



Overview of National Science Foundation's Initiatives to Address Sexual Harassment, Gender Harassment and Other Forms of Harassment in Awardee Programs

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Why is this issue important to NSF?

- Safe and civil environments allow scientific ecosystems to thrive, while unsafe environments disrupt the entire scientific ecosystem, and can harm scientific careers and scientific progress
- NSF's mission is to promote the progress of science
- Studies, in particular a landmark 2018 National Academy of Science, Engineering and Medicine report demonstrate the adverse impacts and effects of sexual harassment on the scientific enterprise
- Receipt of NSF funding requires that awardee organizations to be in compliance with NSF's Title IX regulations



Presentation Agenda

- Key NSF Offices Involved in Addressing Harassment
- How Harassment Incidents Get Reported to NSF
- Title IX of the Education Amendments of 1972
- OECR Awardee Compliance Branch Functions
- Harassment Notification Term & Condition
- Other Terms & Conditions That Address Harassment
- CHIPS and Science Act of 2022
- International Engagements and Outreach



Key NSF Offices Involved in Addressing Harassment

- **Office of Equity and Civil Rights (OECR)** –
 - Oversight and monitoring of awardee organizations' compliance with Title IX and the Harassment Notification Terms & Condition
 - US. Antarctic Program sexual assault and harassment prevention and response
 - Develops NSF anti-harassment guidance and policies
- **Policy Office** – responsible for developing, implementing and issuing financial assistance-related proposal and award policies and procedures, and award terms & conditions
- **Office of General Counsel (OGC)** – provides legal advice and assistance on NSF anti-harassment programs, policies, and operations
- **Working Group** – Representatives of the above offices meet weekly to discuss active cases and situations, policy developments, etc.



How Harassment Incidents Get Reported to NSF

- OECR is the designated office in NSF that is tasked with responding to reports and complaints of unlawful harassment
- Phone and emails from those who experienced harassment or know individuals who have experienced harassment (students, faculty, award personnel)
 - programcomplaints@nsf.gov (awardee incidents and issues)
 - saferscience@nsf.gov (US Antarctic Program incidents and issues)
 - eeo@nsf.gov – NSF personnel and NSF proposal review panelists
- NSF staff outside of OECR learn of harassment incidents. They are required by NSF policy to report these incidents to OECR for response and handling.



Title IX of the Education Amendments of 1972 – 20 U.S.C. § 1681 (Title IX)

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”



NSF's Title IX Regulations – 45 CFR 619

- NSF awardee organizations that receive NSF funding awards cannot discriminate on the basis of sex in their education programs or activities
- Awardee organizations with Title IX compliance responsibility must:
 - Have a Title IX Coordinator
 - Publish a complaint procedure
 - Publish nondiscrimination statement and provide public notification of its obligation to comply with Title IX
- Although awardees must comply with NSF Title IX regs, US Department of Education (ED) Title IX regs (34 CFR 106) drive awardee Title IX compliance requirements and practices.
- NSF can receive and investigate complaints and initiate compliance reviews of NSF awardee organizations
- Unremedied violations of Title IX found by NSF can result in revocation or withholding of NSF funding until the violations are remedied



NSF Office of Equity and Civil Rights – Awardee Compliance Branch

Pre-Award Compliance

E-Certification during Proposal Submission –
Nondiscrimination assurance

Civil rights compliance review of awardee can be conducted
before award decision made

Post-Award Compliance

On-Site Compliance Reviews ensure awardee institutions comply
with NSF civil rights regulations, help institutions strengthen
current efforts, and provide best practices .

Discrimination Complaints

Investigates discrimination and harassment complaints filed
against NSF awardee organizations

Harassment Notification Term & Condition

OECR receives, evaluates and coordinates review and action
on notifications submitted by awardees under this term &
condition

