Federal Requirements on Sexual Harassment, Other Forms of Harassment, and Sexual Assault

1. Introduction

1.1 Purpose

The purpose of this document is to ensure that the University community is compliant with the National Science Foundation (NSF) policy requirements on sexual harassment and other forms or harassment, and how the University expects to implement the agency notification requirement.

The University of South Alabama is committed to establishing and maintaining an environment free from all forms of harassment and sexual misconduct. On February 8, 2018, the National Science Foundation released Important Notice No. 144. The notice communicates that the research community has obligations to fully investigate complaints of sexual or other harassment and compliance with federal nondiscrimination law. Effective October, 21, 2018, NSF implemented a new term and condition, Article X: Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault.

1.2 Scope

This policy applies to NSF-funded investigators, Office of Research and Economic Development, Sponsored Projects Administration, Office of Research Compliance and Assurance, Human Resources and Title IX.

1.3 Applicability

This policy and procedures addresses the expectations of the University in implementation of the NSF agency notifications requirements.

- All grant personnel (PI, Co-PI roles trigger reporting requirement)
- All locations where grant and related work is undertaken (including conferences, workshops, field sites, on- and off-campus research facilities, online)
- The new term and condition will be applied to new NSF awards and funding amendments to existing awards made on or after October 21, 2018.

2. Definitions

NSF definitions:

**Administrative leave or 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.

**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

3. Policy

3.1 Institutional Requirements

3.1.1 Maintain Harassment-Free Research Workplaces

- Establish and maintain clear standards of behavior
- Establish notification mechanisms for all personnel, including students, regardless of workplace location
- Provide evident and accessible means for reporting violations, including reporting when personnel are engaged in conferences, workshops, field work, or other research facilities
- Ensure institutional due diligence with timely investigations of allegations and corrective actions

3.2 Investigator Responsibilities

- Conduct yourself in a manner free of harassment, this includes performance of University related or sponsored research activities on and off University premises.
- Adhere to sponsored research conferences code-of-conduct that addresses sexual harassment and other forms of harassment
- Report violations that do not adhere to sponsored conferences code-of-conduct
- In compliance with NSF requirements, Investigators considering hosting or organizing an NSF-funded conference should contact Sponsored Projects Administration for information and support in the development
of policy or code-of-conduct that addresses sexual and other forms of harassment to be disseminated to conference participants.

3.3 Reporting to NSF

University of South Alabama must report to NSF if:

3.3.1 It places a PI / Co-PI 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.

3.3.2 It imposes any administrative action on a PI / 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.

3.3.3 It issues a finding/determination regarding a PI / 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.

3.3.4 University of South Alabama must report as a direct recipient or as a sub-recipient of an NSF award that includes the term.

3.3.5 University of South Alabama must submit the report to NSF within ten (10) business days from the placement on administrative leave, imposition of administrative action, or the date of the finding/determination. The report submissions will be initiated by the Office of Research and Economic Development based on information provided by the Office of Compliance or the Office of Human Resources.

3.4 Potential NSF Actions

After receiving and reviewing the information, NSF will consult with the institution and may:

3.4.1 Initiate the substitution of the PI / Co-PI
3.4.2 Reduce the award funding amount, or
3.34.3 Suspend or terminate the award.

3.5 NSF Considerations

3.5.1 Safety and security of personnel supported by the NSF award
3.5.2 Overall impact to NSF-funded activity
3.5.3 Continued advancement of taxpayer-funded investments in science and scientists
3.5.4 Whether the awardee has taken appropriate action(s) to ensure continuity of science and that continued progress can be made under funded project

4. Procedures

University of South Alabama has processes to adhere to the NSF notification requirements to comply with the grant term and conditions regarding sexual harassment, other forms of harassment, or sexual assault. To comply with these requirements, the processes will include the following steps:

4.1 The Office of Human Resources or Title IX Office receives a report of an allegation of sexual harassment, other forms of harassment, or sexual assault, as defined in NSF requirements.

4.2 An investigation of the allegation is conducted in accordance with the applicable University investigatory or disciplinary procedures. Depending on the nature of the allegation, investigations involving sexual harassment will be led by the Title IX Office, while other forms of harassment will be led by the Human Resources Office.

4.3 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.

4.4 If a finding/determination is made regarding a respondent, the Office of Human Resources or Title IX Office will screen the list of NSF-funded investigators provided by Office of Research Compliance and Assurance to determine if the PI /Co-PI is on an NSF-funded award/ subaward. Screening will occur at the time a finding/determination has been made.

4.4.1 The appropriate administrative office will send an email informing the Office of Research Compliance and Assurance of the administration action / finding.

4.5 If an administrative leave or action is imposed, the Office of Human Resources or Title IX Office (dependent on the nature of the allegation) will screen the list of NSF-funded investigators provided by Office of Research Compliance and Assurance to determine if the respondent is a PI /Co-PI on an NSF-funded award / subaward. Screening will occur at the time administrative leave or action has been imposed.

4.5.1 A listing of NSF-funded investigator/co-investigator will be provided at the direct request of the appropriate administrative office via email.

4.6 The Office of Compliance and Assurance will submit the required information specified in NSF requirements to the Office of Research and Economic Development.
4.7 The Office of Research and Economic Development is responsible for submitting the notification to NSF, which is due within 10 business days of the date of the administrative leave/action or finding/determination, in accordance with NSF requirements.

4.8 When the University is a sub-awardee or non-lead institution under an NSF award, notifications will be made directly to NSF, per current NSF guidance. However, the University may also communication with the prime awardee as necessary or appropriate under the circumstances.

4.9 The Office of Research and Economic Development will work with the NSF 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:

4.9.1 Replacement of the PI or Co-PI
4.9.2 Review of expenditures on the award
4.9.3 When necessary, transfer of unallowable charges off the award

Related Documents

Links to University of South Alabama Information that Supports NSF Policy

- Title IX
- Victim’s Rights in Cases of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking
- Sexual Misconduct Policy & Complaint Resolution Procedures
- Faculty Handbook: Equal Opportunity/Equal Access Compliant Procedures
- Equal Employment Opportunity: Discrimination and/or Harassment Policy

References

- NSF Harassment: https://www.nsf.gov/od/odi/harassment.jsp

History

Effective Date: October 2018

Responsible Party:
Vice President for Research and Economic Development