

NSF Sexual Harassment: App State Procedure

Definitions

For purposes of this term and condition, the following definitions apply:

Sexual Harassment: May include but is not limited to gender or sex-based harassment, unwelcome sexual attention, sexual coercion, or creating a hostile environment, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.

Other Forms of Harassment: Non-gender or non-sex-based harassment of individuals protected under federal civil rights laws, as set forth in organizational policies or codes of conduct, statutes, regulations, or executive orders.

Finding/Determination: The final disposition of a matter involving sexual harassment or other form of harassment under organizational policies and processes, to include the exhaustion of permissible appeals exercised by the PI or Co-PI, or a conviction of a sexual offense in a criminal court of law.

Administrative Leave/Administrative Action: Any temporary/interim suspension or permanent removal of the PI or Co-PI, or any administrative action imposed on the PI or Co-PI by the awardee under organizational policies or codes of conduct, statutes, regulations, or executive orders, relating to activities, including but not limited to the following: teaching, advising, mentoring, research, management/administrative duties, or presence on campus.

Principal Investigator (PI): Lead faculty member on an externally-funded project and the primary individual responsible for an external grant.

Background

Appalachian State University is committed to providing a safe, diverse, and equitable environment to all members of the App State community. This policy addresses acts that are contrary to these values. These acts include discrimination, harassment, sexual assault or sexual violence, interpersonal (relationship) violence, sexual exploitation, stalking, and retaliation.

September 21, 2018 Federal Register: [NSF Research Terms and Conditions](#)
Article X: Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault notes the Principal Investigator (PI) and any Co-PI(s)

identified on an NSF award are in a position of trust. These individuals must comport themselves in a responsible and accountable manner during the award period of performance, whether at the awardee institution, on-line, or at locales such as field sites, facilities, or conferences/workshops.

Purpose

This policy seeks to ensure compliance with the National Science Foundation Research Terms and Conditions, effective October 21, 2018, which requires grantees to notify NSF of any findings/determinations of sexual harassment, other forms of harassment, or sexual assault regarding an NSF funded PI or Co-PI. The new term and condition also will require the awardee to notify NSF if the PI or Co-PI is placed on administrative leave or if the awardee has imposed any administrative action on the PI or any Co-PI 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. Finally, the new term and condition specifies the procedures that will be followed by NSF upon receipt of a notification.

The new term and condition will be effective for any new award, or funding amendment to an existing award, made on or after the effective date.

Procedure

Effective [October 22, 2018](#), the National Science Foundation requires awardee organizations to notify NSF of any findings/determinations of sexual harassment, other forms of harassment, or sexual assault regarding an NSF funded PI or Co-PI. The new term and condition also requires the awardee to notify NSF if the PI or co-PI is placed on administrative leave or if the awardee has imposed any administrative action on the PI or any co-PI 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. Finally, the [award terms and conditions](#) specify the procedures that will be followed by NSF upon receipt of a notification.

The awardee is required to notify NSF of:

- 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

- 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 the awardee relating to any finding/determination of 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.

App State must also report to NSF if App State is a sub-recipient for a NSF-funded project and any of the above items occur.

- Reports of Harassment should be reported through the [Access and Equity: EO – Incident Report Form](#).
- The Office of Access and Equity: Equal Opportunity (EO) will follow up with support, resources, and applicable information. The [Executive Director of Access and Equity](#) will notify the [Director of Sponsored Programs](#) as the NSF Authorized Organizational Representative (AOR) of any finding/determination, or the date of the placement of a NSF sponsored PI or Co-PI on administrative leave by the awardee or the awardee imposition of an administrative action, whichever is sooner.
 - Sponsored Programs will only be informed if the allegation or finding Warrants reporting to NSF.
- The Director of Sponsored Programs will submit the NSF [Organizational Notification of Harassment Form](#) to [NSF's Office of Equity and Civil Rights](#) within ten (10) business days from the date of the finding/determination.

Each notification must include the following information:

- NSF Award Number;
- Name of PI or Co-PI being reported;
- Type of Notification: Select one of the following:
 - a. 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
 - b. 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.

The awardee, at any time, may propose a substitute investigator if it determines the PI or any Co-PI may not be able to carry out the funded project or activity and/or abide by the award terms and conditions.

Administration of Procedure

The Director of Sponsored Programs shall oversee this procedure and review it at least once every two years.

Related Appalachian State University Policies:

- [Policy 108: Equal Opportunity](#)
- [Policy 110: Discrimination, Harassment, Retaliation and Sex Based Misconduct](#)
- [Policy 602.21: Improper Relationships between Students & Employees](#)
- [Policy 602.32: Workplace Violence](#)

Other related Web Pages:

- NSF [Term and Condition: Sexual Harassment, Other Forms of Harassment, or Sexual Assault](#)
- Office of International Education and Development [Sexual Misconduct Abroad](#)
- [Safe and Inclusive Working Env Template](#)
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