OSPA at muresearchospa@missouri.edu or (573) 882-7560.

Related Topics

None

Creation Date

03/18/2019

Latest Revision Date

01/18/2023

Sponsored Programs Administration
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Appendix I

Suggested language to provide to participants/attendees at NSF funded events

The University of Missouri is committed to providing a safe learning environment for faculty, staff, students, and those participating in university sanctioned activities, such as **[Activity Name]**. Collected Rules and Regulations (CRR's 600.010 and 600.020) detail the University of Missouri's policy on Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment. Harassment of or by participants of **[Activity Name]** in any form will not be tolerated, therefore this code of conduct is in place to protect the safety of all attendees. Unacceptable behaviors include unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person; or Other unwelcome verbal or physical conduct of a sexual nature or because of sex, pregnancy, gender identity, or gender expression when:

(1) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or

(2) Such conduct creates a hostile environment by being sufficiently severe or pervasive or objectively offensive that it interferes with, limits or denies the ability to participate in or benefit from the University's educational programs, activities, or employment. These behaviors are not appropriate for any component of **[Activity Name]**, including but not limited to keynotes, sessions, networking and evening events, and social media. Attendees who are asked to stop any harassing or discriminatory behavior are expected to comply immediately. University of Missouri staff may take action to address any situation that is disrupting the meeting or making the environment unsafe for participants, including asking participants to leave the meeting.

By (signing below/submitting registration form/paying registration fee), I hereby agree that as a participant in **[Activity Name]**, I will:

- Conduct myself with integrity, respect, honesty, and credibility.
- Approach all events in accordance with the highest ethical standards of professionalism and personal conduct.
- Avoid all activities that will cause damage to or discredit to my organization, the University of Missouri, or myself.
- Embrace our diverse community of professionals and learners, and be inclusive of all audiences in my presentations, demonstrations, and conversations.

Questions about this code of conduct may be directed to um-research@missouri.edu

The facilitators or organizers of **[Activity Name]** will be happy to help participants contact campus security or local law enforcement, provide escorts, or otherwise assist those experiencing harassment to feel safe for the duration of the conference. We value your attendance at **[Activity Name]**.

Appendix II

Sample language to include in the NIH proposal application Letters of Support section

The University of Missouri is committed to enforcing the University's non-discrimination policies, as outlined in our Collected Rules and Regulations found here:

https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/600.010-equal-employment-educational-opportunity-and-nondiscrimination

We hereby assure that the training program entitled, "[Insert Title]" will be conducted according to the requirements outlined in the Title IX of the Education Amendments of 1972, the applicable NIH policies and guide notices (including, but not limited to, NOT-OD-15-152, NOT-OD-19-029, and NOT-OD-19-056).

The tenets are as follows:

1. Training will occur in a civil, safe, and respectful environment, free from discrimination and unlawful harassment, sexual or otherwise.
2. Proper policies, procedures, and oversight are in place at the University of Missouri to prevent discriminatory harassment and prevent other discriminatory practices.
3. The Medical School and University will respond appropriately to allegations of discriminatory practices, including any required notifications to Office of Clinical Research (NOT-OD-15-152).
4. We have adopted and will follow institutional procedures for requesting NIH prior approval for a change in the status of the Program Director/Principal Investigator (PD/PI) or other senior/key personnel if administrative or disciplinary action is taken that impacts the ability of the PD/PI or other key personnel to continue his/her role on the NIH award described in the training grant application (NOT-OD-18-172, policy on change in PD/PI status).