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In Advance of NIH Action, Stakeholders Seek Harassment Database, Services for Victims

By Theresa Defino

An independent federal office should be established to address “substantiated claims of sexual misconduct,” investigators should disclose related findings against them, and perpetrators’ victims—and their careers—must be protected, a group of stakeholders say in a new paper.^[1]

As published in a recent issue of *Science*, the group is offering these and other strategies and calls to action just weeks before NIH is set to receive a similar set of recommendations from its Working Group on Changing the Culture to End Sexual Harassment.

NIH and research institutions can “rapidly” implement a number of “high-impact policy changes that build upon existing mechanisms for research funding” to combat both sexual harassment in science and increase gender diversity, write the 23 coauthors of “Increasing gender diversity in the STEM research workforce.”

While some of the ideas overlap with interim recommendations the working group issued this summer, there are differences. Some of the commonalities may be because the first author on the paper, Carol Greider, director of molecular biology and genetics at Johns Hopkins University, is also a member of the NIH working group. Final recommendations are scheduled to be presented to the NIH Advisory Committee to the Director (ACD) when it meets later this month.

The new paper is the product of a meeting in December 2018 held at Cold Spring Harbor Laboratory following the release of *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, a report by the National Academies of Science, Engineering, and Medicine.^[2] The report was the first to highlight the high incidence of sexual harassment on campuses, in particular, that “58 percent of women faculty and staff in academia (all disciplines, not limited to science, engineering, and medicine) experienced sexual harassment,” and was also one of the drivers for NIH’s creation of the working group.

Implementation of any of the recommendations in the *Science* paper “must be coupled to vigorous and continuous outcomes-based monitoring, so that the most successful strategies can be disseminated and widely implemented,” the coauthors said. “Though our professional focus is primarily academic biomedical research in U.S. institutions, we suggest that some of the approaches that we discuss may be broadly useful across STEM disciplines and outside of academia as well.”

The *Science* paper offers three broad recommendations for ending sexual harassment, which it notes is “too often...ignored or excused and so goes unpunished.”

- “Treat sexual harassment in a manner parallel to scientific misconduct.” It is under the umbrella of this recommendation that the authors proposed the federal sexual misconduct office. Specifically, they are calling for “the creation of institutional and government offices to address substantiated claims of sexual misconduct and to educate institutions on sexual harassment policy, using the existing structures for research misconduct investigations as models.” The paper looks to the HHS Office of Research Integrity
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(ORI) as the model for an “office responsible for collecting” and reviewing verified reports of sexual misconduct. Such offices “should offer clear reporting chains, consistent standards of evidence, and defined protocols for adjudicating sexual harassment cases, and should educate institutions on ‘best practices’ for such investigation.” In contrast, interim recommendations by the working group called for treating “professional

misconduct as seriously as research misconduct” and creating a “parallel process,” which it did not detail.

The paper adds that “institutions should be required to disclose when there is a finding of sexual harassment or professional misconduct, and funding agencies should maintain a public database of individuals who are found guilty of sexual misconduct for 10 years after the judgment.”

Following an ORI model may leave gaps in implementing this recommendation. Currently, research misconduct findings made by ORI are only posted publicly for the period of sanctions, which ranges from years to a lifetime; this means a name disappears after a couple of years unless the ban or sanctions are permanent. However, ORI does list individuals subject to all types of sanctions (supervision, exclusion and debarment).

Copying the model used by the National Science Foundation Office of Inspector General (OIG) related to research misconduct would perhaps leave greater gaps, compared to the recommendation. No OIG misconduct findings are ever reported publicly. OIG gives summaries of its misconduct findings in its twice-yearly report to Congress but does not disclose investigator or institutional names, and withholds identifying details. Individuals who are authorized may search a government database, but only those who have been debarred are listed.

