

# **Update on the ACD Working Group Recommendations on Changing the Culture to End Sexual Harassment**

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NIH Office of Extramural Research

Meeting of the Advisory Committee to the Director  
June 10, 2021 (Virtual)

Disclosures: None



# Changing the Culture to End Sexual Harassment

## Overarching Themes

1. Transparency and Accountability in Reporting of Professional Misconduct, especially Sexual Harassment
2. Mechanisms for Restorative Justice
3. Safe, Diverse, and Inclusive Environments
4. System-wide Change

CHANGING THE  
CULTURE TO END  
SEXUAL HARASSMENT

December 2019

Working Group  
report to the  
Advisory  
Committee to  
the NIH  
Director (ACD)

Source: [https://acd.od.nih.gov/documents/presentations/12122019ChangingCulture\\_Report.pdf](https://acd.od.nih.gov/documents/presentations/12122019ChangingCulture_Report.pdf)



**Rec 1.1** Create a parallel process to treat professional misconduct, including sexual harassment, as seriously as research misconduct

## Actions:

- Extramural Integrity Team reviews all professional misconduct allegations
- Complaints involving over 300 individuals received, addressed

### Overview of Allegation Review Process

Research Misconduct   Sexual Harassment   Grant Fraud   Foreign Influence   Peer Review Integrity Violation

ALLEGATION ENTRY

INITIAL ASSESSMENT

ACTIONS TO CONSIDER,  
DEPENDING ON OUTCOME OF ASSESSMENT

- Contact institution
- Remove individual from peer review service
- Refer to agency/office with oversight responsibility
- Administrative actions
- Regulatory actions

**Rec 1.1** Amend current processes of reporting a change in PI status on an active NIH grant in cases where professional misconduct is any part of the reason for the change.

## Actions:

- NOT-OD-20-124: requests to change ... should mention whether they are related to concerns about safety and/or work environments (e.g. due to concerns about harassment, bullying, retaliation, or hostile working conditions).

### Guidance Regarding Change in Status, Including Absence of PD/PI and Other Key Personnel Named in the Notice of Award

Notice Number:  
NOT-OD-20-124

#### Key Dates

Release Date: June 11, 2020

#### EDITORIAL

## Combating sexual harassment

Sexual harassment, including gender harassment, presents an unacceptable barrier that prevents women from achieving their rightful place in science, and robs society and the scientific enterprise of diverse and critical talent. As the largest single funder of biomedical research in the world, the U.S. National Institutes of Health (NIH) bears a responsibility to take action to put an end to this behavior. In 2019, the NIH began to bolster its policies and practices to address and prevent sexual harassment. This included new communication channels to inform the agency of instances of sexual harassment related to NIH-funded research. This week, the NIH announces a change that will hold grantee institutions and investigators accountable for this misconduct, to further foster a culture whereby sexual harassment and other inappropriate behaviors are not tolerated in the research and training environment.

Last year, an Advisory Committee to the Director (ACD) of the NIH presented a report and recommendations to end sexual harassment. A major theme of this report was the need for increased transparency and accountability in the reporting of professional misconduct, especially sexual harassment. The cases of sexual harassment that surfaced in the wake of the U.S. National Academies of

principal investigator (PI) or the transfer of a grant by an NIH grantee institution. Two important areas required more attention: differentiating between instances where an institution removed a PI from a grant because of findings or concerns of sexual harassment from other reasons (such as medical leave or job change); and preventing “passing the harasser,” in which a scientist who changed institutions could evade the consequences of findings of sexual harassment.

