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Office of the General Counsel
National Science Foundation
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May 4, 2018

Subject: Reporting Requirement Regarding Findings of Sexual Harassment, other Forms of Harassment, or Sexual Assault

Ms. Plimpton,

The American Society for Biochemistry and Molecular Biology (ASBMB) applauds the National Science Foundation (NSF) for its proactive steps to ensure that scientific workplaces are free from sexual harassment and assault. Below, please find our response to NSF Important Notice No. 144, dated February 8, 2018.

1. Proposed Article X requires that an awardee notify NSF of any finding/determinations of violations of codes of conduct related to sexual harassment and assault and of any administrative leaves implemented during investigations of such violations. This requirement will create a situation where the awardee must choose between compliance with the reporting requirement and privacy laws in many states because the proposed Article mandates the identification of individuals. The NSF should consider the reporting of aggregate data on investigations and findings of sexual harassment or assault over time as an alternative.
2. Without a common process at awardee institutions, variations in thresholds for investigations and findings will necessarily occur. The NSF should plan to normalize their process to ensure equity in its actions across institutions and to avoid de-incentivization of formal investigations.
3. Is NSF working with other federal agencies to create a standard set of procedures for compliance and response? ASBMB would like to point out that multiple separate and different policies and procedures will place an unnecessary burden on institutions.
4. How will NSF implement this policy for trainees supported by the NSF GRF program, which are awards made to individuals? The proposed Article X should either include broader terms or add further classifications to ensure that it is clear that the policy relates to not only PIs/Co-PIs supported through research grants but also individuals supported through NSF graduate and postdoctoral fellowships, dissertation improvement grants and other funding opportunities.
5. Proposed Article X does not address the transfer of an award from one institution to another. The NSF should require recipient institution to certify inquiry into previous investigations or findings of sexual harassment or assault for awards requesting transfer.

6. In order to ensure transparency, the NSF should identify actions it will take in response to the spectrum of behaviors under the umbrella of sexual harassment and assault. We recommend that the NSF post an action plan or standard operating procedure for responding to reported sexual harassment and assault.
7. The NSF should ensure the privacy of victims/survivors of sexual harassment or assault that have been identified through this reporting mechanism.
8. Is there a time frame after the completion of an NSF award after which reporting will not be required? We recommend that the NSF develop a reporting requirement that captures harassment misconduct and institutional actions that have occurred post-award and prior to receiving a new award.
9. NSF should implement reporting mechanisms for individuals located at field sites or remote areas that may have difficulty accessing resources online or over the phone.

We thank you for taking these steps to address sexual assault and misconduct in the scientific community. We welcome any opportunity to discuss our comments to the proposed Article X.