

Brandeis University Compliance with the National Science Foundation's Requirements relating to Sexual Harassment, Other Forms of Harassment, and Sexual Assault

Summary

The National Science Foundation (NSF) is committed to fostering safe research and learning environments, and continues to update its terms and conditions of awards to reflect this commitment. The NSF will not tolerate sexual harassment, other forms of harassment, or sexual assault within the agency, at awardee organizations, or anywhere NSF-funded science and education are conducted. The 3,000 U.S. institutions of higher education and other organizations that receive NSF funds, of which Brandeis University is one, are responsible for fully investigating complaints and for compliance with federal non-discrimination laws, regulations and executive orders.

Brandeis University is also committed to and strives to create an educational and work environment free of Discrimination, Harassment, and Sexual Violence. The University's [Policy Against Discrimination, Harassment, & Sexual Violence](#) prohibits such conduct and apply to all students, employees (staff and faculty), and any other individuals who participate in the University's programs or activities or who are otherwise on campus. This commitment applies to conduct occurring on-campus and in off-campus Brandeis programs, activities or events (including, but not limited to, any national or international University-sponsored or University-led trip); and, it may also apply to conduct that occurred off-campus but that has an impact on the Brandeis community.

The following policies and procedures seek to ensure Brandeis' compliance with the National Science Foundation's Research Terms and Conditions relating to sexual harassment, other forms of harassment, or sexual assault, and will continue to be updated as additional requirements and guidelines are required.

1. Notification Requirements Regarding Findings of Sexual Harassment, Other Forms of Harassment, or Sexual Assault

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" which requires the University, as a recipient of NSF funds, to notify NSF promptly of:

- (1) Any finding/determination that the principal investigator (PI) or any co-PI violated Brandeis's Policy Against Discrimination, Harassment, & Sexual Violence (or a related law); 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 Brandeis relating to any finding/determination or an investigation of an alleged violation of Brandeis's Policy Against Discrimination, Harassment, & Sexual Violence (or a related law).

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

At Brandeis, the [Office of Equal Opportunity](#) is charged with addressing allegations regarding the [Policy Against Discrimination, Harassment, & Sexual Violence](#), including allegations of sexual harassment, other forms of harassment, or sexual assault, as defined in the [NSF Notice](#).

If an administrative action is imposed upon or a determination of responsibility is made for the PI or co-PI due to such alleged misconduct, the OEO official will request from the Office of Research Administration a list of all active PIs or Co-PIs on NSF-funded awards or subawards to determine if the individual meets the reporting criteria established by the NSF. The search will occur as soon as possible after the finding or determination is made and/or the imposition of the administrative action.

If the respondent is found to be a PI or co-PI on any applicable NSF award(s), including sub-award(s), the OEO official will notify the Vice Provost for Research of the finding and/or administrative action that is to be imposed upon the respondent. As the Authorized Organizational Representative for the reporting of such findings, the Vice Provost for Research will notify the NSF via https://www.nsf.gov/od/oecr/notification_form.jsp 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. Each notification to the NSF will include the required information per the NSF Notice.

The Vice Provost of Research will work with other appropriate offices and departments within the University and with the NSF, as needed, with the primary goals of facilitating the safety and security of other award personnel and the continued progress of the funded project. Throughout this process, the Vice Provost for Research will seek to minimize disclosures within the University to the extent possible. It may be necessary for the University to take additional actions, including, but not limited to:

- Initiating the substitution or removal of the PI or any co-PI
- Reducing the award funding amount
- Reviewing expenditures of the award
- When necessary, transferring unallowable charges off the award
- Suspending or terminating the award

When Brandeis is a subawardee or non-lead institution under an NSF award, notifications will be made directly to NSF, per current NSF guidance and the terms of this policy. However, the University may also communicate with the prime awardee as necessary or appropriate under the circumstances.

This procedure addresses NSF reporting only. However, the University may have other legal or contractual obligations such as reporting 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.

2. PAPPG Requirement for code-of-conduct or policy for sexual harassment, other forms of harassment, and sexual assault at NSF-sponsored conferences

Effective February 25, 2019, the NSF's Proposal and Award Policies and Procedures Guide (PAPPG) implemented 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. The policy or code-of-conduct must address the method for making a complaint as well as how any complaints received during the conference will be resolved. This policy or code-of-conduct must be disseminated to conference participants prior to attendance at the conference as well as made available at the conference itself. Proposers are not required to submit the policy or code-of-conduct for review by NSF. On and after that day, all new NSF awards and funding amendments to existing awards are subject to this requirement.

The Office of Research Administration has developed a [sample template message](#) that will help ensure compliance with this requirement. PIs should download and send this message to the particular NSF supported conference, workshop, or symposia and should keep documentation that this notice was provided to all participants prior to and upon arrival at such an event.

3. Safe and Inclusive (SAI) Working Environments for Off-Campus or Off-Site Research

Effective January 30, 2023, the NSF requires proposers to certify that they have developed a plan for Safe and Inclusive Working Environment(s) if the proposed research includes any "off-campus or off-site research," as defined by the NSF. For the purposes of this requirement, "off-campus or off-site research" is defined by the NSF as "data/information/samples being collected off-campus or off-site, such as fieldwork and research activities on vessels and aircraft." PIs should contact oraawards-group@brandeis.edu with questions about applicability of this requirement to their projects.

To help support our PIs in meeting this requirement, the Office of Research Administration has developed the following tools for PIs to download, customize, and then disseminate to their research personnel. The Plan must be disseminated to individuals participating in the off-campus or off-site research prior to departure, and PIs should keep record of this correspondence.

Template:

Plan for Safe and Inclusive Work Environments in Off-Campus or Off-site Research Settings

Note: Use this template to develop a site-specific plan for ensuring that a plan is in place that describes the field setting and unique challenges for the team; the steps that will be taken to foster an inclusive off-campus or off-site working environment; communication processes; and organizational mechanisms for reporting, responding to, and resolving issues of harassment, should they arise. In most cases, this plan does not need to be submitted to the NSF (BIO and GEO are exceptions), but it must be completed prior to submission (as certified by the PI's signature on the [PAF](#)).

Template:

[Email Text to Include in the Dissemination of the SAI Plan](#)

*Note: NSF requires the Plan to be disseminated to all members of the team before they depart for field or off-site research activity. Principal investigators should use this template email to do so. Principal investigators and/or their administrators **must** keep a copy of the email after it is sent to each team member, to document that this NSF requirement was fulfilled.*