

Report on Research Compliance Volume 19, Number 6. May 26, 2022 NIH Harassment Reporting Mandate Beginning Soon; Agency Issues Updated Case Statistics

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Starting next month, NIH-funded institutions will no longer have discretion about whether to report that harassment is the reason they've requested a change in investigator status on an award. As of July 9, such reporting will be a must, not a "should," as acting director Larry Tabak put it.

That's because NIH, with help from Congress, now has the authority to compel such information, and more. As RRC reported in the April issue, Congress' final fiscal year 2022 continuing resolution, now Public Law 117-96, included new mandates for NIH, such as establishing a new Center for Alternatives to Animals in Research and Testing.^[1] At the time it wasn't clear how NIH planned to handle a separate mandate, but that changed with an NIH notice on May 10.^[2]

"Updated Requirements for NIH Notification of Removal or Disciplinary Action Involving Program Directors/Principal Investigators or other Senior/Key Personnel" responds to Sec. 239 of the law, which states:

"The Director of the National Institutes of Health shall hereafter require institutions that receive funds through a grant or cooperative agreement during fiscal year 2022 and in future years to notify the Director when individuals identified as a principal investigator or as key personnel in an NIH notice of award are removed from their position or are otherwise disciplined due to concerns about harassment, bullying, retaliation, or hostile working conditions. The Director may issue regulations consistent with this section."^[3]

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