



Sexual Harassment and Sexual Assault Reporting Procedures NIFA, NSF, and Other Sponsored Programs

January 2022

I. STATEMENT OF PURPOSE

California State University, East Bay is committed to creating and maintaining an educational, working, and living environment free from all forms of harassment and sexual misconduct. The University's policies prohibit such harassment and misconduct and apply to all members of the University community.

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." That term and condition requires the University to notify NSF promptly of findings of "sexual harassment, other forms of harassment, or sexual assault" against an NSF-funded principal investigator (PI) or co-PI, as well as interim administrative actions imposed by the University (e.g., administrative leave or curtailment of certain University duties). (See also implementation below).

On December 16, 2020, the USDA's National Institute of Food and Agriculture (NIFA) issued a notification letter regarding its, "Sexual Harassment Notification Process." NIFA requires notification to "NIFA Equal Opportunity Staff within three (3) business days of any administrative or disciplinary action taken as related to sexual harassment concerns and/or complaints in a NIFA-funded program or activity." (See also implementation below).

The purpose of this procedure is to explain to the University community, especially NSF-funded and NIFA-funded investigators, how the University expects to implement these expanded and formalized agency notification requirements.

At present, this procedure addresses NSF and NIFA reporting only. However, the University may have other legal or contractual obligations to report 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. Also, the University anticipates that additional funding agencies or organizations may adopt comprehensive notification requirements similar to NSF's. The University may update this procedure as necessary to address such additional notification requirements.

II. IMPLEMENTATION

II A. NSF NOTIFICATION REQUIREMENT

1. The Office of Research and Sponsored Programs will maintain a list of all Principal Investigators and Co-Investigators receiving direct funding or a sub award from the NSF and other relevant federal sponsors.
2. At the outset of a University investigation into allegations of (i) harassment of any sort (including sexual harassment) or (ii) any unwelcome sexual conduct (including sexual assault), and throughout the investigation as appropriate, the Title IX Investigator will consider and determine whether to place the individual whose conduct is under review (the "respondent") on administrative leave or

curtail his/her University duties (e.g., teaching, research, mentoring, advising, administrative duties, or presence on campus) pending the final disposition of the matter.

3. If the University implements an Administrative Action, the Title IX Coordinator will determine whether the respondent is receiving support from NSF, NIFA, or other relevant federal sponsors. If it is determined that the respondent is receiving funding from the NSF, NIFA, or other relevant federal sponsors the Title IX Coordinator will confidentially notify the Associate Vice President for Research and Sponsored Programs within three (3) business days.
4. Notification to NSF Regarding a Title IX administrative action:
 - If the respondent is a PI or Co-PI on any NSF award(s), including sub-award(s), NSF will be notified within ten (10) business days of the Administrative Action, in accordance with NSF requirements (presently via the “Organizational Notification of Harassment Form” on the NSF website). The notification to NSF will describe the Administrative Action and the reasons for it.
 - If the Administrative Action could negatively affect the NSF-funded activity or other personnel associated with the award, the University may seek to appoint a substitute PI or co-PI in consultation with NSF. This process will necessarily involve discussions with others at the University, including the potential substitute PI(s) or co-PI(s) and appropriate Department Chair(s) and Dean(s), but disclosures will be limited to the extent possible.
 - Following any applicable appeals, if the respondent is found responsible of violating a University policy prohibiting harassment (including sexual harassment) or sexual assault, the Associate Vice President of Research and Sponsored Programs will be confidentially notified of such final determination within three (3) business days.
 - After a final determination of responsibility, and if a substitute PI or co-PI has not already been approved, the University may again seek to appoint a substitute PI or co-PI in consultation with NSF. This process will necessarily involve discussions with others at the University, including the potential substitute PI(s) or co-PI(s) and appropriate Department Chair(s), but disclosures will be limited to the extent possible.
 - In accordance with NSF requirements, notifications to NSF under this procedure regarding the Administrative Actions and final determinations of responsibility will identify the respondent, as required, but will not include personally identifiable information of others (e.g., the complainant(s) or witnesses).
 - When California State University, East Bay is a subawardee or non-lead institution under an NSF award, notifications will be made directly to NSF, per current NSF guidance. However, the University may also communicate with the prime awardee as necessary or appropriate under the circumstances.

