

Report on Research Compliance Volume 15, Number 11. November 30, 2018 NSF Harassment Policy, Reporting Mandates Now In Effect; Oversight Plan Not Required

By Theresa Defino

Institutions with National Science Foundation awards are now required to comply with perhaps the toughest sexual and other harassment policy imposed by any federal agency, and NSF has warned it will get tougher if warranted. However, without explanation, the final policy eliminates a proposed mandate that institutions submit an oversight plan that would be in place during a related leave imposed on a principal or co-principal investigator (co-PI).

In most other ways, the policy, in effect since Oct. 22, hews closely to a draft version issued in March, with reporting to NSF triggered when an individual is placed on leave or faces a determination that a violation of laws or policies prohibiting harassment has occurred (*RRC 4/18, p. 6*). NSF's final policy, which will be enforced as an award term and condition, also gives institutions a little more time to file required reports than first proposed.

While expressing that it is "committed to ensuring the safety and security of the people our awards support," NSF will be reviewing the harassment reports to assess whether an awardee institution "has taken the appropriate action to assure the continuity of science and that continued progress under that funded project can be made," in the words of Rhonda Davis, head of NSF's Office of Diversity and Inclusion. That review would not appear to address whether NSF thinks an institution's sanction fits the investigator's alleged or proven violation.

The policy is applied to awardee institutions through a new term and condition applicable to both existing and new awards, but also covers actions that have occurred prior to an award. NSF is attaching the new Article X to "any new award, or funding amendment to an existing award, made on or after the effective date" of the term and condition. The policy pertains to NSF's "Agency Specific Requirements to the Research Terms and Conditions, the Grant General Conditions, and the Cooperative Agreement/Financial and Administrative Terms and Conditions."

Davis and other NSF officials discussed the new policy in a recent call with reporters. NSF Director France Córdova stressed that the new term and condition and web form for reporting "represent the next steps in [a] separate agency wide effort to ensure NSF supported research in learning environments are free from harassment. By releasing this new term and condition, NSF does not consider its work in trying to address harassment finished."

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