

NSF ANTI-HARASSMENT: REPORTING OF HARASSMENT & SEXUAL ASSAULT

POLICY STATEMENT & PURPOSE

Abilene Christian University (ACU) encourages faculty to engage in scholarly activity that is funded by external sources, including the National Science Foundation (NSF). In 2018, NSF announced new Terms & Conditions (Article X) related to anti-harassment and required reporting of certain actions related to harassment and sexual assault. These new terms were applied to all awards beginning after October 22, 2018. [OECR - Term and Condition: Sexual Harassment, Other Forms of Harassment, or Sexual Assault | NSF - National Science Foundation](#)

It is the policy of ACU to comply with the requirements of these terms & conditions, as outlined below:

“For purposes of this term and condition, the following definitions apply:

Sexual harassment: May include but is not limited to gender or sex-based harassment, unwelcome sexual attention, sexual coercion, or creating a hostile environment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.

Other Forms of Harassment: Non-gender or non-sex-based harassment of individuals protected under federal civil rights laws, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.

Finding/Determination: The final disposition of a matter involving sexual harassment or other form of harassment 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.

Administrative Leave/Administrative Action: 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.

The awardee is required to notify NSF of: (1) Any finding/determination regarding the PI or any co-PI^[1] that demonstrates 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; and/or (2) if the PI or any co-PI is placed on administrative leave or if any administrative action has been imposed on the PI or any co-PI by the awardee relating to 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.^[2] Such notification must be submitted by the Authorized Organizational Representative (AOR) to NSF's Office of Diversity and Inclusion at www.nsf.gov/harassment within ten 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.^[3] Each notification must include the following information:

- NSF Award Number;
- Name of PI or co-PI being reported;^[4]
- *Type of Notification:* Select one of the following:

- Finding/Determination that the reported individual has been found to have violated awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault; or
- Placement by the awardee of the reported individual on administrative leave or the imposition of any administrative action on the PI or any co-PI by the awardee relating to 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.
- 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.

The awardee, at any time, may propose a substitute investigator if it determines the PI or any co-PI may not be able to carry out the funded project or activity and/or abide by the award terms and conditions.

Other personnel supported by an NSF award must likewise remain in full compliance with awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault. With regard to any personnel not in compliance, the awardee must make appropriate arrangements to ensure the safety and security of other award personnel and the continued progress of the funded project. Notification of these actions is not required under this term and condition.

1. *If a co-PI is affiliated with a subawardee organization, the Authorized Organizational Representative of the subawardee must provide the requisite information directly to NSF, as instructed in this paragraph.*
2. *Awardee findings/determinations and placement of a PI or co-PI on administrative leave or the imposition of an administrative action must be conducted in accordance with organizational policies and processes. They also must be conducted in accordance with federal laws, regulations, and executive orders.*
3. *Such notification must be provided regardless of whether the behavior leading to the finding/determination, or placement on administrative leave, or the imposition of an administrative action occurred while the PI or co-PI was carrying out award activities.*
4. *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.”*

APPLICABILITY OF THE POLICY

This policy applies to all ACU employees who are listed as Principle Investigators or Program Directors (PI/PD) or Co-PI/PD on an NSF award. This policy also applies to all offices that handle claims of harassment, as well as grants management, including but not limited to ORSP, General Counsel, HR, and Title IX].

PROCEDURAL GUIDELINES

Institutional Processes

1. Reports of harassment and/or sexual assault are handled by Title IX and Sexual Misconduct Office (“Title IX Office”) according to ACU’s policy/procedure.

NSF Reporting

2. If a finding/determination is made that the employee has violated Policy 412 -Sexual Misconduct or if the employee is placed on administrative leave or other administrative action, the case must be reported to the Director of Research to determine if the employee is a PI/PD or Co-PI/PD on any NSF award. This report will occur as soon as possible after the finding or action occurs.

3. If the individual in question is a PI/PD or Co-PI/PD on an **active** NSF award, the AOR will be informed as soon as possible.
4. The AOR is responsible for completing the NSF reporting form within 10 business days of the finding or action. [Organizational Notification of Harassment Form | NSF - National Science Foundation](#)
5. Following NSF review of the report, the AOR is responsible for working with the NSF to determine if additional actions are necessary. NSF actions may include:
 - a. the substitution or removal of the PI or any co-PI
 - b. reduction of the award funding amount
 - c. suspension or termination of the award.
6. Note that in the case where a report is made following placing the employee on administrative leave, and later, a determination is made that a violation occurred, the AOR may be responsible for submitting a follow-up report of finding/determination.