

NSF Notification Requirements Regarding Harassment and Sexual Assault

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| Procedure Title | Implementation of NSF’s Notification Requirements Regarding Harassment and Sexual Assault |
| Responsible Executive | Dean for Research, Pablo G. DeBenedetti |
| Responsible Office | Office of the Dean for Research |
| Contact(s) | Please direct questions concerning this procedure to Elizabeth H. Adams, Director, Office of Research and Project Administration in the Office of the Dean for Research, at ehadams@princeton.edu or 609-258-3090. |
| Effective Date | October 22, 2018 |
| Last Update | May 6, 2019 |

I. Statement of Purpose

Princeton University is committed to creating and maintaining an educational, working, and living environment free from all forms of harassment and sexual misconduct. The University’s policies prohibit such harassment and misconduct and apply to all members of the University community.¹ As noted in the *Rules and Procedures of the Faculty*, Section V.D., all members of the Faculty, academic professionals, and non-academic staff are responsible for helping to ensure a community free of such prohibited conduct.

On September 21, 2018, the National Science Foundation (NSF) published in the Federal Register a final notice of a new award “term and condition regarding sexual harassment, other forms of harassment, and sexual assault.”² That term and condition requires the University to notify NSF promptly of findings of “sexual harassment, other forms of harassment, or sexual assault” against an NSF-funded principal investigator (PI) or co-PI, as well as interim administrative actions imposed by the University (*e.g.*, administrative leave or curtailment of certain University duties).

The term and condition is effective October 22, 2018. On and after that date, new NSF awards and funding amendments to existing awards are subject to the notification requirement.

¹ *Rights, Rules, Responsibilities* 1.2.2 (Discrimination or Harassment Based on a Protected Characteristic) and 1.3 (Sex Discrimination and Sexual Misconduct).

² NSF, Notification Requirements Regarding Findings of Sexual Harassment, Other Forms of Harassment, or Sexual Assault, 83 Fed. Reg. 47,940 (Sept. 21, 2018) (Final Notice).

The purpose of this procedure is to explain to the University community, especially NSF-funded investigators, how the University expects to implement this expanded and formalized agency notification requirement.

At present, this procedure addresses NSF reporting only. However, the University may have other legal or contractual obligations to report harassment or sexual misconduct to third parties, *e.g.*, to other government agencies or sponsors in connection with specific awards or collaborations, and will act in accordance with those obligations. Also, the University anticipates that additional funding agencies or organizations may adopt comprehensive notification requirements similar to NSF's. The University may update this procedure as necessary to address such additional notification requirements.

II. Implementation of NSF Notification Requirement

1. At the outset of a University investigation into allegations of (i) harassment of any sort (including sexual harassment) or (ii) any unwelcome sexual conduct (including sexual assault), and throughout the investigation as appropriate, the Dean of the Faculty will consider and determine whether to place the individual whose conduct is under review (the "respondent") on administrative leave or curtail his/her University duties (*e.g.*, teaching, research, mentoring, advising, administrative duties, or presence on campus) (collectively, "Administrative Actions") pending the final disposition of the matter. The Dean of the Faculty may consult with other University officials or personnel to inform that decision.
2. If the University implements an Administrative Action, the Dean for Research will be confidentially notified of the Administrative Action within three (3) business days. The Dean for Research, in consultation with the Director of the Office of Research and Project Administration (ORPA), will identify whether the respondent is a PI or co-PI on any current NSF award(s), including sub-award(s)
3. Notification to NSF re Administrative Action. If the respondent is a PI or co-PI on any NSF award(s), including sub-award(s), NSF will be notified within ten (10) business days of the Administrative Action, in accordance with NSF requirements (presently via the "Organizational Notification of Harassment Form" on the NSF website). The notification will describe the Administrative Action and the reasons for it.
4. If the Administrative Action could negatively affect the NSF-funded activity or other personnel associated with the award, the University may seek to appoint a substitute PI or co-PI in consultation with NSF. This process will necessarily involve discussions with others at the University, including the potential substitute PI(s) or co-PI(s) and appropriate Department Chair(s), but disclosures will be limited to the extent possible.

5. If the respondent is found responsible, following any applicable appeals, of violating a University policy prohibiting harassment (including sexual harassment) or sexual assault (which for purposes of this procedure encompasses both “non-consensual sexual contact” and “non-consensual sexual penetration,” as defined by *Rights, Rules, Responsibilities* 1.3.3), the Dean for Research will be confidentially notified of such final determination within three (3) business days.
6. Notification to NSF re Finding of Responsibility. If the respondent is a PI or co-PI on any NSF award(s), including sub-award(s), NSF will be notified within ten (10) business days of such final determination of responsibility, in accordance with NSF requirements (presently via the “Organizational Notification of Harassment Form” on the NSF website).
7. After a final determination of responsibility, and if a substitute PI or co-PI has not already been approved, the University may again seek to appoint a substitute PI or co-PI in consultation with NSF. This process will necessarily involve discussions with others at the University, including the potential substitute PI(s) or co-PI(s) and appropriate Department Chair(s), but disclosures will be limited to the extent possible.
8. In accordance with NSF requirements, notifications to NSF under this procedure regarding the Administrative Actions and final determinations of responsibility will identify the respondent, as required, but will not include personally identifiable information of others (*e.g.*, the complainant(s) or witnesses).
9. When Princeton is a subawardee or non-lead institution under an NSF award, notifications will be made directly to NSF, per current NSF guidance. However, the University may also communicate with the prime awardee as necessary or appropriate under the circumstances.

III. NSF-Sponsored Conferences

Per NSF’s Proposal and Award Policies and Procedures Guide (PAPPG) effective January 28, 2019, NSF is adopting a requirement that conference proposers have a policy or code-of-conduct that addresses sexual harassment, other forms of harassment, and sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. This policy or code-of-conduct must be disseminated to conference participants prior to attendance at the conference and made available at the conference itself.

Those considering hosting or organizing an NSF-funded conference should contact the Director of the Office of Research and Project Administration in the Office of the Dean for Research at 609-258-3091 and/or awards@princeton.edu for additional information and support in developing and implementing the required policy or code-of-conduct.