Internal NIH Efforts to Redress Harassment

ACD Meeting
June 10, 2021
NIH Resources

NIH Civil Program
• Promotes civility in the workplace and addresses concerns about uncivil, disruptive, or harassing workplace behaviors.
• Central oversight of administrative inquiry process
• Allows for option to remain anonymous, but cannot guarantee confidentiality
Phone: 301-402-4845, Hotline: 833-224-3829
https://hr.nih.gov/working-nih/civil

Employee and Labor Relations
• Provides advice and technical guidance on personnel matters (conduct, performance, medical issues, discipline/adverse actions)
• Representative for/advisor to management
• Not confidential
Phone: 301-402-9203
https://hr.nih.gov/workforce/employee-labor-relations-contacts

Office of Equity, Diversity, & Inclusion
• Establishes and implements policies relating to diversity, equal employment, civil rights, and other issues.
• Formal discrimination complaint processing
• Neutral, but not confidential
Phone: 301-496-6301
https://www.edi.nih.gov/

Office of the Ombudsman
• Consultation for workplace conflict
• Develops collaborations for enhanced workplace effectiveness
• Neutral and confidential
Phone: 301-594-7231
https://ombudsman.nih.gov/

Office of Intramural Training & Education
• Enhances the training experience of students and fellows on all of the NIH campuses
• Partners with Civil closely to address concerns involving trainees and fellows
• Works closely with the Training Offices in the NIH Institutes and Centers to help trainees in the Intramural Research Program.
Phone: 301-594-2053
https://www.training.nih.gov/

Employee Assistance Program
• Counseling role
• Assistance with work & personal issues (ex: stress, communication at work, medical issues, substance abuse, problems at home)
• Confidential
Phone: 301-496-3164
https://www.ors.od.nih.gov/sr/dohs/HealthAndWellness/EAP/Pages/index.aspx
The Civil Process

Initial Review

Civil reviews the initial documentation to determine if an administrative inquiry is required. If they determine the matter would be more appropriately handled by a partner organization, Civil Specialists will refer the matter to the most appropriate resource(s) and close the case.

Those resources include:

- IC Management
- Office of the Ombudsman
- Employee and Labor Relations
- Office of Intramural Training and Education
- Employee Assistance Program
- Division of Police

Inquiry

For cases requiring further review, Civil will notify appropriate management officials and initiate a more in-depth inquiry. The purpose of an inquiry is to ensure allegations are examined objectively and any inappropriate behavior is curtailed quickly through appropriate corrective action.

Evaluation

Evidence collected during the inquiry is evaluated to determine if a policy has been violated. Civil will provide the documentation and evaluation to the appropriate management officials and the Employee & Labor Relations Office to develop corrective administrative actions.

Corrective actions vary based on the evidence review and the nature and complexity of the case. Management and ER are responsible for keeping Civil abreast of determined corrective action plan prior to issuance.

Close-Out

Once the inquiry is complete, close-out notifications will be sent to the reporting party and respondent notifying them that Civil will continue to work closely with management officials to address concerns and ensure a safe and professional work environment for employees.

To protect staff privacy, no further information will be provided.

Civil does not officially close the case until management confirms corrective action has been implemented.
## Corrective Administrative Actions

<table>
<thead>
<tr>
<th>INFORMAL –</th>
<th>Remedial Training</th>
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<tbody>
<tr>
<td></td>
<td>Verbal/Written Counseling</td>
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<td></td>
<td>Cease &amp; Desist</td>
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<td>Separating Parties</td>
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<td>FORMAL –</td>
<td>Official Reprimand in OPF</td>
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<td></td>
<td>Suspension – 14 days or less</td>
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<tr>
<td></td>
<td>Suspension – 14 days or more</td>
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<td>Removal</td>
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- **OTHER ACTIONS**
  - (Pending outcome of inquiry)
  - Administrative Leave
  - Telework
  - Facilities Ban
**All Civil Cases (Jan 2020 to Present)**

Data as of May 28th, 2021

### Inappropriate Conduct Sub-Case Types
- Inappropriate Conduct...
- Inappropriate Conduct...
- Bullying /...
- Race
- Disability
- Age
- Religion

### Other Case Types
- Workplace Issue
- Suicidal Ideation
- Domestic Violence
- Behavioral Concern

### Summary
- Total Cases Received: **519**
- Total Active Cases: **127**
Case Outcomes

Data as of May 28th, 2021

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2021</th>
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<tbody>
<tr>
<td>Total Allegations of Inappropriate Conduct Received</td>
<td>309</td>
<td>140</td>
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<tr>
<td>Evaluated &amp; Referred to Another Resource</td>
<td>203</td>
<td>50</td>
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<tr>
<td>Violation of Policy/ Misconduct Found (corrective action taken)</td>
<td>65*</td>
<td>13**</td>
</tr>
<tr>
<td>Active Internal Inquiries</td>
<td>36</td>
<td>73</td>
</tr>
<tr>
<td>Active External Inquiries</td>
<td>5</td>
<td>5</td>
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</tbody>
</table>

* 15 cases addressed via formal corrective action; 50 cases addressed via informal
** 4 cases addressed via formal corrective action; 9 cases addressed via informal
The NIH Civil Program

Our mission is to foster civility throughout the NIH community.