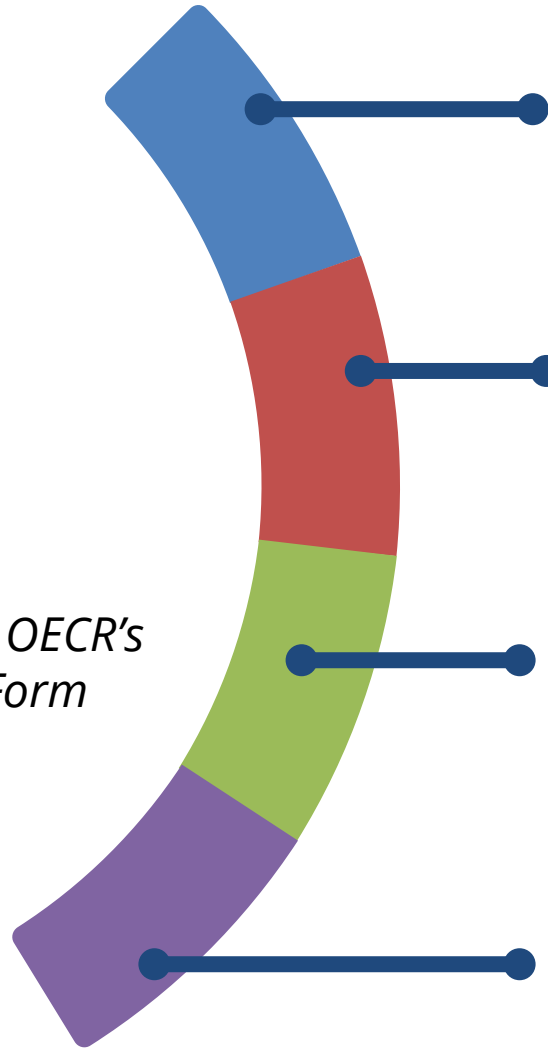
The Office of Equity and Civil Rights ensures that NSF Awardee organizations comply with laws, regulations, and executive orders that prohibit discrimination in NSF funded programs



Reporting Discrimination and Harassment Matters to OECR ACB



Scan the QR Code to access OECR's Online Complaint Filing Form



OECR accepts complaints of unlawful harassment prohibited by Title IX and other civil rights laws tied to the receipt of NSF funding awards.

Complaints may be filed by participants in NSF-funded programs (students, faculty, staff, etc.). Anonymous complaints may also be filed but anonymity could limit factual ability to investigate.

Sexual and gender harassment complaints filed against NSF awardee organizations must allege that the awardee organization was made aware of the harassment but failed to take action to stop the harassment.

If the awardee refuses to take corrective action or cannot remediate any non-compliance found, NSF can ultimately withhold or revoke funding from the awardee organization until compliance is achieved.



Title IX Compliance Reviews

Post-Award Compliance

Post-award compliance reviews aim to ensure awardee compliance with NSF civil rights regulations, provide meaningful technical assistance to awardees that help strengthen their current compliance efforts, and identify and report on best practices.

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Annual Compliance Reviews conducted by OECR

OECR's Title IX Compliance Reviews:

- On-site reviews of NSF-funded programs at Colleges and Universities
- Include academic departments that receive NSF grants
- Selected based on the total dollar amount of NSF grants to the university, number of PI receiving grants, type of program/department, known Title IX compliance issues
- Coordinated with agencies to avoid duplicative efforts

NSF's Title IX regulation: 45 CFR §618 Prohibits discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance such as NSF awards.



NSF's Harassment Notification Term and Condition



The term and condition has been in effect for 5 years, it applies to all new awards and funding amendments to existing awards issued on or after October 22, 2018.



Requires the Authorized Organizational Representative (AOR) to notify NSF:



of any findings/determinations regarding the PI/PD or co-PI/co-PD that demonstrate a violation of awardee codes of conduct, policies, regulations or statutes relating to sexual harassment, other forms of harassment, or sexual assault; or



if the awardee places the PI/PD, or co-PI/co-PD on administrative leave or imposes an administrative action relating to a finding or investigation of a violation of awardee policies, codes of conduct, statutes or regulations relating to sexual harassment, other forms of harassment, or sexual assault.



Reviewing and Assessing Harassment Notifications

OECR receives the notification for NSF. Once the notification is received by NSF, NSF reviews the awardee's ability to continue the award, based on the four factors identified in the Harassment Notification Term and Condition:

- 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; and
- 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.



