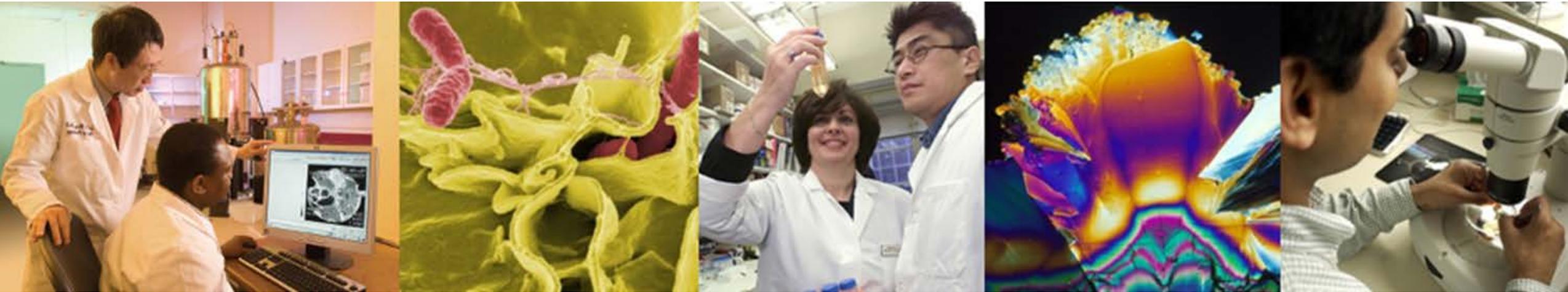


Update on NIH Sexual Harassment Policies and Procedures

*116th Meeting of the Advisory Committee to the Director
June 14, 2018*



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Topics for Today

- **Introduction**
- **Extramural Workforce and Sexual Harassment: The NIH Perspective**
- **NIH Workforce – Programs, Tools, and Policies to Prevent and Address Harassment in the Workplace**
- **Discussion**



Topics for Today

- Introduction



Call for Action ...

WORLD VIEW A personal take on events



Sexual harassment must not be kept under wraps

A female scientist who was harassed by a senior male colleague feels let down by the system that is supposed to protect her.

End harassment

Sexual harassment is a stain on science — and we must all take a stand against it.

“Science simply cannot afford to lose some of its best talent to boorishness.”

http://www.nature.com/polopoly_fs/1.191961/menu/main/topColumns/topLeftColumn/pdf/529257a.pdf

http://www.nature.com/polopoly_fs/1.139911/menu/main/topColumns/topLeftColumn/pdf/502409b.pdf

Reported Harassment

- 19,047 U. Texas students responded, 20% reported harassment by faculty/staff
- Of the 12,245 female respondents, 22% reported harassment by faculty/staff

Harassment Incidence by Student Status

Student Status (total respondents)	Percent (number) of the respondents reporting harassment
Undergraduate Students (13,057)	19.4% (2,537)
Graduate Students (5,435)	20% (1,088)
Medical Students (555)	36.8% (204)

Data from - NAS. 2018. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences.*

Severity Among Women with K08 and K23 Awards Who Reported Having Experienced Harassment (n=150)

Experience	Percent (Number)
Sexist remarks or behavior	92% (138)
Unwanted sexual advances	41% (62)
Subtle bribery to engage in sexual behavior	6% (9)
Threats to engage in sexual behavior	1% (2)
Coercive advances	9% (14)

Correspondence

NIH push to stop sexual harassment

As the leading US government funder of scientific research, we at the National Institutes of Health (NIH) are deeply concerned about sexual harassment in science (*Nature* **529**, 255; 2016). With the help of colleagues in government, academia and the private sector, the NIH aims to identify the steps necessary to end this in all NIH-supported research workplaces and scientific meetings.

In September last year, we restated our expectation that organizers of NIH-supported conferences and meetings should assure a safe environment, free of discrimination (see go.nature.com/zmukk8). Over the next few weeks to months, we plan to work with governmental, academic and private-sector colleagues to identify potential steps to translating our expectations into reality.