To close these gaps, the NIH has issued new guidance to grantees that sets clear expectations for reporting to the NIH when a grantee institution has a finding of sexual harassment of a PI named on an NIH grant. The notice also makes it clear that the NIH expects its grant recipients

who request changes in either investigators or movement of a grant to a new recipient institution to promptly inform the agency, whether changes are related to concerns about safety and/or work environments (e.g., because of concerns about harassment, bullying, retaliation, or hostile working conditions) (see <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-20-124.html>). This includes situations where a PI, or other senior personnel, are removed from a grant during the investigation of a serious allegation. The NIH will use such information in making decisions related to

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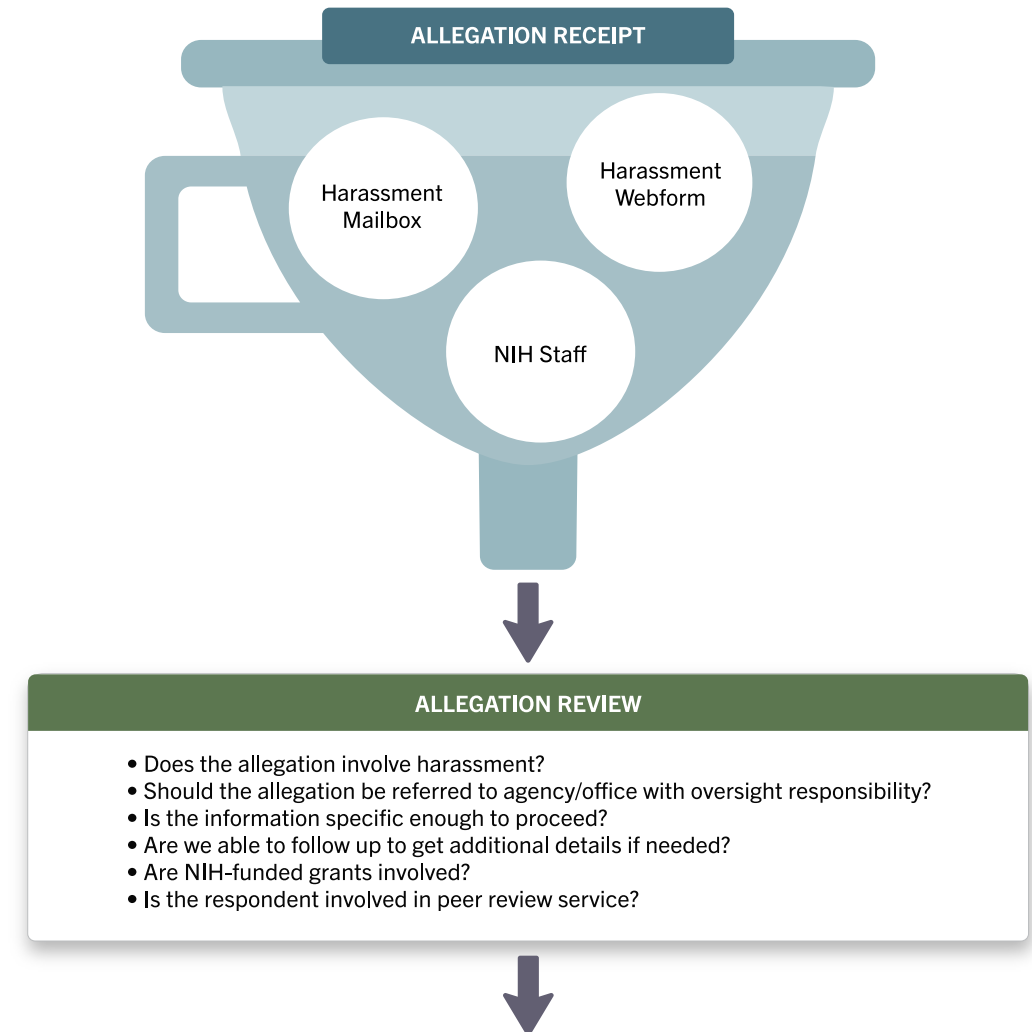
“...National Institutes of Health (NIH) bears a responsibility to... put an end to this behavior.”



# Process for Handling Allegations

**Rec 1.3** Establish clear and transparent SOPs to respond to reports/findings of professional misconduct, including sexual harassment, or change in PI status in extramural labs.

