Update on the ACD Working Group on Changing the Culture to End Sexual Harassment

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Meeting of the Advisory Committee to the Director
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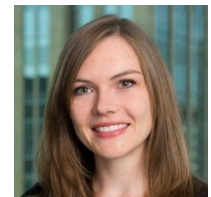
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Overarching Themes

1. Increase Transparency and Accountability in Reporting of Professional Misconduct, especially Sexual Harassment

2. Establish Mechanisms for Restorative Justice

3. Ensure Safe, Diverse, and Inclusive Research and Training Environments

4. Create System-wide Change to Ensure Safe, Diverse, and Inclusive Research Environments

Conclusions

- NIH should use its unique position to set the tone to ensure that immediate and long-term changes are made to prevent sexual harassment.

- NIH and grantee institutions must coalesce around the recommendations and form a robust partnership to fully implement change.

- NIH must be committed to ongoing evaluation of these efforts over time.

- Transparency and accountability will be paramount during the implementation of these recommendations to ensure progress is being made.

There is not only a moral obligation for ending the culture of sexual harassment in biomedical research – safe and harassment free research environments are also essential for conducting high-quality science.

Updates Since December

- **By the numbers:**
  - 2019 | 115 cases
  - 2020 | Jan-June 8th: 27 cases
  - Involving 71 institutions
  - At least 14 PI's removed
  - Incidents still in process

- **Progress being made…**
  - Still much to do
  - Nuanced, multi-faceted recommendations
    - Actions in reference to recommendations are not meant to imply full implementation
  - Impact of COVID 19

Internal NIH Efforts

- **IC plans, best practices**
  - *Procedures:*
    - Anti-harassment materials included in new hire orientation program
    - Mandatory trainings (bystander, CIVIL, implicit bias, trainees)
    - PMAP language
    - Consistent disciplinary approach (corrective action plans, table of penalties)
  - *Communication & development:*
    - Executive leadership role(s)
    - Workgroups, committees, councils, task forces
    - Staff-level engagement (brown bags, town halls, workshops, Q&As)
    - Published materials and resources

- **Actions in response to climate survey**

Theme 1: Increase Transparency and Accountability in Reporting of Professional Misconduct, especially Sexual Harassment

1.1: Create a parallel process to treat professional misconduct, including sexual harassment, as seriously as research misconduct.

1.4: Establish mechanisms of accountability for findings of professional misconduct.

- OER Integrity Team

- Publication of SOPs on harassment – parallel w/research misconduct

1.1: Create a parallel process to treat professional misconduct, including sexual harassment, as seriously as research misconduct.

1.4: Establish mechanisms of accountability for findings of professional misconduct.

- Upcoming Guide Notice:
  - **Informing the Agency -** "*[B]ecause NIH recipients are expected to provide safe and healthful working conditions for their employees and foster work environments conducive to high-quality research, the ==request for approval should include mention as to whether change(s) in PD/PI or Senior/Key Personnel is related to concerns about safety and/or work environments (e.g. due to concerns about harassment, bullying, retaliation, or hostile working conditions)==. NIH will in turn be better positioned to enable informed grant-stewardship decisions regarding matters including, but not limited to, substitute personnel and institutional management and oversight.*"
  - **Stopping "Pass the Harasser" -** "*…requests for change in recipient institution , as outlined in 8.1.2.7, should include mention as to ==whether the change in recipient institution is related to concerns about safety and/or work environments (e.g. due to concerns about harassment, bullying, retaliation, or hostile working conditions)==…*"

1.5: Exclude researchers with a confirmed finding of sexual harassment, or other professional misconduct, from participating in NIH study sections or NIH advisory councils/committees for a determined period of time.

- Peer review:
  - 2019 | 64 individuals removed
  - 2020 | Jan-present: 24 individuals removed

1.8: Support research on procedures and policies that model and promote a positive climate that cultivates respect, civility, and safety.

- National Academies evaluation metrics workshop development
  - Convene stakeholders, discuss approaches, and develop strategies for measuring the effectiveness of sexual harassment interventions
  - Focus on metrics that can demonstrate change in the organizational climate, culture
  - Workshop outcomes (published proceedings) would serve as a resource for federal funding agencies and other stakeholders

Theme 2: Establish Mechanisms for Restorative Justice

2.1: Create new incentives and funding opportunities to restore the careers of targets and other affected individuals.

