

Safe and Respectful Workplaces— Reminders and New Rules Connected to Grant-Funded Positions

HR Reps Meeting, February 15, 2023

Presenter: Jennifer Rodis, Research & Sponsored Programs

Sponsors with Reporting Requirements

- National Aeronautics & Space Administration – April 2020
- National Institutes of Health – June 2020 & May 2022
- National Science Foundation – October 2018
- Simons Foundation – April 2020

Which divisions receive funding from which sponsors?

NASA

CALS

Engineering

Letters & Science

Nelson Institute

OVCERGE

NIH

CALS

Education

Engineering

Letters & Science

Nursing

Pharmacy

SMPH

SOHE

OVCERGE

Veterinary Medicine

NSF

CALS

Continuing Studies

Education

Engineering

Extension

Letters & Science

Nelson Institute

OVCERGE

Pharmacy

School of Business

SMPH

SOHE

Teaching & Learning

Veterinary Medicine

Simons Foundation

CALS

Engineering

Letters & Science

SMPH

OVCERGE

What circumstances may require reporting?

Individual put on administrative leave

- Prior to, during, or after an investigation
- Relating to a finding/determination

Administrative action imposed on individual

- Prior to, during, or after an investigation
- Relating to a finding/determination

Finding or determination

- An individual violated policies or codes of conduct related to sexual harassment, other forms of harassment, or sexual assault

Individual removed from their position

- Due to concerns about harassment, bullying, retaliation, or hostile working conditions