- “Require investigators to disclose harassment findings and settlements to funding agencies and potential employers.” The paper notes that “confidential settlement agreements may prevent external funding agencies and other possible employers” from learning when an individual has been in a settlement or disciplined for sexual harassment. Further, repeat offenders “may be tolerated by their institutions if they are seen as valuable because they have acquired a very high level of research funding.” To halt this “pernicious cycle, research funding agencies should require applicants to answer two questions on every grant and progress report: (i) Have you been found responsible for professional misconduct, research misconduct, or gender-based harassment at any time in the past 10 years? (ii) Have you been involved in a settlement regarding an allegation of professional misconduct, research misconduct, or gender-based harassment in the past 10 years?”

The NIH working group’s interim recommendations proposed similar disclosures, but only for a period of seven years.

- “Establish mechanisms to protect the careers of harassment victims.” Regarding an individual award, if an investigator loses employment or funding due to a “harassment finding,” the funding agency and institution should “identify another researcher with a proven track record of exemplary mentorship to take over the grant, so that the trainees can continue their work with minimal interruption,” or make “bridge funding available for those individuals as they find new laboratories,” the authors say.

Other suggestions include expansion of NIH “career reentry” awards “to allow individuals who have been pushed out of science to resume their research careers, and to minimize disruptions that arise as a by-product of sexual misconduct.”

A section of the paper devoted to “breaking the power of bias” details strategies for increasing “transparency in start-up packages, salaries, and internal grant funding”; “fostering work-life balance through family-friendly policies”; ways to advance women’s careers; and “promoting and ensuring effective mentorship.”

McLaughlin: Promised Help Insufficient

BethAnn McLaughlin, one of the coauthors and the founder of #MeTooSTEM, said she “added a lot of content on centering victims,” but that not all of it was included in the paper. She and other coauthors expect to publish another paper in the future, McLaughlin told RRC.

McLaughlin lost her job at Vanderbilt University in July; she was denied tenure after she testified for a sexual harassment victim. She said her primary goal is to ensure that whatever processes and systems are put in place for dealing with sexual harassment, the environment is safe and less damaging to those who report harassment.

Women who have come forward “invariably had their own life wrecked, and we’re not doing anything for them,” she said, adding they need economic help, health care coverage, and other supportive services. Such women, herself included, have been “run out of science. And it’s not okay.”

She called the idea of offering grants, particularly to a group that likely no longer has an institutional support office that can help submit an application—or the year or more it would take to win a grant, if successful—“the Olympics of the absurd.”

McLaughlin wants NIH to make a strong statement that it will not make future awards to investigators who are guilty of Title XI violations, which prohibits discrimination on the basis of sex in any education program or activity receiving federal funds, or those violating Title IV, which prohibits employment discrimination based on race, color, religion, sex and national origin.

NIH: Integrated Approaches Necessary

RRC asked NIH to respond to the paper. In a statement, the agency said it has been “very active in efforts to increase the diversity of the biomedical research workforce,” including empaneling several working groups and appointing its first Chief Officer for Scientific Workforce Diversity five years ago.

NIH also has piloted a number of strategies in its intramural research program, including “comprehensive education on ways to mitigate the impact of implicit and explicit bias,” and established pathways for identifying women and other underrepresented groups for leadership positions.

The agency believes “an integrated approach that combines these key interventions (many alluded to in the article) will accelerate institutional culture change and enhance diversity in the biomedical research workforce.”

Further, NIH said in the statement that it has been “very vocal on the need to end sexual harassment,” noting the existence of the harassment working group.

The ACD is scheduled to meet Dec. 12–13.^[3] As of RRC’s deadline, the agenda and webcast link were not yet available. The working group’s final recommendations are not likely to be issued in advance as NIH typically posts supporting materials online in real time during meetings, just moments before agenda items are considered.

¹ Carol Greider et al., “Increasing gender diversity in the STEM research workforce,” *Science* 366, no. 6466 (November 8, 2019), 692–695, <http://bit.ly/2rOnTSH>.

² National Academies of Sciences, Engineering, and Medicine, *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine* (Washington, DC: The National Academies Press, 2018), <http://bit.ly/2OpjFq>.

³ “Upcoming Meetings,” NIH Advisory Committee to the Director, accessed November 18, 2019,

<https://acd.od.nih.gov>.

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