



Update on NSF's Sexual Harassment Activities

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Agenda

- Background and Context
- Role of the Office of Diversity and Inclusion
 - Title IX Compliance Reviews
- Sexual Harassment Term and Condition
- Q&A

Background and Context

- The Foundation wants to ensure equitable and safe access, irrespective of gender or background, to research experiences in the STEM disciplines we support
- NSF recognizes that to enable scientists, engineers and students to work at the outermost frontiers of knowledge, the agency must be a role model for teamwork, fairness, and equity
- More than 2 years ago, the Director issued an Important Notice to the grantee community stating that the Foundation does not tolerate sexual harassment, or any kind of harassment with the agency, at awardee organizations, field sites or anywhere NSF-funded is science conducted

Background and Context (Cont'd)

- Office of Diversity and Inclusion (ODI) hired a senior manager to administer Title IX program
- NSF is now conducting Title IX Compliance reviews of institutions
- Developed Federal Register Notice
- NSF's concerted efforts to bolster our Title IX program has peaked the attention of many, including the media, and Congress
- ODI provided Congressional testimony in February as a part of their review of sexual harassment and misconduct in science

Background and Context (Cont'd)

- The Director established an internal sexual harassment taskforce to examine and collect promising practices and model codes of conduct
- ODI has released a new web portal ([nsf.gov/harassment](https://www.nsf.gov/harassment)) to make it easier for the research community and the public to access important information
- The Director has bi-weekly meetings with all senior leaders on sexual harassment
- The Federal Register Notice closed on May 4, 2018

Role of The Office of Diversity and Inclusion

- Purpose: To ensure the agency is in compliance with the laws and regulations governing federal-sector equal employment opportunity and civil rights
- All recipients of NSF funds are required to comply with laws and regulations that prohibit discrimination in federally assisted programs and activities
 - NSF's Title IX regulation: [45 CFR §618](#)
 - Prohibits discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance.



Title IX Compliance Reviews

- The Foundation conducts at least two on-site Title IX reviews of NSF funded programs at institutions of higher education per fiscal year
- Programs that have been reviewed to date include departments that receive NSF grants
- Site selection criteria include:
 - Total dollar amount of NSF grants to the institution
 - Number of PI receiving grants
 - Type of program/department
 - Known Title IX compliance issues
- Coordinate site selection with other agencies to avoid duplicative efforts



What Happens If An Institution is Found To Be in Non-compliance?

- NSF may terminate funding to any institution in noncompliance that does not voluntarily come into compliance after a non-compliance determination, after hearings and other due process activities
- Virtually all institutions agree to voluntary compliance measures
- Funding termination under Title IX is institution-based, not PI-based and is directed by NSF Title IX regulations
- Title IX compliance review reports are posted: [NSF.gov/harassment](https://www.nsf.gov/harassment)

Discrimination Complaints

- NSF also is responsible for processing complaints of discrimination, harassment and retaliation under Title IX and other laws involving NSF awardees
- Complainants may choose between the awardee Title IX complaint process or file with NSF
- NSF discrimination complaints involving awardees are filed with ODI and investigated by ODI
- NSF limits complaint investigations to those programs, PIs, students that receive NSF funding. The US Department of Education's Office for Civil Rights investigates all other grantee programs
- NSF will take appropriate steps to protect individual privacy consistent with the Privacy Act, FOIA, and other applicable federal law



Sexual Harassment Term and Condition

- Proposed new reporting requirements were published in the Federal Register for public comment
- NSF was pleased to receive a significant number of comments – from institutions of higher education, scientific societies, for-profit organizations, faculty, students, etc. - during the 60 day comment period, which closed on May 4, 2018

Changes to the Proposed PAPPG to address Sexual Harassment

- Draft PAPPG is available for public comment until cob July 13th
- New coverage does not replicate, but rather compliments, the coverage in the harassment term and condition
- Proposed changes relating to Sexual Harassment have been made in the following areas:
 - New coverage has been added to the conference proposal section to require proposers to have a policy or code-of-conduct that addresses sexual and other forms of harassment and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. This policy must be disseminated to conference participants prior to attendance at the conference as well as made available at the conference itself.
 - Change in PI coverage now has Changes in PI at the Initiation of the Grantee Organization, and Changes in PI at the Initiation of NSF.
 - Non-Discrimination Statutes and Regulations coverage has been expanded to include a new paragraph that addresses the “NSF Policy on Sexual and Other Forms of Harassment”, as well as reference to the new grant condition that implements the harassment policy. Note: the full text of the condition is not included.



Implementation of the Term and Condition

- NSF is carefully considering all feedback received and will respond to each comment
- It is anticipated that adjustments to the proposed requirements will be made based on the input received
- NSF will be hosting representatives from research administration organizations and scientific professional societies to discuss the revised term and condition prior to implementation
- The PAPPG will be implemented in accordance with the standard process.

