



**Standard Operating Procedures & Policies**

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| Category:      | Miscellaneous                          |
| Procedure No.: | 900.04                                 |
| Title:         | Reporting Related to Sexual Harassment |

**I. Purpose & Overview**

The National Science Foundation (NSF) issued a policy prohibiting Sexual Harassment, Other Forms of Harassment, or Sexual Assault (the Policy) effective October 21, 2018.<sup>1</sup>

The procedures herein will be used by the Ann Arbor campus Office for Institutional Equity (AA-OIE), the Dearborn campus Office for Institutional Equity, and the Flint campus Institutional Equity Specialist (IES), collectively referred to here as the U-M Offices of Institutional Equity (OIE) to ensure compliance with the Policy. The procedures herein will also be used by University Human Resources as needed.

**II. Applicability of this Policy**

This policy applies whenever, in the course of handling a report of sexual harassment, including but not limited to sexual assault, or other form of discriminatory harassment prohibited by federal law, regulation or policy, as collectively prohibited by SPGs 201.89 and 201.89-1:

- A Principal Investigator (PI) or co-PI on an NSF award subject to the Policy is placed on an Administrative Leave or an Administrative Action is taken; or
- OIE finds that a Respondent has violated the University’s Sexual Harassment policy (SPG 201.89) or the Discrimination and Harassment policy (SPG 201.89-1).

This policy also applies whenever a PI or co-PI on an NSF award subject to the Policy reports a conviction of a sexual offense in a criminal court of law as required by the University SPG 601.83, “Required Disclosure of Felony Charges and/or Felony Convictions.”

**III. Invoking Harassment Reporting Procedures**

These procedures shall be invoked whenever:

- A. A PI or co-PI on an NSF award is either placed on an Administrative Leave or is subject to an Administrative Action related to the report of sexual misconduct or harassment in violation of SPG 201.89 or 201.89-1.
- B. OIE learns of a potential or actual Administrative Leave being imposed or an Administrative Action being taken related to the report of sexual misconduct or harassment in violation of SPG 201.89 or 201.89-1, regardless of whether OIE has received a formal report or issued a finding.

<sup>1</sup> Capitalized words in this document have the same meanings and definitions as those provided in the applicable version of NSF’s Grant General Conditions (GC-1)

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- C. OIE finds a violation of SPG 201.89 or SPG 201.89-1.
- D. Human Resources (HR) or Academic Human Resources (AHR) receives a report of an employee being convicted of a sexual offense in a criminal court of law, as required to be disclosed under SPG 601.83, “Required Disclosure of Felony Charges and/or Felony Convictions.”

**IV. Determining Whether the NSF Policy Applies and Reporting is Required**

The following steps will be taken whenever U-M’s NSF Harassment Reporting Procedures are invoked:

- A. In the case of III.A, the individual responsible for imposing the Administrative Leave or Administrative Action will inform the Office of Research and Sponsored Projects (ORSP) and OIE (if necessary) within 72 hours of the Administrative Leave being imposed or the Administrative Action being taken. ORSP will, in consultation with OIE and the Office of General Counsel (OGC), determine whether the Respondent is the PI or Co-PI on an NSF award, whether the Policy applies, and whether an NSF Harassment Report must be filed with NSF.
- B. In the case of III.B and III.C, OIE will query the eResearch Proposal Management System or other reliable data source to ascertain if the Respondent is a PI or co-PI of an NSF award. OIE may solicit the assistance of the Executive Director of ORSP as needed.<sup>2</sup> If OIE determines that the Respondent is a PI or co-PI of an NSF award, OIE will notify ORSP of its determination as soon as is practicable. ORSP will, in consultation with OIE and OGC, determine whether the Policy applies and whether an NSF Harassment Report must be filed with NSF.
- C. In the case of III.D, HR will inform AHR, and AHR will inform ORSP and OIE within 72 hours of receiving a report of an employee being convicted of a sexual offense in a criminal court of law. ORSP will, in consultation with OIE and OGC, determine the Respondent is the PI or Co-PI on an NSF award, whether the Policy applies, and whether an NSF Harassment Report must be filed with NSF.
- D. If the Policy does not apply or an NSF Harassment Report is not required, then these procedures are not applicable and U-M’s standard operating procedures for handling such reports will apply.
- E. If the Policy does apply or an NSF Harassment Report is required, then the remainder of these procedures shall be followed, in addition to U-M’s standard operating procedures for handling such matters.

All information in U-M’s possession and all actions taken by U-M related to these procedures shall be treated as confidential and shared on a need-to-know basis only, unless required by these procedures or by operation of law, or if in the opinion of OGC or ORSP disclosure is deemed to be appropriate or otherwise required.

<sup>2</sup> In the Executive Director’s absence, ORSP’s Managing Project Representative of the Government Sponsors Team will serve as his/her delegate. Throughout the remainder of this document, “ORSP” means “the ORSP Executive Director.”

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Whenever required, U-M will file an NSF Harassment Report within 10 days of a Finding/Determination, or imposition of an Administrative Leave or Administrative Action.

**V. Notification of NSF Policy Requirements**

Whenever these procedures are invoked and a determination has been made that the Policy applies or an NSF Harassment Report is required, ORSP will notify the Respondent’s Dean/Director and the PI (if appropriate) as soon as is practicable of:

- A. NSF’s requirement to report any Administrative Action or Administrative Leave under the Policy; and
- B. The Dean/Director’s responsibility to notify both OIE and ORSP within 72 hours of any potential Administrative Leave or Administrative Action being imposed.

**VI. Reporting an Administrative Action, Administrative Leave, Finding/Determination, or Conviction in a Criminal Court of Law**

- A. ORSP will be responsible for drafting an NSF Harassment Report in consultation with OIE, AHR, and the Respondent’s Dean/Director, as appropriate:
  - i. When OIE has made a Finding/Determination that the Policy was violated, or AHR has received a report of an employee being convicted of a sexual offense in a criminal court of law, the NSF Harassment Report will include a description of the Finding/Determination or conviction.
  - ii. When the Dean/Director has placed a Respondent on Administrative Leave or an Administrative Action(s) is taken, the NSF Harassment Report will include the reason(s) for, and conditions of, placement of the PI or any co-PI on Administrative Leave or imposition of an Administrative Action.
- B. ORSP will submit the NSF Harassment Report to OGC, and OIE or AHR, for rapid turnaround input.
- C. If the Administrative Leave or Administrative Action requires additional NSF prior approval or notification (e.g., asking for a change in PI or interim PI, change in scope, or significant action impacting grant activities), ORSP will confer with the Dean/Director and (if appropriate) the PI and/or Co-PIs, and file an NSF prior approval/notification.

**VII. Additional and Follow Up Reporting to NSF**

- A. ORSP may submit multiple NSF Harassment Reports related to the same violation of the Policy, depending on timing and order in which the Finding/Determination, Administrative Leave, or Administrative Action happens.

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- B. In the event that a Respondent who was the subject of a Finding/Determination, Administrative Leave, or Administrative Action is later found not to have violated the Policy, ORSP will notify NSF of the same and request the reversal of any measures NSF may have imposed as a result of the initial NSF Harassment Report.

### **VIII. Resources**

ORSP Website: <http://www.orsp.umich.edu/>

NSF Office of Diversity and Inclusion Harassment Website: <https://www.nsf.gov/od/odi/harassment.jsp>

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