An important first step will be to gather as much data as possible to more fully understand the nature and extent of sexual harassment among scientists. These data should guide us in determining what kinds of policy and procedure are most likely to help. We will also work to determine what levers are already available to influential stakeholders — us as funders, as well as university administrators and departments, journal editors, and organizers and hosts of scientific meetings.

We owe this to our colleagues and the public, who trust in our ability to make the biomedical research enterprise the best that it can be.

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NATURE 3MARCH2016 | VOL531 | NATURE

Consensus Study Report National Academies of Sciences



..the cumulative effect of sexual harassment is a significant and costly loss of talent in academic science, engineering, and medicine, which has consequences for advancing the nation's economic and social well-being and its overall public health.

Consensus Study Report National Academies of Sciences



The report describes three forms of sexual harassment:

- 1) Unwanted sexual attention (verbal or physical sexual advances)
- 2) Sexual coercion (when favorable treatment is conditioned on sexual activity)
- 3) Gender harassment (sexist hostility, crude behavior)

Major NASEM Findings/Recommendations

- Affects many women in science
 - Particularly prevalent in medical fields
- Cumulative result is damaging to science
- Systemwide changes to culture and climate are needed to prevent harassment
 - Hierarchical environments can be diffused by mentoring networks and committee-based advisement
 - Strong and diverse leadership is essential to promoting culture change and climate
- Call to funding agencies:
 - *Increase support for research on the impact of sexual harassment*
 - *Attend to sexual harassment with at least the same level of attention and resources as devoted to research misconduct*
 - *Require institutions to report to federal agencies when individuals on grants have been found to have violated sexual harassment policies or have been put on administrative leave related to sexual harassment...*
 - *Reward and incentivize colleges and universities for implementing policies, programs, and strategies that research shows are most likely to and are succeeding in reducing and preventing sexual harassment*

Topics for Today

- **Extramural Workforce and Sexual Harassment:
The NIH Perspective**



Considerations for Extramural Programs

- Grants and Contracts are awarded to institutions, not their employees
- Awardees are responsible for their employees
- Institutions are responsible for creating and maintaining safe work environments
- When we hear concerns
 - We may note relevant resources, including the HHS OCR
 - We may contact VPRs, Research Deans
 - We may renegotiate terms and conditions

Published NIH Expectations ...

Civil Rights Protections in NIH-Supported Research, Programs, Conferences and Other Activities

Notice Number: NOT-OD-15-152

Key Dates

Release Date: September 8, 2015

**Title IX of the Education Amendments of 1972
Non-Discrimination on the Basis of Sex
NIH GPS Section 4.1.2.2**

Title IX of the Education Amendments of 1972, provides that no person ... shall, on the basis of sex, be excluded or denied ...

The regulations apply to ... educational programs or activities supported by the NIH. It protects male and female students, trainees, investigators, fellows, postdocs, and participants in educational programs or activities from discrimination, and **unlawful sexual harassment**, sexual violence, and sexual assault.

<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-15-152.html>

Sexual Harassment

- In Education: Actionable under Title IX where it is so severe, pervasive and objectively offensive, that it undermines and detracts from the victims' educational experience, such that the victims are effectively denied equal access to an institution's resources and opportunities.*
- In Employment: Unlawful when it is so severe and pervasive that a reasonable person would consider it a hostile or intimidating work environment or when enduring the offensive conduct becomes a condition of continued employment.
- Actions contributing to sexual harassment can include:
 - Unwelcome sexual advances or requests for sexual favors.
 - Other verbal or physical harassment of a sexual nature.
 - Offensive remarks that are not of a sexual nature, but are about a person's sex.
- Sexual harassment can be committed by men or women, against men or women, and by a supervisor, co-worker, or non-employee.

**Davis v. Monroe County Board of Education*, 526 U.S. 629, 649 (1999).

R13 Conference Grants

Funding Opportunity Title

NIH Support for Conferences and Scientific Meetings (Parent R13)

Activity Code

R13 Support for Conferences and Scientific Meetings

Consistent with Federal civil rights laws, and the Guidelines for Inclusion of Women, Minorities, and Persons with Disabilities in NIH-Supported Conference Grants policy, it is expected that organizers of NIH-supported conferences and scientific meetings take steps to maintain a safe and respectful environment for all attendees by providing an environment free from discrimination and harassment, sexual or otherwise.

