

Discrimination, Harassment and Sexual Misconduct Communication

The Office of Research and Economic Development would like to remind the university research community that we have a shared responsibility to ensure that all activities carried out at our institution are done in an atmosphere that is free of discrimination, harassment, exploitation or intimidation. FIU and our sponsoring agencies expect that we promote a safe and respectful environment in which all of our students, faculty and staff can carry out the critical research that they support. To that end, we would like to remind you of the following critical expectations and requirements from a few of our major sponsors, including the National Institutes of Health (NIH) the National Science Foundation (NSF) and the National Oceanic and Atmospheric Administration (NOAA).

NIH

NIH expects grantee institutions to have policies and practices in place that foster a harassment-free environment.

NIH requires that every organization receiving NIH funds:

1. Has systems, policies, and procedures in place to manage research activities in accordance with their standards and requirements.
2. Complies with federal laws, regulations, and policies protecting the rights and safety of individuals working on NIH-funded projects.

NIH expects that institutions:

1. Develop and implement policies and practices that foster a harassment-free environment;
2. Maintain clear, unambiguous professional codes of conduct;
3. Ensure employees are fully aware and regularly reminded of applicable laws, regulations, policies, and codes of conduct;
4. Provide an accessible, effective, and easy process to report sexual harassment, and provide protection from retaliation;
5. Respond promptly to allegations to ensure the immediate safety for all involved, investigate the allegations, and take appropriate sanctions; and
6. Inform NIH of administrative actions that removes senior/key personnel on an NIH award.

NIH encourages organizations receiving NIH funds to have in place similarly rigorous policies and related procedures for their employees, contractors, trainees, and fellows who engage in agency-funded activities as NIH's policies and procedures for Preventing and Addressing Harassment and Inappropriate Conduct and NIH's policy statement on Personal Relationships in the Workplace.

Policies and Requirements

Institutionally, we need to adhere to the following NIH policies and requirements:

1. Recipients of NIH funds must assure their compliance with civil rights protections.

As described in NIH Grants Policy Statement 4.1, as a condition of the award, the grantee must have certified that it has on file with the HHS Office for Civil Rights (OCR) an Assurance of Compliance with the statutes described in the "Civil Rights Protections" provision. OCR, which is responsible for enforcing federal civil rights laws (among other laws), provides resources to agencies and to grantees, to address concerns regarding potential violations.

2. NIH Notice NOT-OD-15-152: Civil Rights Protections in NIH-Supported Research, Programs, Conferences, and Other Activities, published in September 2015, which reminds grantees of civil rights protections from discrimination and harassment in NIH-supported activities and of the NIH's expectations for eliminating barriers and providing equal access to the opportunity to participate in NIH supported research, programs, conferences, and other activities.
3. Recipients of NIH funds must proactively notify NIH of changes in a principal investigator's status, for example, modified employment or leave status during an investigation of alleged sexual misconduct.

The organization receiving NIH funding must notify NIH if it takes an administrative or disciplinary action against its employee(s) - for example, limiting access to the institution's facilities or resources or modifying employment or leave status during an investigation of alleged sexual misconduct - that affects the ability of the employee(s) to continue as PI or other senior key personnel on an NIH award.

The organization is required to notify NIH and seek NIH's advance approval for replacement(s) of the individual(s).

4. NIH recipients of conference grant ("R13") funding must take steps to maintain a safe and respectful environment for all attendees by demonstrating an institutional commitment to ensuring that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices. This is described in the NIH funding announcement for conferences and scientific meetings (Parent R13).

NSF

The NSF expects all of its grantees to:

1. Maintain harassment-free research workplaces.
2. Establish and maintain clear and unambiguous standards of behavior.
3. Establish notification pathways for all personnel, including students, regardless of workplace location.
4. Provide accessible and evident means for reporting violations, including reporting when personnel are engaged in conferences, workshops, field work, or other research facilities.
5. Ensure institutional due diligence with timely investigations of allegations and corrective actions.

FIU is required to report to the NSF if:

1. A PI or Co-PI is placed on administrative leave related to an investigation of an alleged violation or a finding/determination demonstrating a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.
2. It imposes any administrative action on a PI or Co-PI related to an investigation of an alleged violation or a finding/determination demonstrating a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.
3. It issues a finding/determination regarding a PI or Co-PI demonstrating a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.

FIU must report as a direct recipient of NSF funds or as a subrecipient of an NSF award that includes the term. FIU must submit the report to NSF within ten (10) business days from the placement on administrative leave, imposition of administrative action, or the date of the finding/determination. The report submissions will be done by the Office of Research and Economic Development based on information provided by the Office of Inclusion, Diversity, Equity & Access (IDEA).