Are you aware of a workplace situation involving uncivil behavior? Contact the Civil Program. Uncivil behavior includes:

- harassment
- sexual harassment
- inappropriate conduct
- intimidation
- bullying or
- other unproductive, disruptive, and/or violent behaviors

Important Note: Raising an allegation with the Civil Program is not equivalent to or in lieu of filing an EEO Complaint of Discrimination, under 29 C.F.R. 1614, or a grievance under the administrative or negotiated procedures included in the applicable Collective Bargaining Agreement (CBA). If you wish to pursue an EEO complaint, contact the Equity, Diversity, and Inclusion Office within 45 days of the discriminatory incident.

Understand your options. Learn more about the difference between the Civil Program and the Office of Equity, Diversity, and Inclusion (EDU).

Report a Concern

NIH Wellness

This section includes many resources to help you deal with stress, mediate conflict, and assist in effectively managing workplace and personal challenges.

Anti-Harassment

This section includes Anti-Harassment related policies and role-based toolkits to assist the NIH community.

Personal Relationships

This section includes guidance and role-based toolkits to assist the NIH community.

Hot Topics

- Contact Civil
- What to Report and Where: Guidance for NIH Managers and Supervisors
- Domestic Violence Resources
- Anonymity
- Timeline for Inquiries
- Anti-Harassment Q&A
- Resources for Return-to-Work Concerns
- Understanding Workplace Bystander

Toolkits

- Personal Relationships in Workplace
- Harassment and Inappropriate Conduct
- Distressed Trainee Toolkit for Supervisors and Trainees
- Supervisor and the Distressed Trainee Flyer
- Quick Tips for Supervisors
- Resources for Trainees
- Supervisors and Trainees Wallet Card
- Guide for Supervisors

Extensive Guidance and Toolkits Available on our Website
civilworkplace.nih.gov
New Mandatory Anti-Harassment Training for 2021

A new online Anti-Harassment training was launched last year.

- The training encompasses requirements for both the Notification and Federal Employee Anti-discrimination and Retaliation (No FEAR) and Prevention of Sexual Harassment (POSH) trainings;
- This new Anti-Harassment training is required for NIH federal employees, trainees, fellows, and contractors;
- The training must be taken annually and is due by December 14th of each year (or within 90 days of onboarding); and
- Failure to comply with the training requirement will result in the disablement of active directory accounts until the requirement is met.
# Anti-Harassment Policy Enhancements

**NIH Manual Chapter 1311: Preventing and Addressing Harassment and Inappropriate Conduct** is being updated based on feedback from stakeholders and the AHSC members. Our goal is to publish the revised policy in Fall 2021.

<table>
<thead>
<tr>
<th>SECTION</th>
<th>Enhancements</th>
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<tbody>
<tr>
<td>B. Policy</td>
<td>• Clarifying the goals of the Anti-Harassment Program/Civil Process&lt;br&gt;• Adding language and examples of all covered protected classes (race; ethnicity; color; religion; national origin; age; disability; genetic information; and sex including pregnancy, gender identity, transgender status, and sexual orientation)</td>
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<td>C. Scope</td>
<td>• Separating out contractors and including specific language for that population</td>
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<td>D. Procedures</td>
<td>• Clarifying that contract staff are encouraged to first discuss concerns with their contracting company, but they may report to Civil as well&lt;br&gt;• Including Contractor Officer Representatives (CORs) under, “management responsibilities”&lt;br&gt;• Creating a separate section to expanding on the difference between the Civil Program process and the EEO complaint process through the Office of Equity, Diversity and Inclusion&lt;br&gt;• Expanding explanation of the initial review step in the administrative inquiry process</td>
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<td>F. Roles and Responsibilities</td>
<td>• Adding a section for CORs and Project Officers&lt;br&gt;• Revising Employee and Labor Relations Branch (ELRB) responsibilities</td>
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<td>H. References</td>
<td>• Adding links to DOL, FAR, and Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</td>
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THANK YOU!