<https://grants.nih.gov/grants/guide/pa-files/PA-16-294.html>

Change in Investigator Status

- We sometimes hear this – “Dr. XXX, PI of grant YYY, has been banned from coming to campus because of concerns of ...”
- The institution has an obligation to inform us – we shouldn’t hear about this from the news media
- We may renegotiate the terms and conditions

<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-18-172.html>

Change in Investigator Status – You Should Tell Us

Clarification of NIH's Policy Regarding a Change in Program Director's/Principal Investigator's Status

Notice Number: NOT-OD-18-172

Key Dates

Release Date: May 1, 2018

“Prior approval is required anytime there is a change in status of the PD/PI or other senior/key personnel ... In particular, changes in status ... would include restrictions that the institution imposes on such individuals after the time of award ... These changes may impact the ability of the PD/PI or other senior/key personnel to effectively contribute to the project...”

<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-18-172.html>

Change in Status of Peer Review Participation

- Service of external reviewers is arranged at the sole discretion of the NIH
- Peer review service does not confer any entitlement, including any expectation that past service will ensure ongoing or future service
- The many considerations that inform NIH's decisions about such service are a matter of the agency's deliberative process.

Topics for Today

- **NIH Workforce – Programs, Tools, and Policies to Prevent and Address Harassment in the Workplace**



Anti-Harassment Steering Committee Membership



31
Committee Members

8
Institutes/Centers

OD, NIDDK, NIDA, NHGRI, NIDCR, NIAID, NIMH, NCI

14
Stakeholder Groups Represented

Member Name	Title	Member Name	Title
Dr. Lawrence Tabak	Principal Deputy Director, NIH	Ms. Beth Illana Chandler	Acting Deputy Director, OHR
Dr. Alfred Johnson	Deputy Director For Management	Ms. Debra Chew	Director, EDI
Dr. Michael Gottesman	Deputy Director, IRP	Ms. Treava Hopkins-Laboy	Deputy Director, EDI
Dr. Michael Lauer	Deputy Director, ERP	Ms. Jessica Hawkins	Supervisor, NIH Civil Program
Dr. Hannah Valentine	Chief Officer, Scientific Workforce Diversity	Mr. John Burklow	Associate Director, OCPL
Ms. Camille Hoover	Executive Officer	Ms. Renate Myles	Chief, OCPL News Media Branch
Ms. Joellen Austin	Executive Officer	Ms. Amanda Fine	Public Affairs Specialist, OCPL
Dr. Sharon Milgram	Director, OITE	Dr. Janet Clark	Director, Fellowship Training, NIMH
Dr. Julie Segre	Senior Investigator	Dr. Lori Conlan	Director, OPS / Career Services Ctr., OITE
Dr. Kelly Ten Hagen	Senior Investigator	Dr. Anna Han	Diversity Research Scientist, SWD
Dr. Roland Owens	Director, Research Workforce Development	Dr. Carl Hashimoto	Senior Advisor, Faculty Development
Dr. Jeffrey Cohen	Senior Investigator	Dr. Nicole Garbarini	Special Assistant to the NIH Principal Deputy Director
Dr. Allison Nugent	Principal Investigator	Dr. Karyl Barron	Deputy Director, DIR, NIAID
Ms. Julie Broussard Berko	Director, OHR	Dr. Swati Choksi	Staff Scientist
Dr. Kathleen Moore	Director, Ctr. For Cooperative Resolution	Dr. Debra Philp	Director, Office of Education
		Ms. Eva Chen	Manager, Employee Assistance Program

Strengthen and Centralize Anti-Harassment Activities



Oversight

- Established the NIH Anti-Harassment Steering Committee
- Oversees process improvements and program design



Program

- Office of Human Resources “CIVIL” Program expanded to address all allegations of harassment and related inappropriate conduct
- Civil Advisory Committee now includes members of the Anti-Harassment Steering Committee



Tools

- Enhanced allegation reporting systems for both anonymous and non-anonymous reports
- Web presence spans partner sites: OHR, EDI, OITE, Ombudsman, and the Scientific Workforce Diversity Office.

