Rethinking Workplace Behaviors & Expectations: The NSF & NIH Confront Harassment in Academia

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Learning Outcomes

An understanding of

- new federal policies on harassment
- the institution’s obligations
- the departmental administrator’s role
- UNMC resources to support compliance
- workplace behaviors & expectations
Overview

• Federal Harassment Policies
  o NIH https://grants.nih.gov/grants/policy/harassment.htm
  o NSF https://www.nsf.gov/od/odi/harassment.jsp

• Role of Department Administrator

• UNMC Resources

• Your Questions and Comments
Who, What, When, Why, How

Q: What’s changed?
A: A need to report to the agency

Q: When will it apply?
A: When terms are added to an NSF Award

Q: Who does this effect?
A: PIs and Co-PI’s with active NSF awards

Q: How will UNMC report
A: Via a secure portal

Q: Why?
A: See next slide
NSF Policy
The National Science Foundation (NSF) will not tolerate sexual harassment, other forms of harassment, or sexual assault, within the agency, at awardee organizations, field sites or anywhere science or education is conducted.

The National Science Foundation (NSF) has taken the next steps in its agency-wide effort to ensure the research and learning environments it supports are free from harassment, publishing a term and condition that requires awardee organizations to report findings and determinations of sexual harassment, as well as establishing a secure online portal for submitting harassment notifications.
NSF Timelines

• Within 10 business days

• Effective October 22, 2018
NSF Secure Reporting Mechanism

Sponsor Programs will notify NSF electronically via a secure web mechanism that will transmit the information directly to NSF's Office of Diversity and Inclusion (ODI): Organizational Notification of Harassment Form.
Organizational Notification of Harassment Form

Please use this web form to submit a notification of a PI's or co-PI's placement on administrative leave or a finding of harassment to the National Science Foundation's Office of Diversity and Inclusion.

Only the identification of the PI or co-PI is required. Personally identifiable information regarding any complainants or other individuals involved in the matter must not be included in the notification.

This form also should be used by subrecipients to provide any requisite notifications to NSF.

NSF Award Numbers: *

Name of Principal Investigator (PI/Co-PI) being reported: *

Awardee Information

Awardee Name: *

Awardee Address: *

Authorized Organizational Representative (AOR): *

AOR Title: *
NSF Harassment Form, continued

AOR Phone:  

AOR Email:  

DUNS Number:  

Type of Notification: * Please select one of the following.

- Finding/Determination that the reported individual has been found to have violated awardee policies or codes of conduct, statutes, regulations or executive orders relating to sexual harassment, other forms of harassment, or sexual assault; or
- Placement by the awardee of the reported individual on administrative leave or the imposition of any administrative action on the PI or any co-PI by the awardee relating to any finding/determination or an investigation of an alleged violation of awardee policies

Explanation/Description of Events: *

Submit  Clear
NSF Reporting Requirements

• PI and co-PI; no others

• Sexual harassment and other forms of harassment

• Finding of harassment and placing on administrative leave or other administrative actions
NSF Reporting

Effective **October 22, 2018**, new NSF awards and funding amendments to existing awards will be subject to the new notification requirement.

UNMC will be required to notify NSF of:

- Any **findings/determinations** of sexual harassment, other forms of harassment, or sexual assault regarding an NSF funded Principal Investigator (PI) or co-PI, or,

- The placement of the PI or co-PI on **administrative leave**, or the imposition of any **administrative action** relating to harassment or sexual assault finding or investigation.
NSF Definitions

Interim or other measures taken by an institution at the beginning of an investigation or that are in place during an investigation are reportable to NSF as an “administrative action”.

Administrative Leave/Administrative Action is defined as:

- Any temporary/interim suspension or
- Permanent removal of the PI or co-PI, or
- Any administrative action imposed on the PI or co-PI by the awardee under organizational policies or codes of conduct, statutes, regulations, or executive orders, relating to activities, including but not limited to the following: teaching, advising, mentoring, research, management/administrative duties, or presence on campus.
NSF Definitions, continued

• **Sexual harassment**: May include but is not limited to gender or sex-based harassment, unwelcome sexual attention, sexual coercion, or creating a hostile environment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.

• **Other Forms of Harassment**: Non-gender or non-sex-based harassment of individuals protected under federal civil rights laws, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.
NSF Definitions, continued

• **Finding/Determination**: The final disposition of a matter involving sexual harassment or other form of harassment under organizational policies and processes, to include the exhaustion of permissible appeals exercised by the PI or co-PI, or a conviction of a sexual offense in a criminal court of law.

• **Administrative Leave/Administrative Action**: Any temporary/interim suspension or permanent removal of the PI or co-PI, or any administrative action imposed on the PI or co-PI by the awardee under organizational policies or codes of conduct, statutes, regulations, or executive orders, relating to activities, including but not limited to the following: teaching, advising, mentoring, research, management/administrative duties, or presence on campus.
What NSF clarifies “it” is not

• An allegation is not a finding

• Findings are not part of the NSF grant review process

• NSF policy is not retroactive
NSF Policy is not retroactive

• The notification requirement applies **even if** the actions of the PI or co-PI leading to findings/determinations, placement on administrative leave, or the imposition of administrative action(s) occurred outside the scope of the NSF award.