- Action: Posted NIH process for handling allegations of sexual harassment on an NIH-funded project at a recipient institution



# Ways to Notify NIH of Harassment Concerns

**Rec 1.2** Establish a hotline and a web-based form for reporting sexual harassment and inappropriate behavior ...

## **Actions:**

- 2019: established web form and email address for anyone... to inform the NIH of harassment.
- 2021: established phone line

The screenshot shows the NIH eRA web form titled "Notify NIH about a concern that sexual harassment or another form of harassment is affecting an NIH funded project at a grantee institution". The form includes a header with the eRA and NIH logos. The main text states: "While NIH can and will follow up on all concerns related to NIH-funded research, NIH strongly encourages individuals to report allegations of sexual harassment or assault to the appropriate authorities, which may include your local police department or your organization/institution equal employment opportunity (EEO) or human resources offices." Below this, a red note says "Fields marked with an \* are required." The form contains several input fields: "Your first name (Optional)", "Your last name (Optional)", "Your email address (Optional)", "Your phone number (Optional)", "First name of the person who may have committed harassment \*", "Last name of the person who may have committed harassment \*", "Institution that employs that person \*", and "Briefly describe the incident \*". Each field is represented by a text box.

# Case Intake Since 2018

Characteristic / CY	2018	2019	2020	2021
Total N (%)	31 (9.9)	107 (34.1)	106 (33.8)	70 (22.3)
Sexual Harassment	28 (90.3)	91 (85.0)	55 (51.9)	41 (58.6)
Other Harassment	2 (6.5)	7 (6.5)	22 (20.8)	20 (28.6)
Bullying	1 (3.2)	14 (13.1)	26 (24.5)	5 (7.1)
Racial Discrimination	1 (3.2)	9 (8.4)	9 (8.5)	16 (22.9)
Media Publicity	18 (58.1)	21 (19.6)	17 (16.0)	26 (37.1)
Self-Disclosure	2 (6.5)	8 (7.5)	16 (15.1)	5 (7.1)

Values are N(%)  
2021 values through April 30

Finding / Outcome	Sexual Harassment Only	Other
Total N (%)	192 (61.1)	122 (38.9)
Letter to Institution	131 (68.2)	95 (77.9)
Formal Investigation	111 (57.8)	50 (41.0)
Title IX Referral	46 (24.0)	20 (16.4)
Allegation Substantiated	48 (25.0)	23 (18.9)
PI Removed	54 (28.1)	21 (17.2)
Other Grant Actions	22 (11.5)	5 (4.1)
Safety Actions	32 (16.7)	26 (21.3)
Left Institution	50 (26.0)	11 (9.0)
Removed from Peer Review	87 (45.3)	38 (31.1)
Closed or Resolved	163 (84.9)	105 (86.1)



## Updated Guidelines for Enhancing Diversity and Creating Safe Environments in Conferences Supported by NIH Grants and Cooperative Agreements

Notice Number:

NOT-OD-21-053

### Key Dates

Release Date:

January 22, 2021

**Rec 1.7:** NIH should require that meeting organizers put in place a code of conduct and develop mechanisms for reporting misconduct by attendees.

### Actions:

- NOT-OD-21-053: Reiterated expectations that conference organizers employ strategies to prevent/mitigate effects [such as]:
  - Establishing codes of conduct, providing resources for support
  - Conducting conference climate surveys
- Next: Plans to foster safe, respectful, and inclusive environments (JIT)



Notice of Special Interest (NOSI) to add harassment as an area of interest to  
Research to Understand and Inform Interventions that Promote the Research  
Careers of Individuals in the Biomedical Sciences

Notice Number:  
NOT-OD-21-068

**Rec 1.8** Support research on procedures and policies that model and promote a positive climate that cultivates respect, civility, and safety

**Action:** NOT-OD-21-068; examples of research areas:

- **Educating the research community** about what sexual harassment is ...
- Interventions and **policies that model and promote a positive climate** ...
- **Interventions to reduce risk factors** for sexual harassment ...
- **Intersectional approaches** that recognize [how] different forms of social identities ... interact to influence the experience of the individual.

**Rec 4.2:** NIH should develop mechanisms to incentivize institutions that excel at promoting diversity and inclusion.

**Action:** “This prize will acknowledge and recognize transformative approaches, systems, projects, programs, and processes that have successfully enhanced and sustained gender diversity within an institution.”