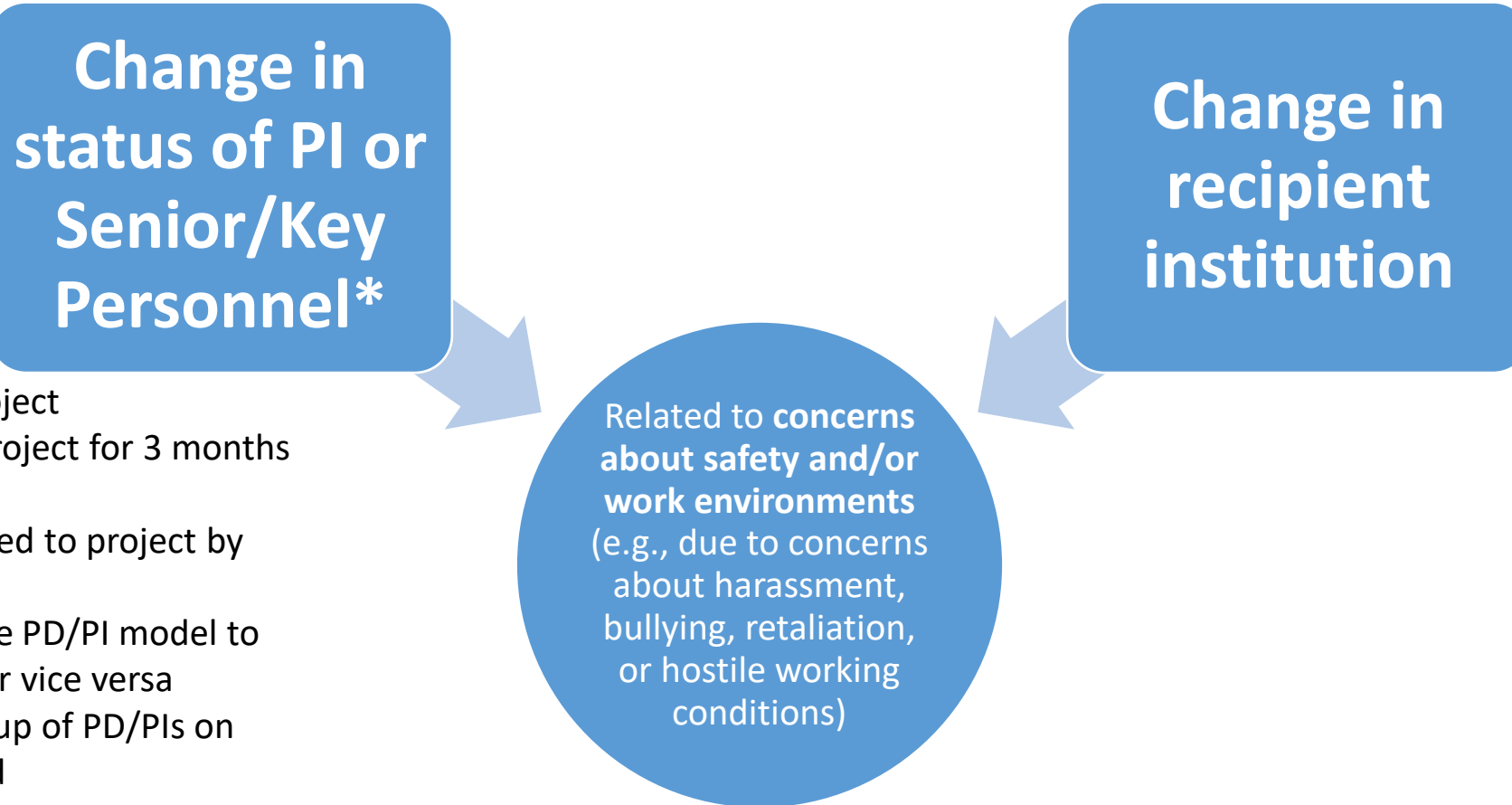
Individual otherwise disciplined

- Due to concerns about harassment, bullying, retaliation, or hostile working conditions

Department/Division/Office of Human Resources/Office of Compliance

Research and Sponsored Programs

What circumstances may require reporting?



*Change meaning:

- Withdrawal from project
- Being absent from project for 3 months or more
- Reducing time devoted to project by 25% or more
- Change from multiple PD/PI model to single PD/PI model or vice versa
- Change in # or makeup of PD/Pis on multiple PD/PI award



Which individuals may be subject to reporting?

- Individuals paid on sponsored projects
- Funding source for salary includes:
 - 144 (federal)
 - 133 (nonfederal)
- Who:
 - Principal Investigator
 - Co-Investigator
 - Senior/Key Personnel
 - Members of research team

Offices involved in notification process

- Departmental/Divisional
 - Human Resources: May receive, investigate, and address complaints of hostile and intimidating behavior
 - Research Administrators: Initiate changes in PI/co-I/senior/key personnel or recipient institution
- Office of Compliance
 - Receives reports of allegations of sexual harassment, other forms of harassment, or sexual assault
 - Conducts investigations related to Title IX and federal civil rights laws
- Office of Human Resources, Workforce Relations
 - May receive and investigate complaints
 - Collaborates with divisions and the Office of Compliance
 - Assists and supports divisions regarding administrative actions, leaves imposed, discipline (up to and including termination of employment), etc.
- Research and Sponsored Programs
 - Receives information from Office of Compliance or Office of Human Resources
 - Submits required notification to sponsor and works with sponsor on grant implications

Important Notes

- An individual may be principal investigator or co-investigator for multiple sponsors
 - Example 1: Professor Jones is PI on 4 NIH awards and 2 NSF awards
 - Example 2: Professor Smith is PI on 1 NSF award and 1 Simons Foundation award
- Questions: odinotifications@rsp.wisc.edu or rodیس@rsp.wisc.edu

NSF requirement: Plan for safe and inclusive working environments for off-campus or off-site research

- If NSF project involves off-campus or off-site research, PI must prepare a plan
- NSF definition of off-campus or off-site research:
Data/information/samples being collected off-campus or off-site, such as fieldwork and research activities on vessels and aircraft
- Plan includes steps organization will take to nurture an inclusive working environment, field support, how prohibited behavior will be addressed, and more
- <https://rsp.wisc.edu/preaward/nsfinstruct.cfm>

Resources

- Harassment Reporting webpage:
<https://rsp.wisc.edu/harassment/HarassmentReporting.cfm>
- Sponsor Notification Requirements webpage:
<https://rsp.wisc.edu/harassment/SponsorNotificationRequirements.cfm>
- Summary of Sponsor Requirements:
<https://rsp.wisc.edu/harassment/SummaryofSponsorRequirements.pdf>