After receiving and reviewing the information, NSF will consult with the institution and may:

1. Initiate the substitution of the PI or a Co-PI,
2. Reduce the award funding amount, or
3. Suspend or terminate the award.

As part of their review process, the NSF will consider:

1. Safety and security of personnel supported by the NSF award.
2. Overall impact to NSF-funded activity.
3. Continued advancement of taxpayer-funded investments in science and scientists.
4. Whether the awardee has taken appropriate action(s) to ensure continuity of science and that continued progress can be made under funded project.

The requirement applies to:

1. All grant personnel (PI, Co-PI roles trigger reporting requirement).
2. All locations where grant work is undertaken (including conferences, workshops, field sites, on- and off-campus research facilities, online).
3. All NSF awards and funding amendments to existing awards made on or after October 22, 2018.

Conferences, Workshops or Symposia

It is National Science Foundation policy to foster harassment-free environments wherever science is conducted, including at NSF-sponsored conferences, workshops, and symposia. The NSF Proposal Award Policy and Procedure Guide (PAPPG), effective February 25, 2019, requires applicants requesting NSF funds for the purpose of carrying out conferences, workshops, and symposia to have a policy or code-of-conduct that addresses sexual harassment, other forms of harassment, or sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct.

Recipients of NSF funds to carry out conferences, workshops, and symposia must also provide this policy or code of conduct to all event participants prior to the event and at the conference/workshop/symposium itself.

If you have an NSF funded project to carry out a conference, workshop or symposia then the following statement should be added to all conference brochures and be posted at the conference site:

Florida International University is committed to encouraging and sustaining a learning and living environment that is free from harassment, violence, and prohibited discrimination based on sex, gender, gender expression, gender identity, sexual orientation, sexual misconduct, domestic and dating partner violence and/or stalking. See full regulation at <https://hr.fiu.edu/employees-affiliates/employee-concerns/#sexual-harassment>. Individuals wishing to report a violation of this regulation should contact the Office of Inclusion, Diversity, Equity & Access (IDEA) at 305-348-2785 or submit a Discrimination Complaint Processing Form at https://hr.fiu.edu/wp-content/uploads/sites/61/2016/11/Discrimination_Complaint_Processing_Form.pdf.

NOAA

It is the policy of NOAA to maintain a work environment free from sexual assault and sexual harassment. As referenced in NOAA Administrative Order 202-1106, NOAA prohibits sexual assault and sexual harassment by or of any employee, supervisor, manager, contractor, vendor, affiliate, or other individual with whom NOAA employees come into contact by the virtue of their work for NOAA.

Effective May 21, 2018, NOAA contracts (including purchase orders, task orders, or calls) include clause 1330-52.222-70 NOAA SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION AND RESPONSE POLICY (MAY 2018).

This clause requires university employees (and any subcontractors) that work on NOAA contracts with said clause to complete mandatory training on sexual assault and sexual harassment prevention and response. This training, which must include specific required elements as indicated by NOAA, needs to be provided to employees assigned to perform under the contract within 30 days of contract execution, or prior to commencing work on the contract and annually thereafter. A link to the required training elements is provided at: http://www.ago.noaa.gov/quicklinks/harassment_training.html. The University Title IX Coordinator will administer this training.

As a requirement of this clause the university is required to provide evidence (by name and date completed) that our employees performing on the contract have completed the mandatory training required (1) after initial contract award or the date a contractor employee is assigned to perform under the contract and (2) annually thereafter during the term of the contract or order in accordance with the timeframe established in the solicitation and contract language. The evidence of the initial and annual training completion shall be retained by NOAA and ORED in the contract file.

In the case of a reported incident of sexual assault or sexual harassment involving a contractor employee, NOAA shall work together with the university to ensure appropriate action is taken in accordance with applicable laws and regulations, contract terms and conditions, and the university's written policy (where applicable).

Additional resources:

NIH - <https://grants.nih.gov/grants/policy/harassment.htm>

NSF - <https://www.nsf.gov/od/odi/harassment.jsp>

NOAA - https://www.ago.noaa.gov/acquisition/docs/aa_18-06_sexual_assault_and_harassment_prevention_contracting_for_services.pdf

FIU - <https://diversity.fiu.edu/services-view/title-ix/>

FIU - Regulation FIU-105: Sexual Misconduct (Title IX) <https://regulations.fiu.edu/regulation=FIU-105>

The University has a designated Title IX Coordinator to coordinate the University's efforts to comply with ***Title IX of the Education Amendments of 1972*** ("Title IX"). Any questions or other comments related to Title IX compliance can be directed to:

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