- NIH revising Re-Entry Supplements FOA

- Always allowed individuals adversely affected by harassment to use the mechanism, but the new draft will specifically indicate that re-entry following a hiatus due to an unsafe or discriminatory environment is allowed
    - Publication anticipated in late 2020, early 2021

Theme 3: Ensure Safe, Diverse, and Inclusive Research and Training Environments

3.1: Create new mechanisms whereby research awards are given directly to trainees.

- The Katz award FOA will be released this Fall
    - (delayed by COVID-19)
- The NIH Office of Research on Women's Health (ORWH) has convened a workgroup to discuss using the NIH Career Transition Award (K22) mechanism
- The Division of Biomedical Research Workforce is looking at whether career development awards (K) or fellowships (F) can be modified to achieve greater independence

3.2: Have specific expectations and requirements for maintaining a safe training and research environment including, but not limited to, at the research institution, conferences, other research settings (e.g., field work), and clinical settings.

- In January 2020, NIH added language and reference links to the template for all FOAs:
  - "HHS funded health and education programs must be administered in an environment free of sexual harassment."

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- Anticipated actions:
    - Strengthening all FOA language for conference support; an existing R13 example:
        - "it is expected that organizers of NIH-supported conferences and scientific meetings take steps to maintain a safe and respectful environment for all attendees by providing an environment free from discrimination and harassment, sexual or otherwise"
    - Revising environment application requirements for all grants with language similar to that being used in the NIGMS MOASIC/R25 – *parent T32 language already added:*
        - A senior institutional official must address how the institution will ensure *"that proper policies, procedures, and oversight are in place to prevent discriminatory harassment and other discriminatory practices and to appropriately respond to allegations of such discriminatory practices, including providing any required notifications to NIH."*
    - Explicit T&C based Grants Policy Statement on safe research environment

3.4: Fund research on the development of effective interventions tailored to different types of organizations and climates that improve the health and safety of biomedical researchers.

- **Added to some FOAs, in process of seeking additional opportunities:**

  - NOT-GM-20-016: Notice of Special Interest (NOSI): Administrative Supplements to Enhance Laboratory Safety Curriculum and a Culture of Safety in Biomedical Research Training Environments

  - NOT-OD-20-038: Notice of Special Interest: Administrative Supplement for Research on Bioethical Issues

  - PA-18-729: Research on the Health of Transgender and Gender Nonconforming Populations

Theme 4: Create System-wide Change to Ensure Safe, Diverse, and Inclusive Research Environments

4.1: Address funding strategies that contribute to male-dominated power structures, including addressing grant mechanisms that are awarded predominantly to men.

- The NIH Center for Scientific Review (CSR) is completing a report on an anonymization study where names were redacted from applications to test for potential bias in review.

- Notices of Special Interest
  - Administrative Supplements to Promote Research Continuity and Retention of NIH Mentored Career Development (K) Award Recipients and Scholars, NOT-OD-20-054
  - Administrative Supplement for Continuity of Biomedical and Behavioral Research Among First-Time Recipients of NIH Research Project Grant Awards, NOT-OD-20-055

Institutional Response

- **Substantial # of cases allows us to look at patterns**

- **Starting to see a worrisome trend in response**
  - **Harassment acknowledged**
  - **Removed from training/supervisory responsibilities**
  - **Don't touch PI/grant**
  - **Problem solved…**

- **Not in keeping with focus on safe environment**
  - **Can't trust with students/postdocs, how can trust w/ public $?**
  - **Compromises safe and inclusive environment**
  - **Seems to support perception that institutions 'protect' funded PIs**

Additional activities

- **National Science & Technology Council (NSTC)**
  - NIH Co-Chairs the NSTC Subcommittee on Safe & Inclusive Research Environments (SIRE)
    - Ongoing coordination to share practices, challenges, and activities that combat harassment in research

- **Establishing relationship with HHS OCR**
  - Leadership connection and regular staff interactions

- **NASEM collaboration continuing**
  - Summit participation

Impact of COVID 19

- Attention of the agency

- Long term consideration of pandemic impact on workforce diversity and environment

Questions?