

**Required Notifications Regarding Sexual Harassment,  
Other Forms of Harassment, and Sexual Assault  
for NSF, NIH and Other Federal Awards  
&  
Code of Conduct for Federally-funded Conferences, Field  
Experiences and Events**

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## I. Background Information

Institutions receiving funds from the National Science Foundation (NSF) and the National Institutes of Health (NIH) must have policies and practices that support federal laws against discrimination and harassment. In recent years, the NSF, in particular, has implemented a zero-tolerance policy for sexual harassment, other forms of harassment, and sexual assault for their awardee organizations, field sites, conferences, and any place where science or education is practiced with NSF funding. On September 18, 2018, NSF published its final notice of new award term and condition that required recent awardees to report findings of sexual harassment, other forms of harassment, and sexual assault against a principal investigator (PI) or co-principal investigator (Co-PI), as well as the administrative actions that are taken in response to the findings. As of October 22, 2018, all NSF awardees must publicize policies and procedures that specifically respond to NSF requirements. In 2021, NSF updated its sexual harassment and sexual assault policy to include harassment based on ethnicity, race, gender, or disability.

After NSF published its final notice of its new award term and condition, NIH Director, Francis Collins, posted a notice explaining that “the legal constraints that apply differently to NSF and NIH currently prevent NIH from immediate implementation of an identical policy. A rulemaking process would be needed to determine if NIH can require the same responses from our awardee organizations.” Collins announced his plans to form an advisory committee for the NIH on this issue and intention to work with National Science and Technology Council to address “uniform measures across government.” (See [NIH additional information on sexual harassment](#)). In July 2022, NIH expanded its guidance for its awardee organizations to disseminate policies and codes of conduct to ensure a harassment-free environment. These requirements are addressed in sections V and VII below.

## II. Statement of Purpose

The purpose of this document is to expand upon the *Marist College Guidance on Compliance with NSF Notification Regarding Findings of Sexual Harassment, Other Forms of Harassment or Sexual Assault* by providing detailed information on the NSF and NIH reporting requirements as well as the code of conduct requirements for federally-funded conferences and events. Updates will be made to this document as federal agencies amend their requirements.

## III. NSF Notification Mandates

NSF’s term and condition entitled, *Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault* (February 2021), applies to institutional notifications to the NSF of findings and determinations of sexual and other forms of harassment and assault against NSF PIs and Co-PIs. **It should be noted that the NSF term and condition for notifications are distinct from and do not impact Title IX regulations.**

The NSF term and condition mandate pertains to all NSF PIs and Co-PIs, including those on sub-awards. As outlined in the [NSF Sexual Harassment FAQs](#), NSF's new term and condition of notification requirements:

- apply to awards granted to Marist PIs and Co-PIs after September 18, 2018
- apply to findings and/or determinations and any administrative action or placement on administrative leave (for PIs and Co-PIs) that:
  - 1) occurred during or prior to the scope of the NSF award
  - 2) occurred prior to the effective date of the NSF term and condition (prior to September 18, 2018)
- apply to all new awards and funding amendments
- apply to “other forms of harassment,” which includes and is not limited to “harassment based on ethnicity, race, gender, or disability”
- mandate that NSF be notified of any administrative action against an NSF PI or Co-PI, including “interim or other measures taken by the awardee organization at the beginning of an investigation or that are in place during an investigation”
- mandate that notification be submitted through NSF's [Organizational Notification of Harassment Form](#)
- mandate that the [Organizational Notification of Harassment Form](#) is submitted by the Authorized Organizational Representative (AOR) in the institution's Sponsored Projects Office or equivalent office. (Note institutions do not have the “discretion to designate AORs for the limited purpose of reporting under this new notification term” See #14 NSF's Award Term and Condition for Notifications cited in [NSF Sexual Harassment FAQs](#) .

