

Changing the Culture to End Sexual Harassment: Report from the ACD Working Group

*118th Meeting of the Advisory Committee to the Director
June 13-14, 2019*

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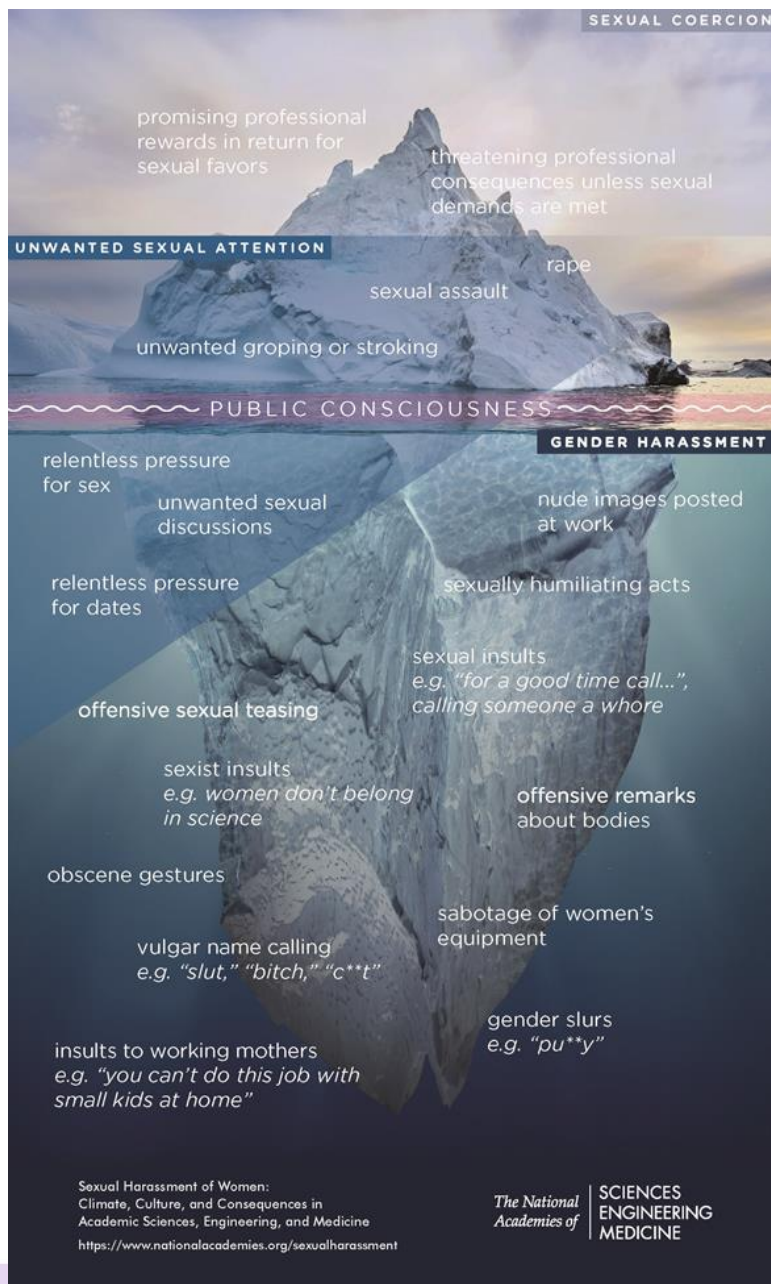
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Outline of Today's Presentation

- Update on NIH activities
- Working Group Background
 - Review of the charge
 - Working Group members
- Working Group Activity Update
- Interim Recommendations
 - To include high-priority, actionable recommendations for ACD feedback
 - More robust list of recommendations to be presented no later than Dec
- Additional Considerations and Next Steps



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is morally
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NIH Internal Anti-Harassment Actions



OVERSIGHT

NIH Anti-Harassment Steering Committee



POLICIES

Anti-Harassment Manual Chapter & Relationship Policy Statement



TOOLS & RESOURCES

Hotline, Webform, Training, Education, and Additional Resources



PROGRAM

NIH Civil Program Expansion Updates



TIMELINE & COMMUNICATIONS

Anti-Harassment Program Launch Timeline and Campaign

THE NIH DIRECTOR

The NIH Director

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February 28, 2019

Update on NIH's efforts to address sexual harassment in science



As the NIH Director [stated](#) in September, sexual harassment is about power. The goal of the perpetrator, most commonly but not exclusively a man, is to objectify, exclude, demoralize, diminish, and coerce the victim, most commonly a woman, to exert power over her. It's morally indefensible, it's unacceptable, and it presents a major obstacle that is keeping women from achieving their rightful place in science.