## NIH Prize for Enhancing Faculty Gender Diversity


NIH Prize for Enhancing Faculty Gender Diversity in Biomedical and Behavioral Science

### CHALLENGE DETAILS

 TOTAL CASH PRIZES OFFERED: \$500,000

 TYPE OF CHALLENGE: Ideas

 SUBMISSION START: 09/10/2020 09:00AM ET

 SUBMISSION END: 04/16/2021 5:00 PM ET

- Applications closed March 2021, selections May 2021
- National forum to announce winners & disseminate successful strategies in Fall 2021
- Up to 10 winners, with each winning up to \$50,000.



**Rec 4.3** Require/assist ongoing evaluations of the research environment's safety, diversity, and inclusion

- April 20-21, 2021, NASEM workshop sponsored by NIH
- Approaches and strategies for evaluating and measuring the effectiveness of sexual harassment interventions ... in order to assist institutions in transforming promising ideas into evidence-based best practices.

<https://www.nationalacademies.org/event/04-20-2021/workshop-on-developing-evaluation-metrics-for-sexual-harassment-prevention-efforts>



United States Government Accountability Office

Report to the Committee on Science,  
Space, and Technology, House of  
Representatives

March 2020

## SEXUAL HARASSMENT IN STEM RESEARCH

Agencies Have Taken  
Actions, but Need  
Complaint  
Procedures, Overall  
Plans, and Better  
Collaboration

GAO-20-187

Develop and implement formal procedures for sharing relevant information about Title IX and sex discrimination concerns, including sexual harassment between NIH and Office of Civil Rights (OCR).

Source: <https://www.gao.gov/assets/710/705422.pdf>



National Institutes of Health  
Office of Extramural Research

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR CIVIL RIGHTS**

**AND**

**NATIONAL INSTITUTES OF HEALTH**

**Sharing Information about Title IX Enforcement and Sex Discrimination Concerns at NIH  
Funded Universities**

**Memorandum of Understanding**

- Established September 2020 in response to GAO recommendation
- Leverages NIH's grants compliance authority and OCR's civil rights compliance authority
- Regular staff level discussions and case referral

## Case Example 1: Institutional Self Disclosure

- VPR requested a phone call with OER.
- Investigator violated the university's sexual misconduct policy
- VPR proposed a management plan with sanctions, including removing the individual from NIH grant activities ...
- OER received an official letter documenting the plan
- OER worked with the university to change the PD/PI
- NIH removed the individual from peer review.

## Case Example 2: Not So Fast....

- Complaint with link to a public report of sexual misconduct
- OER contacted the institution.
- Institution confirmed finding; investigator would be restricted from graduate students, but no restrictions on NIH-funded work.
- OER: if he cannot serve as a graduate student advisor, is NIH-funded research safe and high-quality?
- University decided to replace PI on NIH grants while he was restricted from training graduate students.



## Case Example 3: Pass the Rogue

- Institution makes tentative finding, but does not finalize it
- Scientist chooses to resign, possible NDA
- Investigation stops without formal finding
- Scientist obtains offer from another (oblivious) institution
- First institution submits “relinquishing statement”
- NIH receives Type 7 application from new institution



- Developed and implemented “parallel process”
- > 300 cases, mix of sexual and other kinds of harassment
- Steps to address harassment at conferences
- Research and prize opportunities
- Ahead
  - Strengthen OCR connection (MOU signed)
  - Strengthen remedies at our disposal
  - Spread message, “Harassment is not tolerated ...”

- OD: Larry Tabak, Alfred Johnson, Carrie Wolinetz, Anna Jacobs
- OER: Liza Bundesen, Patricia Valdez, Hiromi Ono, Paula Goodwin, Michelle Bulls, Kristin Ta, Megan Columbus, Melanie Showe, eRA team, colleagues
- OSP: Lyric Jorgenson, Amanda Field, Jennifer Plank-Bazinet
- ORWH: Janine Clayton, Lynn Morin