



University of Pittsburgh

TO: Council of Deans, Division and Department Chairs

FROM: Ann Cudd, Senior Vice Chancellor and Provost *Ann E. Cudd*
Arthur Levine, Senior Vice Chancellor for the Health Sciences *Arthur A. Levine*

DATE: October 22, 2018

RE: National Science Foundation "Term and Condition" on Sexual Harassment, Other Forms of Harassment, or Sexual Assault

Background

The National Science Foundation (NSF) announced on September 21, 2018 a new Term and Condition (Term) relating to harassment. The Term, effective on October 21, 2018, requires institutions to notify NSF of any finding/determination or administrative action relating to sexual harassment, other forms of harassment, or sexual assault within ten (10) business days. The notice must be submitted by the University's Authorized Organization Representative (AOR), Vice Chancellor Jennifer Woodward. The new notice requirement applies to:

NSF Principal Investigators (PI) and Co-PIs;

New NSF Awards and Funding Amendments made on or after October 21, 2018;

All civil rights harassment (based on sex, race, religion, harassment, disability, etc.) findings/determinations and administrative actions;

Occurring on or after October 21, 2018 (even if the underlying conduct pre-dates October 21, 2018); and

Includes off campus conduct and conduct unrelated to, or outside the scope of, the grant award.

The University's Interim Plan to Meet the Term's Requirements

All reports of sexual misconduct, as defined in Policy and Procedure 06-05-01, must be sent to the Title IX Office, part of the University's Office of Diversity and Inclusion (ODI). As a result, the Title IX office is prepared to work with the AOR to manage the new reporting requirements under the Term and no revisions are necessary to this Policy and Procedure.

With respect to other forms of prohibited harassment, the University's Non-Discrimination Policy 07-01-03 harassment based upon protected classes such as race, religion, and disability. The University is also required to report findings and administrative actions relating to these types of harassment under the Term. Accordingly, to ensure institutional compliance, *effective*

immediately, the University has issued the following interim amendment to its Nondiscrimination and Anti-Harassment 07-01-03 Procedure as follows (amendment in bold):

Any faculty, staff, or student who believes that he or she has been the victim of discrimination or harassment in violation of the University's Nondiscrimination Policy or Anti-Harassment Policy Statement should contact his or her department chair, dean, director, immediate supervisor, or one of the persons identified at the end of this document. Individuals have the right to raise issues of discrimination or harassment without fear of retaliation. Complaints may be handled by the person/office receiving the complaint or referred to another appropriate office within the University, **except all complaints alleging such a violation by a Principal Investigator (PI) or Co-PI on a National Science Foundation (NSF) grant must be referred to the Office of Diversity and Inclusion (ODI) for handling and that office's procedures for investigation will apply to those complaints.**

Under this Interim Amendment, all harassment or assault complaints alleging a violation of Policy 07-01-03 by a NSF PI or co-PI must be referred to and handled by ODI. Should any reportable findings or administrative actions occur, ODI will work with the AOR to make any required reports to NSF through the designated NSF portal. This amendment creates a mechanism for institutional consistency and expertise in meeting the requirements of the Term.

A comprehensive review of the Non-Discrimination Policy and Procedure 07-01-03 is slated to occur this academic year, which will include a review of whether further amendment of this procedure is needed to address other regulatory changes. The University is committed to education and employment that are free from prohibited harassment and looks forward to working, through the shared governance process, to revise this Policy to ensure that it continues to uphold that value.

Please distribute this memo to the appropriate faculty and staff in your schools, divisions and departments.

For further information or if you have questions, please email diversity@pitt.edu.

Links to Relevant Documents

https://www.nsf.gov/od/odi/term_and_condition.jsp

<https://www.federalregister.gov/documents/2018/09/21/2018-20574/notification-requirements-regarding-findings-of-sexual-harassment-other-forms-of-harassment-or>

https://www.nsf.gov/od/odi/docs/Sexual_Harassment_FAQs.pdf