Reviewing and Assessing Harassment Notifications

- Based on the results of this review and evaluation of the four factors, NSF may determine that:
 1. the awardee is addressing the matter adequately and appropriately, with no further action currently needed by NSF; or
 2. make suggestions as to further steps the awardee should consider based on the 4 evaluation factors listed above; or
 3. assert its programmatic stewardship responsibilities and oversight authority to initiate the substitution or removal of the PI or any co-PI, reduce the award funding amount, or where neither of those previous options is available or adequate, to suspend or terminate the award.
- Upon making its determination, OECR will communicate back to the awardee, NSF's determination and recommendation.



Conference and Travel Proposals



NSF requires organizations submitting conference and travel proposals to 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.

The policy
or
code of conduct

- must address the method for making a complaint as well as how any complaints received during the conference will be resolved
- must be disseminated to conference participants prior to attendance at the conference as well as made available at the conference itself.
- is enforced by an award special term and condition.

NSF conference travel proposals: The AOR for the proposal is responsible for certifying that the meeting organizer has a written policy or code-of-conduct that addresses sexual harassment, other forms of harassment, and sexual assault before travel or participation in a conference



Postdoctoral Fellowships, Small Business Innovation Research (SBIR), Residential Experiences for Undergraduates (REU)

INDIVIDUAL POSTDOCTORAL FELLOWSHIPS



The Postdoctoral Fellow must agree to abide by the affiliated institution's policies or codes of conduct and to notify NSF if they are subjected to any "administrative leave/administrative action," or is the subject of any "finding/determination" relating to sexual harassment, other forms of harassment or sexual assault.

SMALL BUSINESS INNOVATION RESEARCH (SBIR) SOLICITATIONS



All personnel supported by an NSF award must remain in full compliance with organizational policies and/or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.

RESIDENTIAL EXPERIENCES FOR UNDERGRADUATES (REU) SOLICITATIONS



The solicitation stipulates that proposers shall provide an orientation for all participants in the REU Site to cover expectations of behavior to ensure a safe and respectful environment for all participants, and to review the organization's policy or code of conduct addressing all forms of harassment.



Certification Regarding Safe and Inclusive Working Environments for Off-Campus or Off-Site Research



The AOR must complete a certification that the organization has a plan in place for that proposal that describes how the following types of behavior will be addressed:



Abuse of any person, including, but not limited to, harassment, stalking, bullying, or hazing of any kind, whether the behavior is carried out verbally, physically, electronically, or in written form; or



Conduct that is unwelcome, offensive, indecent, obscene, or disorderly.

IDENTIFY

steps the proposing organization will take to nurture an inclusive off-campus or off-site working environment (i.e. provide training).

COMMUNICATION

Within the team and to the organization should be considered in the plan, minimizing singular points within the communications pathway.

REPORTING

The process or method for making incident reports as well as how any reports received will be resolved should also be accounted for.



CHIPS and Science Act of 2022– Combatting Sexual Harassment in Science

- Requires NSF to fund research efforts to:
 - Better understand the factors contributing to, and consequences of, sex-based and sexual harassment
 - Examine approaches to reduce the incidence and negative consequences of such harassment.
- The White House Office of Science and Technology Policy will establish an interagency working group to coordinate efforts among Federal science agencies to reduce the prevalence of sex-based and sexual harassment involving award personnel.
 - The working group will develop a consistent set of sexual harassment policy guidelines for Federal research agencies
 - Guidelines will establish how awardees will report to Federal research agencies: sexual harassment investigations, findings and determination, and administrative actions imposed on award personnel resulting from investigations.



International Engagements and Outreach

- NSF has had continued participation in the Forum since 2018
- OECR, Policy, OGC and other offices and directorates have participated in the following in-person international engagements addressing sexual harassment and presenting NSF policies:
 - Asociación Red de Investigadoras (Women Researchers' Network Association) Chile – 2018
 - 13th Gender Summit Amsterdam – 2019
 - NSF-Sponsored International Roundtable – Winter 2020
 - Meetings with Vinnova (Stockholm, Sweden) and EU Gender Action Plus (Prague, Czechia) – November 2022
 - Vinnova and NSF meet again at NSF - March 2023
 - Artic Science Summit Week (Vienna, Austria) -2023
 - Meetings with UKRI, Office for Students, Universities UK, British Antarctic Survey – September 2023
 - Gender Action Plus Workshop in Milan, Italy – September 2023





Thank You!



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