#### **IV. Marist Implementation of Notification to NSF**

1. Principal Investigators will be advised of *Marist College Guidance on Compliance with NSF Notification Regarding Findings of Sexual Harassment, Other Forms of Harassment or Sexual Harassment* and referred to this document for specific agency requirements.
2. The Authorized Organization Representative (AOR) in the Academic Grants Office will advise the PIs to share this document with all senior personnel and any sub-award recipients.
3. The Office of Human Resources (HR) will immediately inform the AOR in the Academic Grants Office of any investigation or administrative actions (past or present) taken against Marist PIs and Co-PI on an NSF award or sub-award.
4. When a claim of discriminatory or harassing conduct involves an NSF-funded Principal Investigator (PI) or Co-Principal Investigator (Co-PI), the Marist Director of Equity and Title IX Coordinator will provide the AOR in the Academic Grants Office with information necessary to fulfill the notification requirement.
5. Upon notification of administrative actions by HR, the AOR in the Academic Grants Office will notify the NSF using NSF's [Organizational Notification of Harassment Form](#).
6. The Business Office will include a statement of these notification requirements in any NSF sub-award agreements.

7. The form will include the name of the PI or Co-PI and the administrative action taken.
8. Once a final determination is made to remove the PI from an award permanently, if an interim PI is not in place and a replacement PI is necessary, the AOR in the Academic Grants Office will initiate the internal process of identifying a replacement PI.
9. For Marist PIs on sub-awards, the same process will be implemented.
10. Discretion and confidentiality will prevail in all correspondence and discussions.

## V. Marist Implementation of Notification to NIH and Other Federal Agencies

Marist will follow the same basic steps 1-10 outlined above for Marist Implementation Notification to the NSF for the NIH and other federal agencies. However, the notification process, information reported, and persons impacted under reporting requirements may be different for a particular agency.

For the NIH, a report to the agency is required if a project director, principal investigator or person designated as senior personnel is “removed from their position or otherwise disciplined due to concerns about harassment, bullying, retaliation, or hostile working conditions.” (See webform below for complete reference and details). Unlike NSF, which requires notification of early findings of harassment and assault, the NIH requires notification within 30 days *after a change in the status of any PI or senior personnel*.

HR will immediately alert the Director of Academic Grants of *a change in the status of a PI or any senior personnel on an NIH award* and the notification of this change will be submitted to the NIH through this [NIH webform](#).

The form requires the following information:

- The name of the contact AOR
- The name of the individual of concern and grant award number
- A brief description of the concerns
- A brief description of the action(s) taken and timeframe
- Any anticipated impact on the NIH-funded award(s)

The NIH will follow up with the contact AOR to determine if other actions need to be taken by the NIH (e.g. assurances of safety for other students and personnel on the award, other actions that need to be taken by the awardee or the NIH on pending or future awards, etc.). For more details on NIH requirements for reporting and areas of NIH interest in follow-up measures, see [NIH Grants Policy Harassment](#).

## VI. Federally-funded Conferences and Events

NSF has set an early standard for all federal agencies to follow. For this reason, the NSF mandates have been adopted by Marist College for all federally-funded events (conferences,

symposia, field experiences, and workshops, etc.) to ensure that any event sponsored under a federal award establishes a safe and harassment-free environment for all attendees.

**Conference and Event Organizers:** The NSF Proposal and Award Policies and Procedures Guide (PAPPG) requires as a condition of funding that NSF awardees have “a policy or code of conduct that addresses sexual harassment, other forms of harassment, and sexual assault. It must include clear and accessible means of reporting violations of the policy or code-of-conduct... This policy or code-of-conduct must be disseminated to conference participants prior to attendance at the conference and made available at the conference itself.” (See NSF PAPPG.)

Anyone organizing a conference, workshop, or symposia under a federal award must disseminate the *Marist Code of Conduct for Federally-funded Conferences and Events* to all participants both prior to and during the event as participants arrive. (See VIII below.) This code of conduct includes standards of behavior for conference participants, violations of the code of conduct, and instructions for reporting a violation. Records of the dates of policy distribution are to be maintained by the event organizer for reporting purposes to the agency.

**Conferences and Event Attendance Under a Federal Award:** If federal funds are to be used for attendance at a conference, symposia, workshop, field experience, or other event, documentation of the organizers’ policy or code of conduct addressing sexual harassment, other forms of harassment, and sexual assault must be documented. These documents must be readily available for agency reporting and audit purposes. If documentation is not made available as described, the College may request that funds used from a grant funding be reimbursed to the College by the organizer.