III NSF-SPONSORED CONFERENCES

It is NSF policy to foster harassment-free environments wherever science is conducted, including at NSF-sponsored conferences. The [NSF Proposal Award Policy and Procedure Guide \(PAPPG\)](#), effective February 25, 2019, requires applicants requesting NSF funds for the purpose of carrying out conferences to have a policy or code-of-conduct that addresses sexual harassment, other forms of harassment, or sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct.

Recipients of NSF funds to carry out conferences must also provide this policy or code of conduct to all event participants prior to the event and at the conference itself.

II B. USDA NIFA NOTIFICATION REQUIREMENT

“NIFA prohibits harassment of any kind, including sexual harassment at institutions who are recipients of federal funding and in any federally assisted program or activity. In addition to taking prompt corrective action to address sexual harassment when it occurs, NIFA expects all recipients of federal funding to implement the following proactive steps to prevent sexual harassment:

- o Develop clear, publicly accessible policies on sexual harassment and procedures for investigating and responding to sexual harassment complaints;
- o Notify faculty, staff, and students of sexual harassment policies and procedures annually; and
- o **Notify NIFA Equal Opportunity Staff within three (3) business days of any administrative or disciplinary action taken as related to sexual harassment concerns and/or complaints in a NIFA-funded program or activity.**

1. The Office of Research and Sponsored Programs will maintain a list of all Principal Investigators and Co-Investigators receiving direct funding or a sub award from the USDA NIFA and other relevant federal sponsors.
2. At the outset of a University investigation into allegations of (i) harassment of any sort (including sexual harassment) or (ii) any unwelcome sexual conduct (including sexual assault), and throughout the investigation as appropriate, the Title IX Investigator will consider and determine whether to place the individual whose conduct is under review (the “respondent”) on administrative leave or curtail his/her University duties (*e.g.*, teaching, research, mentoring, advising, administrative duties, or presence on campus) pending the final disposition of the matter.
3. If the University implements an Administrative Action, the Title IX Coordinator will determine whether the respondent is receiving support from NSF, NIFA, or other relevant federal sponsors. If it is determined that the respondent is receiving funding from the NSF, NIFA, or other relevant federal sponsors the Title IX Coordinator will confidentially notify the Associate Vice President for Research and Sponsored Programs within three (3) business days.
4. Notification to NIFA Regarding a Title IX administrative action:
 - If the respondent is a PI or Co-PI on any NIFA award(s), including sub-award(s), AVP ORSP or a delegate will notify NIFA Equal Opportunity Staff [(816) 772-5163] within three (3) business days of any administrative or disciplinary action taken as related to sexual harassment concerns and/or complaints in a NIFA-funded program or activity (in accordance with the Notification Letter from USDA NIFA). The notification to NIFA will describe the Administrative Action and the reasons for it.
5. If the Administrative Action could negatively affect the NIFA-funded activity or other personnel associated with the award, the University may seek to appoint a substitute PI or co-PI in consultation with NIFA. This process will necessarily involve discussions with others at the University, including the potential substitute PI(s) or co-PI(s) and appropriate Department Chair(s) and Dean(s), but disclosures will be limited to the extent possible.
6. Following any applicable appeals, if the respondent is found responsible of violating a University policy prohibiting harassment (including sexual harassment) or sexual assault, the Associate Vice President of Research and Sponsored Programs will be confidentially notified of such final determination within three (3) business days.

7. When California State University, East Bay is a subawardee or non-lead institution under an NIFA award, notifications will be made directly to NIFA. However, the University may also communicate with the prime awardee as necessary or appropriate under the circumstances.