Appendices

Individual Sponsor Requirements &
Information Reported to Sponsors

National Science Foundation (NSF), part a

Reportable events	<p>(1) Any finding/determination regarding the PI or any co-PI 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</p> <p>(2) If the PI or any co-PI is placed on administrative leave <u>or</u> if any administrative action has been imposed on the PI or any co-PI by the awardee <u>relating to</u> any finding/determination <u>or</u> 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.</p>
About whom we report	<ul style="list-style-type: none">• Principal Investigator• Co-Principal Investigator
Reporting timeframe	<ul style="list-style-type: none">• 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

National Science Foundation (NSF), part b

Offices receiving allegations and/or information	<ul style="list-style-type: none">• Office of Compliance• Office of Human Resources, Workforce Relations
Office responsible for reporting to sponsor	Research & Sponsored Programs
Source requirement	https://www.federalregister.gov/d/2018-20574
Additional information	https://www.nsf.gov/od/odi/harassment.jsp

National Aeronautics & Space Administration (NASA), part a

Reportable events	<p>(1) Any finding/determination regarding the PI or any Co-I that demonstrates a violation of the recipient's policies or codes of conduct, relating to sexual harassment, other forms of harassment, or sexual assault; and/or</p> <p>(2) If the PI or any Co-I is placed on administrative leave <u>or</u> if any administrative action has been imposed on the PI or any Co-I by the recipient <u>relating to any finding/determination</u> <u>or</u> an investigation of an alleged violation of the recipient's policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.</p>
About whom we report	<ul style="list-style-type: none">• Principal Investigator• Co-Investigator
Reporting timeframe	<ul style="list-style-type: none">• Within 10 business days from the date of the finding/determination, or the date of the placement of a PI or Co-I by the recipient on administrative leave or the imposition of an administrative action

National Aeronautics & Space Administration (NASA), part b

Offices receiving allegations and/or information	<ul style="list-style-type: none">• Office of Compliance• Office of Human Resources, Workforce Relations
Office responsible for reporting to sponsor	Research & Sponsored Programs
Source requirement	https://www.federalregister.gov/d/2020-04815
Additional information	https://missionstem.nasa.gov/term-condition-institutional-harassment-discr.html

National Institutes of Health, part 1a

Reportable events

- One of the following prior approval requests is related to concerns about safety and/or work environments (e.g. due to concerns about harassment, bullying, retaliation, or hostile working conditions): Change in Status of PD/PI or other Senior/Key Personnel, including:
 - Significant change, meaning withdrawing from the project entirely; being absent from the project for 3 months or more; or reducing time devoted to the project by 25% or more
 - Change from multiple PD/PI model to single PD/PI model
 - Change from single PD/PI model to multiple PD/PI model
 - Change in the number or makeup of the PD/PIs on a multiple PD/PI award
- When a request for a Change in Recipient Institution is:
 - Related to concerns about safety and/or work environments (e.g. due to concerns about harassment, bullying, retaliation, or hostile working conditions)
 - Occurring within the context of an ongoing or recent investigation of misconduct of any kind, including but not limited to professional misconduct or research misconduct

National Institutes of Health, part 1b

About whom we report

- Principal Investigator named in NIH notice of award
- Senior/Key Personnel named in NIH notice of award

Reporting timeframe

- Prior to seeking NIH approval for the individual's reduction in time spent, disengagement for a period of time, or replacement, or change; with submission of request for a change in recipient institution

National Institutes of Health, part 1c

Offices receiving allegations and/or information	<ul style="list-style-type: none">• Office of Compliance• Office of Human Resources, Workforce Relations
Office responsible for reporting to sponsor	Research & Sponsored Programs
Source requirement	https://grants.nih.gov/grants/guide/notice-files/NOT-OD-20-124.html
Additional information	https://grants.nih.gov/grants/policy/harassment/policy-requirement.htm

National Institutes of Health, part 2a

Reportable events

- When a PD/PI or other Senior/Key Personnel is removed from their position or otherwise disciplined due to concerns about harassment, bullying, retaliation or hostile working conditions.