• The term and condition covers conduct of a PI or co-PI that **occurred prior** to the effective date of the term and condition **if** the finding/determination or imposition of administrative leave / administrative action **occurs after** the term and condition becomes effective **and if** the award on which the individual is the PI or a co-PI is subject to the term and condition.
NSF Considerations

In reviewing any notification and with respect to taking action to remove a PI from the grant, NSF will consult with the awardee regarding the particular situation and will take into account at a minimum, the following factors:

a. The safety and security of personnel supported by the NSF award
b. The overall impact to the NSF-funded activity
c. The continued advancement of taxpayer-funded investments in science and scientists
d. Whether the awardee has taken appropriate action(s) to ensure the continuity of science and that continued progress under the funded project can be made

Source: Federal Register Public Comments
Federal Law Prohibits Retaliation

NSF awardee organizations and their staff, including PIs and co-PIs on NSF funded awards are prohibited by law from

- retaliating,
- harassing,
- coercing, or
- taking any adverse action

against individuals who filed a complaint or participated in a discrimination, harassment, or retaliation investigation.
NSF Conference Grant

NSF’s Proposal and Award Policies and Procedures Guide (PAPPG) effective January 28, 2019, contains a new policy statement that will require NSF-sponsored conference awardees to:

• Provide policies or clear codes of conduct that address sexual harassment, other forms of harassment, and sexual assault.

• Address sexual harassment, other forms of harassment, or sexual assault that occurs off campus, such as at field sites, facilities, or conferences/workshop.

• Establish procedures for reporting violations that occur at conferences and provides that these codes of conduct and reporting procedures are to be disseminated to all participants in advance of the event.
NIH Policy
NIH Policy

• The National Institutes of Health (NIH) announces Policy Manual Chapter: 1311—Preventing and Addressing Harassment and Inappropriate Conduct and a new Policy statement addressing Personal Relationships in the Workplace.

• These policies apply to federal employees, contractors, trainees, and fellows who perform work for the NIH.

• The NIH expects that organizations receiving NIH funds have in place similarly rigorous policies and related procedures for their employees, contractors, trainees, and fellows who engage in agency funded activities.
NIH Award Recipients’ Obligations

NIH expects that every organization receiving NIH funds:

• Develops and implement policies and practices that foster a harassment-free environment;

• Maintain clear, unambiguous professional codes of conduct;

• Ensures employees are fully aware and regularly reminded of applicable laws, regulations, policies, and codes of conduct;
NIH Award Recipients’ Obligations, continued

- Provides an accessible, effective, and easy process to report sexual harassment, and provide protection from retaliation;

- Responds promptly to allegations to ensure the immediate safety for all involved, investigate the allegations, and take appropriate sanctions; and

- Informs NIH of administrative actions that removes senior/key personnel on an NIH award.
NIH Training Grants

National Institutes of Health (NIH) institutional training grants must include a letter on institutional letterhead that

– is signed by a key institutional leader
– describes the institutional commitment to ensuring that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices

• applies to applications submitted for due dates on or after January 25, 2019
• T15, T32, T34, T35, T36, T37, T90/R90, TL1, TL4
• NOT-OD-19-029 (November 7, 2018 release)
NIH-funded Conference Grants

- Take steps to maintain a safe and respectful environment for all conference grant ("R13") attendees by providing an environment free from discrimination and harassment, sexual or otherwise.
Role of Employees

Employees need to:

• Understand the NIH and NSF policies
• See something say something
• Bring concerns to the attention of:
  o Administrator
  o Title IX Coordinator
  o Employee Relations Representative
Workplace Expectations

- Accountability for behaviors in the workplace
- Practice Inclusion
- Practice Civility
Accountability for Behaviors

**Accountability** is accepting responsibility for acts and behaviors

**Accountability:**
- Builds trust
- Improves performance
- Inspires confidence
Practice Inclusion

• **Respect** all member in the workplace regardless of background
• **Appreciate** all members for their contribution
• **Ensure** cultural participation
• **Create** an environment where all different kinds of people can thrive and succeed.
Incivility

Studies and polls indicate that Americans view incivility as a serious problem that is getting worse.

Incivility can be manifested in behaviors like:
• Unprofessional behavior
• Rudeness
• Shouting or swearing
• Intimidation or bullying
• Threatening comments or behaviors/actions
• Unsolicited and unwelcome conduct
• Comments (oral or written including email communication), gestures and actions or contact that cause offense, humiliation, or physical or emotional harm to any individual
Civility

• Assume the best of people.
• Be a role-model of civil communication in what you say, your body-language, and how you listen.
• Avoid absolutist thinking
• Before you act, think about the potential impact of what you want to communicate and how you want to communicate it.
• Understand your emotional “hot buttons” i.e.
• Don’t depersonalize the other person by using labels, e.g. ‘liberal’, ‘racist’, sexist.
• Rely on facts rather assumptions.
• Stand up for yourself and others.

Civility: In the Law and in Life
UNMC Contacts

Sexual harassment, other forms of harassment, or sexual assault can be reported to:

• **UNMC:**
  • Title IX Coordinator
  • Human Resources – Employee Relations
  • Responsible Employee

• **NSF’s Office of Diversity -**
  [ProgramComplaints@nsf.gov](mailto:ProgramComplaints@nsf.gov)
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Q: Why?
A: To ensure the research and learning environments NSF supports are free from harassment
Questions and Comments