

## **Tennessee Tech Office of Sponsored Programs Procedures Related to NSF Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment, or Sexual Assault**

Tennessee Tech will follow National Science Foundation (NSF) requirements whenever the term and condition regarding sexual harassment, other forms of harassment, or sexual assault is included in an NSF-funded award or subaward agreement.

### **NSF 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 Tennessee Tech 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.

### **Procedures for Notifying NSF**

Tennessee Tech adopted the following procedures regarding NSF notification requirements.

- The Office of Compliance (Compliance) or Office of Human Resources (HR) receives a report of an allegation of sexual harassment, other forms of harassment, or sexual assault, as defined by the NSF.
- An investigation of the allegation is conducted in accordance with applicable University policies and procedures. The timeframe for the investigation will depend upon the complexity of the investigation and the severity and extent of the allegations.
- Before, during, or after an investigation, an individual alleged to have engaged in misconduct (respondent) may be put on administrative leave or have an administrative action imposed.

- If an administrative leave or action is imposed, Compliance or HR will ask the Office of Sponsored Programs (OSP) for a list of PIs or Co-PIs on NSF-funded awards or subawards. Compliance or HR will review the list to see if respondent is a PI or Co-PI on an NSF-funded award or subaward. The search will occur as soon as possible after respondent is put on administrative leave or action is imposed.
- If a finding/determination is made regarding respondent, Compliance or HR will ask OSP for a list of PIs or Co-PIs on NSF-funded awards or subawards. Compliance or HR will review the list to see if respondent is a PI or Co-PI on an NSF-funded award or subaward. The search will occur as soon as possible after the finding or determination is made.
- If respondent is a PI or Co-PI on an NSF-funded award or subaward, Compliance or HR will submit information specified in NSF requirements to OSP's Authorized Organizational Representative (AOR).
- Tennessee Tech's AOR is the Director of Sponsored Programs or his/her designee.
- Within seven (7) business days of the date of the administrative leave/action or finding/determination, the AOR will submit the notification to the NSF's Office of Equity and Civil Rights to [harassmentnotifications@nsf.gov](mailto:harassmentnotifications@nsf.gov).

Each notification must include the following information:

- NSF Award Number;
- Name of PI or Co-PI being reported;<sup>1</sup>
- Type of Notification: Select one of the following:
  - o Finding/Determination that the reported individual has been found to have violated Tennessee Tech policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault; or
  - o Placement by Tennessee Tech of the reported individual on administrative leave or the imposition of any administrative action on the PI or any Co-PI by Tennessee Tech relating to any finding/determination or an investigation of an alleged violation of university 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.
- Other personnel supported by an NSF award must likewise remain in full compliance with university policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault. With regard

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<sup>1</sup> Only the identification of the PI or co-PI is required. Personally identifiable information regarding any complainants or other individuals involved in the matter must not be included in the notification.

to any personnel not in compliance, Tennessee Tech will make appropriate arrangements to ensure the safety and security of other award personnel and the continued progress of the funded project. Notifying NSF of these actions is not required.

- OSP will work with NSF and other appropriate offices as needed, with the goal of ensuring the safety and security of other award personnel and the continued progress of the funded project. Actions necessary may include, but are not limited to:
  - Replacement of the PI or Co-PI
  - Review of expenditures on the award
  - When necessary, transfer of unallowable charges off the award