About whom we report

- Principal Investigator named in NIH notice of award
- Senior/Key Personnel named in NIH notice of award

Reporting timeframe

- Within 30 days of the individual's removal or disciplinary action, through a dedicated web form

Offices receiving allegations and/or information

- Office of Compliance
- Office of Human Resources, Workforce Relations

National Institutes of Health, part 2b

Office responsible for reporting to sponsor

Research & Sponsored Programs

Source requirement

<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-129.html>

Additional information

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

<https://public.era.nih.gov/shape/public/notificationForm.era>

Simons Foundation, part a

Reportable events	<ol style="list-style-type: none">i. Any Determination (as defined below) involving Personnel (as defined below) relating to Prohibited Conduct; andii. Any Administrative Action (as defined below) involving Personnel (as defined below) relating to Prohibited Conduct.
About whom we report	<ul style="list-style-type: none">• Principal Investigators• All other members of the research team working on a grant funded by the Simons Foundation
Reporting timeframe	<ul style="list-style-type: none">• Within 10 business days of any determination or administrative action

Simons Foundation, part b

Offices receiving allegations and/or information	<ul style="list-style-type: none">• Office of Compliance• Office of Human Resources, Workforce Relations
Office responsible for reporting to sponsor	Research & Sponsored Programs
Source requirement	Grant Code of Conduct, https://www.simonsfoundation.org/funding-opportunities/policies-and-procedures/
Additional information	<p><u>Administrative Action</u>: Any disciplinary or corrective action, including termination or suspension, taken with respect to Personnel.</p> <p><u>Determination</u>: The final disposition of a matter involving Prohibited Conduct.</p> <p><u>Prohibited Conduct</u>: Any violation of applicable federal, state, and local anti-discrimination, anti-harassment, and anti-retaliation laws; criminal laws, including those with respect to physical assault; institutional policies and procedures relating to anti-discrimination, anti-harassment, and anti-retaliation, including this Grant Code of Conduct; and professional codes of conduct.</p>

Information Reported to Sponsor

Sponsor	Information Reported to Sponsor
<p>National Aeronautics and Space Administration (NASA)</p> <p>Source: https://www.federalregister.gov/d/2020-04815</p>	<ul style="list-style-type: none">• NASA Award Number• Name of PI or Co-I being reported• Type of Report: Select one of the following:<ul style="list-style-type: none">• Finding/Determination that the reported individual has been found to have violated the recipient's 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 recipient of the reported individual on administrative leave or the imposition of any administrative action on the PI or any Co-I by the recipient relating to any finding/determination, or an investigation of an alleged violation of the recipient's policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.• A description of the finding/determination and action(s) taken, if any; and/or• The reason(s) for, and conditions of placement of the PI or any Co-I on administrative action or administrative leave.

Information Reported to Sponsor

Sponsor	Information Reported to Sponsor
<p>National Institutes of Health (NIH)</p> <p>Source:</p> <p>https://grants.nih.gov/grants/guide/notice-files/NOT-OD-20-124.html</p>	<p>When the University submits a prior approval request for a change described in Guide Notice NOT-OD-20-124, and the change is related to concerns about safety and/or work environments (e.g., due to concerns about harassment, bullying, retaliation, or hostile working conditions), the University must include mention of any concerns in the request.</p>

Information Reported to Sponsor

Sponsor	Information Reported to Sponsor
<p>National Institutes of Health (NIH) Source: https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-129.html</p>	<ul style="list-style-type: none">• Name and contact information for individual filing report• Name of the person who may have committed harassment or discrimination• Name of institution that employs that person• Brief description of the incident

Information Reported to Sponsor

Sponsor	Information Reported to Sponsor
<p>National Science Foundation (NSF) Source: https://www.federalregister.gov/d/2018-20574</p>	<ul style="list-style-type: none">• NSF Award Number• Name of PI or co-PI being reported• Type of Notification: Select one of the following:<ul style="list-style-type: none">• 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.

Information Reported to Sponsor

Sponsor	Information Reported to Sponsor
<p>Simons Foundation Source: Grant Code of Conduct, https://www.simonsfoundation.org/funding-opportunities/policies-and-procedures/</p>	<ul style="list-style-type: none">• Simons Foundation award ID• Institution name• Name of personnel being reported• Name, title, email, and phone number of person submitting report• Type of notification, select one:<ul style="list-style-type: none">• Determination• Administrative action• Explanation/Description of events