TO: Deans, Department Heads, Principal Investigators and Co-Principal Investigators

FROM: Laura Castille, Executive Director OIE

RE: Principal Investigator Guidelines on Sexual Harassment Reporting from the National Science Foundation and National Institute of Health

DATE: November 7, 2019

The purpose of this memo is to discuss the new rule from the NSF that went into effect on October 21, 2018. On February 28, 2019, NIH issued similar guidelines.

NMSU, NSF and NIH expect all research organizations to ensure harassment-free environments. Both NSF and NIH have taken a firm stand against sexual harassment occurring on funded research projects. NMSU ARP 3.25 mandates reporting of discriminatory conduct, including sexual harassment and sexual misconduct, by responsible employees. NSF and NIH require that awardee organizations report directly to them, under certain circumstances, when sexual harassment has been reported.

New Notification Requirements from NSF:

- NSF must be notified of any findings/determinations of sexual harassment, other forms of harassment, or sexual assault regarding an NSF funded PI or Co-PI.
- NSF must be notified if an NSF funded PI or Co-PI is placed on administrative leave or receives any administrative action related to a finding/determination of an investigation related to any sexual harassment or sexual misconduct.
- Notifications must be submitted by an “authorized organizational representative” within 10 days of the date of the finding/determination or the 10 days from the time a PI or Co-PI was placed on admin leave, whichever is sooner.¹

¹ Asst. VP, Research Administration, Alisha Giron, is designated as the authorized organizational representative who will report to NSF. She will also report to NIH.
Upon receipt of a notification, NSF will take specific action, after consideration of the following:

- Safety and security of personnel supported by the NSF award;
- Overall impact to the NSF-funded activity;
- Continued advancement of taxpayer investments in science and scientist; and
- Whether the awardee has taken appropriate action to ensure the continuity of science and continued progress of the funded project.

Possible actions NSF may take after notification:

- Removal of PI or Co-PI;
- Reduction in the funding award amount;
- Suspension or termination of the award.

**NIH Notification Requirements**

- NIH requires that awardee organizations directly notify them when a PI or “other key personnel” on an NIH grant award is no longer able to fulfill their obligations to conduct research because they are under investigation or have been removed from the workplace.

- NIH requires any sexual harassment/sexual misconduct to be reported to the Title IX office (OIE).

**NMSU Procedure to Ensure Compliance with Notification Requirements**

- Complaint/Report comes into OIE.
- Respondent, and their Supervisor, receive notification of the allegation(s).
- Supervisor is responsible for notifying OIE and AVP Giron that individual(s) involved in the allegations are working under an NSF or NIH award/program.
- Supervisor and AVP Giron will receive updates on the investigation and findings/determination from OIE.
- If notification/reporting to NSF or NIH is required, AVP Giron will make the report as required and send OIE notice that the reporting has occurred.
- Evidence of reporting to NSF/NIH will be kept in the OIE case file.

NMSU has the authority to determine that a PI, Co-PI or other individuals working under an NSF or NIH award/program be removed from further participation in an award/program prior to a finding/determination. Such a determination may be made by NMSU if there is evidence of conduct that interferes with the mission of the award/program and/or the mission of NMSU.