

STANDARD OPERATING PROCEDURE (SOP)
UW Oshkosh Office of Sponsored Programs

SOP Number: 20
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Title:

NSF Sexual Harassment Policy for Awardee Institutions

OSP Contact Information

Business Hours: 8:00 a.m. to 4:30 p.m., Monday-Friday (excluding holidays).

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I. Overview

The National Science Foundation (NSF) does not tolerate sexual harassment, or any kind of harassment, within the agency, at grantee organizations, field sites, or anywhere NSF-funded science and education are conducted. The 2,000 American colleges, universities and other institutions that receive NSF funds are responsible for fully investigating complaints and for complying with federal non-discrimination law.

As the primary funding agency of fundamental science and engineering research in the United States, NSF is committed to promoting safe, productive research and education environments for current and future scientists and engineers. The Principal Investigator (PI) and any Co-PI(s) identified on an NSF award are considered to be in positions of trust under an NSF award. The PI and Co-PI and all grant personnel must comport themselves in a responsible and accountable manner, including during the performance of award activities conducted outside the organization, such as at field sites or facilities, or while in attendance at conferences and workshops.

NSF awardee institutions are required, per [NSF Policy No. 144](#), to immediately report any sexual, or other, harassment complaints or allegations through the NSF reporting portal (link provided below). The National Science Foundation (NSF) recently issued a sexual misconduct compliance policy and revised terms and conditions regarding awardee institutions funded by NSF grants. NSF action for non-compliance with the NSF Sexual Misconduct policy may include “submitting or removing Principal Investigator or Co-Principal Investigators, reducing award funding, and – where neither of those options is available or adequate – suspending or terminating awards.”

II. Applicability

The new NSF Sexual Harassment Term and Condition applies to any new awards and funding amendments to existing awards issued on or after 10/21/18 but covers conduct by those PIs or co-PIs that may have occurred prior to them receiving those awards.

NSF expects all awardee organizations to establish and maintain clear and unambiguous standards of behavior to ensure harassment-free workplaces wherever science is conducted, including notification pathways for all PIs, Co-PIs, personnel and students who are supported by or involved with primary and supplemental NSF awards. These individuals must comport themselves in a responsible and accountable manner during the award period of performance whether at the awardee institution, online, or outside the organization, such as at field sites or facilities, or in attendance at conferences and workshops. The reporting requirement currently applies to PIs and Co-PIs.

The new terms and conditions require grantee organizations to immediately notify NSF of any findings/determinations of sexual harassment, other forms of harassment, or sexual assault regarding an NSF-funded PI or Co-PI. The new award term and condition also requires the grantee institution to report the placement of the PI or Co-PI on administrative leave or to report if any administrative action has been imposed on the PI or Co-PI regarding any finding, determination or an investigation of an alleged violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault. This term and condition states that NSF may take unilateral action as necessary to protect the safety of all grant personnel, which may include suspending or terminating an award or requiring the grantee to replace or remove personnel.

Awardee institutions receiving funds for a conference proposal must have a policy in place that governs sexual harassment and conferences. This policy and procedure must be disseminated to all conference participants.

III. Procedure:

1. Each awardee institution is required to address the Terms and Conditions of this new NSF Sexual Harassment policy. UW Oshkosh Office of Sponsored Programs in collaboration with UW Oshkosh Equal Opportunity, Equity and Affirmative Action has established the following procedure:
 - a. On a quarterly basis, the Office of Sponsored Programs will provide an updated list of NSF-funded PIs and Co-PIs to the Title IX Coordinator in the Equal Opportunity, Equity and Affirmative Action office.
 - b. The Title IX Coordinator will be responsible for checking the list in the event of an incident or action taken in a sexual, or other, harassment report.
 - c. If an NSF-funded PI or Co-PI is involved in an applicable incident then the Title IX Coordinator will work with the Authorized Organizational Representative (AOR) to immediately report the situation to NSF using their online portal (link provided below). A report will be sent through the online portal when:
 - i. Findings, determinations, or investigations of alleged violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment or sexual assault have been found against a PI or Co-PI
 - ii. A PI or co-PI is placed on administrative leave
 - d. Notifications must be submitted by the AOR within 10 business days from the date of the finding/determination, or the date of the placement of a PI or Co-PI by the awardee on administrative leave or the imposition of an administrative action, whichever is sooner. NSF will consider in its review of each notification submitted:
 - i. Safety and security of personnel supported by the NSF award;
 - ii. Overall impact to the NSF-funded activity;
 - iii. Continued advancement of taxpayer investments in science and scientists; and
 - iv. Whether the awardee has taken appropriate action to ensure the continuity of science and that continued progress under the funded project can be made.
 - e. The Title IX Coordinator will communicate with NSF consultants regarding the report, as necessary. Based on the results of this review and consultation, the 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.
 - f. Following reporting, the Title IX Coordinator will only involve the Office of Sponsored Programs if the action results in a direct impact toward the federal grant award. For example, a decision to either internally or from NSF to remove or change the PI or Co-PI. This maintains confidentiality of sensitive and personal information.
 - i. If action is deemed necessary then the Title IX Coordinator will directly notify the Office of Sponsored Programs Director of the decision reached in collaboration with NSF.
 - ii. Office of Sponsored Programs will follow the steps necessary to address the decision made by NSF (i.e. update grant documents to remove and update the PI/Co-PI name, contact the NSF Program Officer for guidance on award modification, closeout, etc.)

IV. Guidance Documents/Policy Links:

- [NSF Policy No. 144 Statement](#)
- [NSF Title IX Information](#)
- [NSF Title IX FAQ](#)
- [NSF Reporting Portal:](#)
- NSF has implemented changes to their [Proposal and Award Policies Procedure Guide \(PAPPG\)](#):
- [UW Oshkosh Title IX Information and Reporting Form](#)
- [UW System Regent Policy 14-2: Sexual Violence and Sexual Harassment](#)

V. Templates/Forms:

VI. Definitions:

VII. Contact Information: For questions or comments please contact OSP@uwosh.edu or 920-424-3215

VIII. Revision History:

Created: 12/3/18

Revised: 03/04/2019, 05/20/2019