

**Frequently Asked Questions (FAQs)**  
**Regarding NSF's Award Term and Condition Entitled, "Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault"**  
**November 13, 2018**

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**1. How does the new term and condition impact Title IX regulations?**

The new term and condition does not impact Title IX regulations. The new term and condition is distinct from Title IX regulations.

**2. Does the notification requirement apply even if the actions of the PI or co-PI leading to the findings/determinations or to administrative leave/administrative action occurred outside the scope of the NSF award?**

Yes, 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.

**3. Does the term and condition cover conduct that occurs prior to the effective date of the term and condition?**

Yes, 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. The term and condition will apply to new awards and any funding amendments made on or after the effective date of the term and condition.

**4. Under what circumstances would NSF take action to remove a PI or co-PI from awards?**

Action to remove a PI or co-PI only will occur after consultation with the awardee, and after considering the safety and security of personnel supported by the NSF award, the overall impact to the NSF-funded activity, the continued advancement of taxpayer investments in science and scientists, and whether the awardee has taken appropriate actions to ensure the continuity of science and continued award progress.

**5. Does NSF have a process for investigating allegations reported directly to NSF?**

NSF has a process to address allegations reported to NSF. NSF's Office of Diversity and Inclusion handles this process. Complaints can be forwarded to [ProgramComplaints@nsf.gov](mailto:ProgramComplaints@nsf.gov).

**6. How is NSF addressing sexual harassment, other forms of harassment, or sexual assault that occurs off campus, such as at field sites, facilities, or conferences/workshops?**

NSF's Office of Diversity and Inclusion has developed a website that contains examples of promising practices, codes of conduct, and policies that may be useful to institutions. In addition, 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. The policy further requires that the awardee 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. In addition, NSF is encouraging awardees who use NSF award funds to send individuals to field stations, vessels, summer schools, etc., to implement promising practices to ensure the safety of individuals, to include providing clear reporting mechanisms.

**7. How is confidentiality maintained — who sees the information that an awardee organization reports to NSF?**

Notifications must be submitted electronically via a secure web mechanism that will transmit the information directly to NSF's Office of Diversity and Inclusion (ODI), as opposed to other reporting requirements that are contained in NSF's terms and conditions which direct the information to the Program Officer or the Division of Grants and Agreements. Only ODI and other NSF staff with a specified need to know (e.g., Office of the General Counsel, Policy Office, and program staff, as applicable), will have access to the information upon release by ODI. The information will not be available in NSF corporate systems such as [Research.gov](https://www.research.gov) or FastLane.

**8. What about other personnel on grants who might be impacted by reductions in award grant funding based on PI or co-PI actions?**

NSF very much appreciates that personnel other than the PI or co-PI are impacted by reductions in award funding. NSF will consider the continued advancement of the research and researchers in making any decisions about changes to award operations.

**9. What is NSF doing to prevent PIs from retaliating against complainants?**

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 to NSF's Office of Diversity and Inclusion investigates complaints of retaliation. To file a complaint, contact 703-292-8020 or [Program.Complaints@nsf.gov](mailto:Program.Complaints@nsf.gov).

**10. Why do the notification requirements only apply to new awards and funding amendments on existing awards and not all currently active NSF awards?**

In implementing this new term, NSF is following its longstanding policy that new award terms and conditions are not applied retroactively. Consistent application of this policy for over 40 years has served the research community well and has ensured that NSF awardees are fully aware of new award requirements prior to the application of any new terms and conditions.



**11. Please provide clarification regarding the definition of “any administrative action.” Our institution uses a variety of interim measures prior to initiating an investigation or while an investigation is taking place, when the PI or co-PI and the complainant work in the same lab or otherwise work together or in close proximity, to ensure safety and reduce the opportunity for intended or unintended contact. These interim measures include but are not limited to no-contact orders, alternate work schedules, telework, or assigning the complainant a new supervisor/mentor/evaluator. Do such interim measures meet the definition of an “administrative action?”**

Interim or other measures taken by the awardee at the beginning of an investigation or that are in place during an investigation are reportable to NSF as an “administrative action” under NSF’s term and condition on Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault. This term and condition defines Administrative Leave/Administrative Action 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.” (emphasis added). The term and condition goes on to state that awardees are required to notify NSF “if the PI or any co-PI is placed on administrative leave or if any administrative action has been imposed 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 or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.



