

STANDARD ADMINISTRATIVE PROCEDURE

15.99.99.M0.05 Compliance Requirements related to Sexual Harassment, Other Harassment and Sexual Assault for National Science Foundation Federal Funding Recipients

Approved September 6, 2024

Next Scheduled Revision September 6, 2029

SAP Statement and Reason for SAP

This SAP establishes that the Principal Investigator (PI) and any co-PI(s) identified on an NSF award are in a position of trust and must comport themselves in a responsible and accountable manner during the award period of performance, whether at the awardee institution, online or at locales such as field sites, facilities, or conferences/workshops.

This SAP delineates the procedure that the University community will use in complying with the National Science Foundation (NSF) policy requirements related to sexual harassment, other forms of harassment, and sexual assault.

This SAP ensures that the University community is aware of our obligation (1) to fully investigate complaints of sexual harassment and other harassment under federal nondiscrimination law, and (2) to notify the NSF of certain reports.

Definitions

Administrative Leave or 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.

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 principal investigator (PI) or co-PI, or a conviction of a sexual offense in a criminal court of law.

Official Process

1. PROCEDURE FOR INVESTIGATION

1.1. The University has processes supportive of the NSF notification requirements and seeks to comply with all grant terms and conditions related to sexual harassment, other forms of harassment, and sexual assault. The procedures that the University will use to fully and promptly investigate reports or complaints of sexual harassment, other forms of harassment, or sexual assault filed against PI's or co-PI's as well as other personnel supported by an NSF award is set forth in System Regulation 08.01.01, University Rule 08.01.01.M1 and University SAP 08.01.01.M1.01. These procedures include the following steps:

1.1.1. All reports/complaints containing allegations of sexual harassment, other forms of harassment, and/or sexual assault are forwarded to Associate Vice President of Compliance & Title IX within The Office of Civil Rights and Equity Investigations (CREI). Reports may be made online at tamu.ix.edu or by email at civilrights@tamu.edu. Reports can also be made in person at the CREI office or via telephone at 979-458-8157.

1.1.2. CREI investigates and resolves the allegations in accordance with the policies above. Investigation and resolution of the allegations shall be reviewed promptly in accordance with System Regulation 08.01.01.

1.1.3. Prior to, during, or after an investigation, an individual may be put on administrative leave or have an administrative action imposed.

1.1.4. The University will make findings and issue determinations against individuals when an allegation of sexual harassment or other form of harassment or sexual assault has been substantiated.

2. PROCEDURE FOR NOTIFICATION

2.1. The University must notify NSF if the University is a direct recipient or a sub-recipient of an NSF award and,

2.1.1. The University places a PI/co-PI on an administrative leave related to an investigation of an alleged violation or a finding/determination demonstrating 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.

2.1.2. The University imposes an administrative action on a PI/co-PI related to an investigation of an alleged violation or a finding/determination demonstrating 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; or,

2.1.3. The University issues a finding/determination regarding a PI/co-PI that demonstrates a violation of awardee policies or codes of conduct, statutes,

regulations, or executive orders relating to sexual harassment, or forms of harassment or sexual assault.

- 2.1.4. The University must submit the notification required by Section 2.1 within ten (10) business days of the date that the University places a PI/co-PI on an administrative leave, imposes an administrative action, or issues a finding/determination.

3. ROLES AND RESPONSIBILITIES

- 3.1. On the same day that the action is taken, Faculty Affairs (FA) shall provide the Vice President for Research (VPR) or designee with the name of any faculty member who is placed on an administrative leave, receives an administrative action, or is subject to a finding/determination as described in 2.1 above.
- 3.2. On the day that the action is taken, the CREI shall provide the VPR or designee with the name of any research staff member who is placed on an administrative leave, receives an administrative action, or is subject to a finding/determination as described in 2.1 above.
- 3.3. The VPR or his/her designee will determine whether the employee is the PI or co-PI of an NSF award/subaward covered by this notification requirement. If the employee is a PI/Co-PI on an NSF funded award/subaward, the Executive Director of Sponsored Research Services (SRS), serving as the Authorized Organizational Representative (AOR) and the Chief Compliance Officer will be notified of the need to submit a notification to NSF.
- 3.4. The AOR will submit a notification to NSF including the following information:
 - 3.4.1. NSF Award Number
 - 3.4.2. Name of PI or co-PI being reported.
 - 3.4.3. Type of Notification
 - 3.4.4. Description of the finding/determination and action(s) taken, if any; and,
 - 3.4.5. Reason(s) for, and conditions of, placement of the PI or any co-PI on administrative leave or imposition of administrative action.
- 3.5. The AOR shall submit the notification to NSF's Office of Diversity and Inclusion at www.nsf.gov/harassment 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 the administrative leave or the imposition of an administrative action, whichever is sooner.
- 3.6. When the University is a sub-awardee or non-lead institution under an NSF award, the University will submit the required notification to both the NSF and the prime awardee as necessary or appropriate under the circumstances.
- 3.7. When the PI/Co-PI is on a research project with another System Member, the Chief Compliance Officer will notify the Member compliance office as appropriate.
- 3.8. SRS will work with the NSF and other appropriate offices as needed to ensure (1) the PI/co-PI's ability to carry out the funded project and/or abide by the award terms and conditions, (2) the safety and security of other award personnel, (3) all personnel's ability to remain in full compliance with university policies related to sexual harassment, other forms of harassment, and sexual assault, and/or (4) the continued progress of the funded project or activity. Actions that may be necessary could include:

- 3.8.1. Replacement of the PI/co-PI
 - 3.8.2. Review of expenditures on the award
 - 3.8.3. Transfer of unallowable charges off the award
4. OTHER RELEVANT INFORMATION FOR PERSONNEL SUPPORTED BY AN NSF AWARD
- 4.1. Travel and Conference Proposals - Investigators considering hosting or organizing an NSF-funded conference should contact SRS for information and support in development of policy or code of conduct that addresses sexual harassment, other forms of harassment, and sexual assault. The policy or code of conduct must be distributed to conference participants, and must include a clear and accessible means of reporting violations of the policy or code of conduct. NSF will not fund travel and conference proposals that do not have this policy.
 - 4.2. Training – Scientists, students, staff, and other persons who work on or participate in NSF funded programs or research must complete annual training on how to prevent harassment consistent with NSF’s Promising Practices harassment guidance.

Related Statutes, Policies, or Requirements

[*83 FR 47940, Notification Requirements Regarding Findings of Sexual Harassment, Other Forms of Harassment, or Sexual Assault*](#)

[*Promising Practices for Preventing Harassment in the Federal Sector*](#)

[*System Regulation 08.01.01, Civil Rights Compliance*](#)

[*University Rule 08.01.01.M1, Civil Rights Compliance*](#)

[*University SAP 08.01.01.M1.01, Investigation and Resolution of Allegations of Discrimination, Harassment, Retaliation, and/or Complicity Against Students, Employees, and Third Parties*](#)

Contact Office

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Division of Research

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