## **VII. Marist Code of Conduct for Federally-funded Conferences and Events**

The following code of conduct must be distributed to all participants prior to and at any conference, field experiences workshop, symposia or event for which federal funds have been used to fund the event.

Respectful, courteous, and responsible behavior is expected of all Marist faculty, staff, students, service providers, and guests participating in all Marist events. The organizers of the venue are responsible for distribution of this code of conduct to all participants and have the authority to address concerns if a person’s conduct violates this code of conduct.

### **Expectations:**

Participants are expected to show respect for each other at all times. Some concrete ways to demonstrate respect for others include:

- Asking permission to take notes, photograph or record other people or materials owned by others
- Actively listening without interrupting

- Showing you are a focused listener by making eye contact, nodding, smiling, asking questions, etc.
- Asking what others think or what their opinion is on an issue.
- Disagreeing or presenting a different point of view by saying “another way to think about this is....”
- Expressing your understanding of what someone said by summarizing in your own words. “So, I think what I hear you saying is....?”
- Acknowledging or complimenting others. “I like the way you explained that.”
- Apologizing when you’re wrong or have upset someone,
- Assertively call out disrespectful behaviors toward yourself or others whenever you witness them. First explain how the behavior made you feel, then suggest how the person can correct the disrespectful behavior. “I feel bad when I hear you talk that way about him. I would appreciate it if you would stop using words like *nerd* and *stupid* when speaking to him.”

### **Violations:**

The following behaviors are serious violations of the expected code of conduct and any individual found to be exhibiting these behaviors will be removed from the conference or field site:

- Physical or verbal abuse or assault
- Intimidation by words, gestures, or other actions
- Coercion of any kind
- Threats (verbal or physical)
- Gender, racial, ethnic, or sexual harassment or assault
- Sexual misconduct or aggression
- Any behavior that is harmful to the health or safety of oneself or other participants
- Stealing the property of others
- Excessively loud or disruptive behavior

### **Some Examples of Serious Violations:**

- Expressing derogatory, hostile, rude or threatening comments relating to the sex, gender identity, sexual orientation, race, ethnicity, religion, age, disability, or physical appearance of other persons whether spoken directly to the individual or expressed as a generalized comment
- Threatening or attacking another person physically or verbally
- Retaliating against someone conveying or reporting concerns about personal conduct
- Disrespecting others by words (name-calling, slurs, etc.) or facial expressions or any other disrespectful gesture
- Any attempt to coerce or sway others to engage in behaviors against their will (e.g. engaging in criminal activity, sexual acts, drugs or alcohol.)

## VIII. Reporting Code of Conduct Violations at Conferences

The conference director or primary organizer has the responsibility to address the behavior of a participant who exhibits inappropriate behavior and has the authority to remove or issue a warning to anyone whose behavior violates this code of conduct.

## IX. NSF Definitions from NSF: Next Steps Against Harassment Fact Sheet

The definitions below are cited verbatim from NSF: Next Steps Against Harassment Fact Sheet, which is available at [NSF: Next steps against harassment](#).

- **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.

## X. Links to Related NSF Offices, Policies, and Forms

[NSF Sexual Harassment FAQs](#)

[NSF, Office of the Director, Sexual Harassment](#)

[NSF, Term and Condition: Sexual Harassment, Other Forms of Harassment, or Sexual Assault](#)

[NSF Office of Equity and Civil Rights](#)

[NSF Organizational Notification of Harassment Form:](#)



[NSF Complaint Form](#)

[NSF Sexual Harassment FAQs](#)

## **XI. Links to Related NIH Offices, Policies, and Forms**

[NIH additional information on sexual harassment](#)

[Inform NIH About Harassment or Discrimination Concerns](#)

[NIH webform](#) (for reporting to the NIH)

## **XII. Links to Related Marist College Policies and Forms**

[Discrimination, Harassment, and Sexual Misconduct Policy & Procedures for All Students and Employees](#)

[Student Handbook/Student Conduct](#)

[Student Bill of Rights](#)