**12. Our institution is working to finalize our process to ensure we are in compliance with NSF’s new notification requirements on harassment. Our Title IX coordinator has a question about the policy’s requirement that we notify NSF if a PI or co-PI is placed on administrative leave relating to an investigation of an alleged violation. Our coordinator notes that the institution may place a person on an administrative leave while there is a pending investigation, even though the individual has not been found responsible. There is concern about reporting an individual who has not yet been found guilty of anything. Are we reading this policy requirement correctly?**

Yes, you are reading the policy correctly. Your institution's AOR is required to report to NSF through this [form](#), 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 is aware that in the instance described above, the institution may have an investigation or inquiry underway and a finding/determination regarding whether the PI or co-PI is responsible for violating the institution's codes of conduct, etc., has not yet been made. The institution is required to notify NSF of the placement on administrative leave/imposition of administrative action so that NSF can properly monitor whether the PI or co-PI can manage the award or advise/supervise students, other personnel, etc., and whether a substitute PI/co-PI is needed so award activities may continue without adverse impact upon students and other personnel on the award.



**13. To protect the privacy of the individuals involved, our University limits disclosure of harassment investigations and related interim measures to those who have a legitimate “need to know” the information; this does not typically include the Authorized Organizational Representative (AOR), as defined in NSF policies and systems. If the individuals who typically serve as AORs must submit the required reports, then the University will be compelled to broaden the scope of its disclosure of private and highly sensitive information. We request that NSF create a role separate for reporting under this new term and condition. In the meantime, do institutions have the discretion, as they may deem appropriate, to designate AORs for the limited purposes of reporting under this new term? Such official may include the Title IX or Equal Opportunity Officer.**

NSF includes a definition of the Authorized Organizational Representative (AOR) in the [NSF Proposal and Award Policies and Procedures Guide \(PAPPG\), Introduction, D. Definitions & NSF-Grantee Relationships](#). All AORs must be able to carry out the functions and meet the responsibilities described therein.

At this time, the Foundation believes that the specific grant-related knowledge and expertise housed in your institution's sponsored projects office (or equivalent) is essential to fully understanding the implications to an NSF-funded project that may result from placement of the PI/co-PI on administrative leave or the imposition of an administrative action. While NSF fully understands that this will be a process change for most institutions<sup>1</sup>, the Foundation nevertheless believes that it is an important one to mandate. Institutions therefore, do not have the discretion to designate AORs for the limited purpose of reporting under this new term. The Foundation may assess at a later date whether the term and condition should be revised to permit submission of the requisite notifications by other authorized officials at the awardee organization.

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<sup>1</sup> Previously, such coordination may have been limited to exchanges between the AOR and the Title IX Coordinator regarding the Nondisclosure Certification provided by the AOR at proposal submission, and, compliance with Federal statutes and regulations regarding Nondiscrimination during the administration of the NSF award.



**14. Is NSF’s method for receiving notifications secure?**

Yes. NSF has developed a dedicated, secure [form](#) for use in transmitting notifications to the Foundation. The form is protected by NSF’s established security mechanisms which are subject to annual independent assessment by the NSF Office of Inspector General. When an AOR submits the notification form, it is transmitted directly to the Office of Diversity and Inclusion (ODI). Upon receipt of the notification, ODI will verify with the sending institution that the institution has indeed submitted the notification. Once verification has occurred, NSF will review the information provided, and then consult with the AOR or designee to determine what, if any, action is appropriate, relying on the criteria outlined in the term and condition.

ODI will not share the information provided in the form within the Foundation except on a strict “need to know” basis, such as with the Office of the General Counsel. Individual staff receiving the information on a “need to know” basis will receive specific instruction before accessing the information. The information provided in the form will not be accessible on NSF business systems.