

**UNIVERSITY OF VIRGINIA REPORTING PROTOCOL[[1]](#footnote-1)**

**PURSUANT TO THE NATIONAL SCIENCE FOUNDATION’S NEW TERM AND CONDITION REGARDING SEXUAL AND OTHER FORMS OF HARASSMENT**

**Summary**

On February 8, 2018, the National Science Foundation released *Important Notice No. 144.* The Noticereminds the research community of its obligations to fully investigate complaints of sexual and other harassment and for complying with Federal nondiscrimination laws. After conducting a public comment on a proposed award term and condition, the National Science Foundation released a new Term and Condition, Article X: Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault, on September 21, 2018. The term is effective for new awards and funding amendments to existing awards issued on or after October 22, 2018, and as described below.

**New Term & Condition**

“The National Science Foundation (NSF) will not tolerate sexual harassment, other forms of harassment or sexual assault within the agency, at awardee organizations, field sites, or anywhere NSF-funded science and education is conducted.” 83 Fed. Reg. 47940 (September 21, 2018). This new NSF term and condition requires grantee organizations to report findings of sexual harassment, or any other kind of harassment, regarding a Principal Investigator (PI) or Co-Principal Investigator (Co-PI) . . . to NSF within ten (10) business days. NSF expects all awardee organizations to establish and maintain clear and unambiguous standards of behavior to ensure harassment-free workplaces wherever science is conducted. This includes activities at all research facilities and field sites and during conferences and workshops.

The new term and condition will be part of the 2019 Proposal & Award Policies and Procedures Guide (PAPPG), which is comprised of documents relating to NSF’s proposal and award process for the assistance programs of NSF. The PAPPG, in conjunction with the applicable standard award conditions incorporated by reference in the award, serves as the Foundation’s implementation of 2 C.F.R. § 200 (2013), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

**Who Is Covered**

Any PI or Co-PI who is participating in NSF-funded research (i.e., NSF-funded grant awards or cooperative agreements) on or after October 22, 2018.

**What Must Be Reported**

* All findings of sexual **or** any other kind of unlawful harassment involving a PI or Co-PI. Specifically, a finding or determination is defined as, “The final disposition of a matter involving sexual harassment or other forms of harassment based upon protected classes such as race, religion, disability, etc., under organizational policies and processes, to include the exhaustion of permissible appeals exercised by the PI or Co-PI, or a conviction of a sexual offense in a criminal court of law.”
* Any placement of the PI or Co-PI on administrative leave/action relating to a harassment finding **or** investigation. Administrative leave or administrative action is defined 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.”
* Includes off-Grounds conduct and conduct unrelated to, or outside the scope of, the grant award.

**Note:** Notification must be provided regardless of whether the behavior leading to the finding/ determination, placement on administrative leave, or the imposition of an administrative action occurred while the PI or Co-PI was carrying out award activities.

**Time Period Covered**

* The new term and condition applies to PIs or Co-PIs who receive new awards and any funding amendments to existing awards on or after the effective date of October 22, 2018. Further, it is important to note, that it also covers conduct by PIs or Co-PIs that may have occurred prior to them receiving those awards if the finding/determination or imposition of administrative leave/administrative action occurs after the effective date of October 22, 2018.
* Effective October 22, 2018, the Office of Sponsored Programs (OSP), Office for Equal Opportunity and Civil Rights (EOCR)/Title IX, and Employee Relations will review a list of all current PIs and Co-PIs and take appropriate action, as necessary, consistent with the new Term and Condition and this protocol.
* Effective October 22, 2018, in the event EOCR/Title IX or Employee Relations identify or otherwise become aware of situation requiring a report to a program sponsor, other than NSF (e.g., National Institutes of Health (NIH) or other federal/non-federal sponsor), those entities will review a list of all PIs and Co -PIs to determine if an individual is named on a sponsored agreement and take appropriate action consistent with the applicable terms and conditions, if any, relating to sexual harassment or other forms of harassment involving a PI or Co-PI. EOCR/Title IX shall notify OSP accordingly and OSP will determine if the program sponsor (NIH and others) requires reporting of a finding of sexual and/or other forms of harassment. In the event such reporting is required, OSP shall submit the report as required by the program sponsor.

**Who Notifies NSF and How is Notification Made**

The Office of Sponsored Programs (OSP) will promptly notify NSF after consultation with the University of Virginia’s Office for Equal Opportunity and Civil Rights (EOCR), which includes Title IX, Employee Relations, and University Counsel.

Notifications must be submitted electronically via a secure web mechanism, which will transmit the information directly and only to NSF’s Office for Diversity and Inclusion (ODI): [NSF Organizational Notification of Harassment Form](https://www.nsf.gov/od/odi/notification_form.jsp).

**Notification Requirements**

Notification to NSF must contain the following information:

* NSF Award Number
* Name of PI or Co-PI being reported[[2]](#footnote-2)
* Type of Notification (i.e., finding/determination or administrative leave/action)
* Description of the finding/determination and action(s) taken, if any; and
* Reason(s) for, and conditions of, placement of the PI or any Co-PI on administrative leave or imposition of administrative action.

**Potential Outcomes**

* NSF may, if necessary, assert its programmatic stewardship responsibilities and oversight authority to initiate the substitution or removal of the PI or any Co-PI, reduce the award funding amount, or where neither of those previous options is available or adequate, to suspend or terminate the award.
* Action by NSF 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.

**Additional Resources**

For questions about this protocol, please contact OSP at (434) 924-4270 or at https://sponsoredprograms.virginia.edu or EOCR at (434) 924-3200 or at uvaeocr@virginia.edu.

For more information about how to address harassment in NSF-funded programs and NSF Frequently Asked Questions, see: [NSF Sexual and Other Harassment Webpage](https://www.nsf.gov/od/odi/harassment.jsp).

For more information regarding related guidance from the National Institutes of Health (NIH), see: [NIH Statement on Sexual and Gender-Based Harassment](https://nexus.od.nih.gov/all/2018/09/17/nih-policies-to-address-sexual-and-gender-harassment-in-nih-supported-extramural-research/).

*Last Updated: February 21, 2019*

1. **IMPORTANT NOTE**: While the impetus for this protocol was the new National Science Foundation (NSF) requirements, please note that the University interprets the requirements of this protocol to apply to all grants, including those through the National Institutes of Health and other program sponsors. [↑](#footnote-ref-1)
2. For confidentiality reasons, only the identification of the PI or Co-PI is required. Personally identifiable information regarding any complainants or other individuals involved in the matter must not be included in the notification. [↑](#footnote-ref-2)