Strengthen and Centralize Anti-Harassment Activities



Process

- Report
- Inquiry
- Evaluation of evidence
- Closeout



Policies

- Preventing and Addressing Harassment and Inappropriate Conduct Manual Chapter
- Relationship Policy Statement

Updates: Reporting Tools



Hotline

- Anticipated Launch: August 2018
- Established a 1-800 number; option to remain anonymous
- Will work within existing Clinical Center Patient Safety Line Office
- Finalizing live call scripts and testing
- Cross training Patient Safety Line staff for back-up



Web Presence

- Anticipated Launch: August 2018
- Developing online webform for reporting allegations
- Updating the Civil webpage with process and next steps information

Updates: Policies



Manual Chapter

Prevention of Harassment and Inappropriate Conduct

- Anticipated Completion: August 2018
- Draft Manual Chapter completed
- Initial OMA review of draft Manual Chapter completed
- OGC is currently reviewing the draft



Policy Statement

Personal Relationships in the Workplace

- Anticipated Completion: August 2018
- Created Policy Statement and vetted with OGC
- Currently developing implementation procedures and processes

Updates: Process



Harassment Allegations

- Previously, ICs would work with Employee Relations and Civil staff to review and resolve concerns in-house.
- **NEW** All harassment allegations are reported to Civil for centralized management and oversight. ICs are not permitted, under any circumstances, to review, investigate or resolve concerns in-house.
- **NEW** 3rd party investigator contract procured to promote consistency

Timeline of Plan

Completed	Policy and procedures development
May – June 2018	Plan, develop, and draft materials for NIH-wide education campaign, Civil Rebrand and Workplace Climate and Harassment Survey
June – August 2018	Launch NIH-wide education campaign and Civil Rebrand
End August 2018	Workplace Climate and Harassment Survey promotions begin
Sept. – Oct. 2018	Survey begins, promotions and reminders continue throughout its run
Post-survey	Survey results communication

Workplace Climate and Harassment Survey

- Goals:
 - Assess prevalence and severity of harassment (including SH) within NIH
 - Perception of how it will affect individual's career
 - Impact on career choice
 - What is the extent SH has influenced decision to pursue/stay in science?
 - Measure overall workplace climate
- Must administer to all NIH FTEs, contractors, and fellows/students
 - Think of as a census

Using a Scientific Approach: The Survey

- Few SH measures have been scientifically tested and fully validated
 - Few standard measures and rigorous methods
 - Wide-ranging definitions
 - Since SH is a latent construct (inferred variable), validation and rigorous method is key
- Contributing to the SH literature
 - No survey or study has explored the relationship between SH and its impact on science

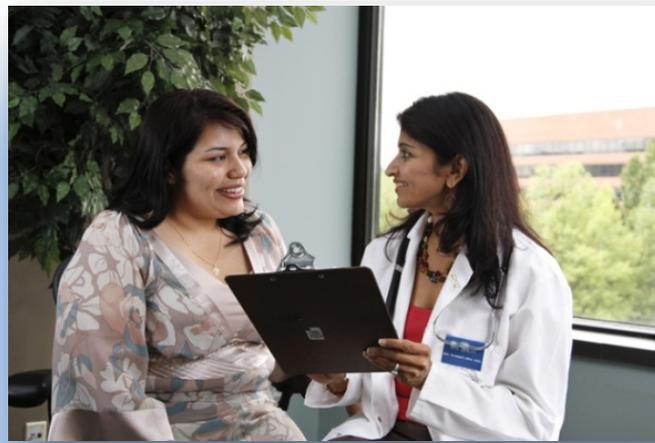
Phases of NIH Workplace Climate and Harassment Survey

- Phase I: Survey design/validation
- Phase II: Survey administration
- Phase III: Data analysis and reporting

Topics for Today

- Discussion





NIH...

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Turning Discovery Into Health