Victims of harassment know this all too well. Sexual harassment does not just damage the careers of those who have encountered it, it can leave deep scars and psychological effects that reverberate for a lifetime. The reports of scientists and students shared through the #MeTooSTEM movement portray a heartbreaking story of opportunities lost, pain suffered, and a systemic failure to protect and defend. To all those who have endured these experiences, we are sorry that it has taken so long to acknowledge and address the climate and culture that has caused such harm. The [National Academies report on sexual harassment of women in science](#)¹ found that "federal agencies may be perpetuating the problem of sexual harassment." We are concerned that NIH has been part of the problem. We are determined to become part of the solution.

This month, the [Working Group of the Advisory Council to the Director \(ACD\) on Changing the Culture to End Sexual Harassment](#) met for the first time and heard from a wide-range of experts and perspectives, including Dr. BethAnn McLaughlin, whose leadership of the #MeTooSTEM movement has provided a voice for victims of harassment. We have heard similar, harrowing accounts from scientists in the NIH intramural program during meetings of the NIH Anti-Harassment Committee. These conversations have made it abundantly clear that NIH needs to do better in tackling the underlying culture that enables sexual harassment to take place, admit our contributions to perpetuating this culture, and elevate the seriousness with which the agency takes this issue through our actions.

"To all those who have endured these experiences, we are sorry that it has taken so long to acknowledge and address the climate and culture that has caused such harm. The [National Academies report on sexual harassment of women in science](#) found that 'federal agencies may be perpetuating the problem of sexual harassment.' We are concerned that NIH has been part of the problem. We are determined to become part of the solution."

Actions Described in Feb. 28 Statement

- Emailed all NIH-funded institutions asking for assistance to combat sexual harassment
- Established confidential email address to report concerns about NIH-funded institutions (GranteeHarassment@od.nih.gov)



Demonstrating Transparency and Accountability

Internal Actions

- 2018: Reviewed 35 allegations
 - Formal disciplinary action against 10 staff members
 - Informal disciplinary action against 10 staff members
- 2019 (Jan-May): Reviewed 171 allegations
 - Formal disciplinary action against 7 staff members
 - Informal disciplinary action against 27 staff members
 - 52 training sessions about the anti-harassment program

External Actions

- 2018: Reviewed 28 incidents
 - Replacement of 14 PIs
 - Institutional disciplinary action against 21 PIs
 - 2 people removed from peer review
- 2019 (Jan-May): 31 inquiries
 - Involved 27 investigators
 - 5 PIs removed from NIH grants
 - 19 people removed from peer review
 - Many pending review

NOTE: Significant uptick in information since the Feb. 28th statement – 31 inquiries in 1st half of 2019 compared to 28 in all of 2018

Review of the charge to the Working Group

- Assess the current state of sexual harassment allegation investigation, reporting, remediation, and disciplinary procedures at NIH-funded organizations.
- Advise on oversight, accountability, and reporting measures for awardee institutions, that will encourage a reduction in, and prevention of, sexual harassment in biomedical research laboratories.
- Propose actions and policies that would promote a safe and inclusive culture at NIH-supported research conferences.
- Suggest system-wide changes to culture and climate to prevent harassment and gender discrimination through diffusion of hierarchical environments by mentoring networks and committee-based advisement, and strong and diverse leadership.
- Develop strategies for encouraging research on anti-harassment policies, procedures, and training; and measures and evaluations of their effectiveness.

Working Group Membership

Co-chairs: Francis Cuss (Bristol-Myers Squibb, *ret.*);
Kristina Johnson (SUNY); Carrie Wolinetz (NIH)

- Elizabeth Adamowicz (University of Minnesota)
- Dawn Bonnell (University of Pennsylvania)
- Patti Brennan (NIH)
- Janine Austin Clayton (NIH)
- Regina Joice Cordy (Wake Forest University)
- **Alysha Dicke (Fish & Richardson)**
- Sonia Flores (University of Colorado Denver)
- Carol Greider (Johns Hopkins Medicine)
- **Richard Hodes (NIH)**
- Megan Tobias Neely (Stanford University)
- Diane O'Dowd (University of California Irvine)
- Elizabeth Ofili (Morehouse School of Medicine)
- James Priest (Stanford University)
- **Angela Rasmussen (Columbia University)**
- Scout (National LGBT Cancer Network)
- Julie Segre (NIH)
- Kelly Ten Hagen (NIH)
- Hannah Valantine (NIH)

Note: bold text indicates new Working Group members



WORKING GROUP ACTIVITY UPDATES

Meetings convened

- 2 in-person meetings (Feb and May) and monthly teleconferences
 - Discussed the landscape and a number of recurring themes; heard from experts
- Held private and public listening sessions with targets and survivors of sexual harassment
 - Public session available via videocast at:
<https://videocast.nih.gov/summary.asp?Live=33124&bhcp=1>
- Discussion and sharing of ideas and materials continued via email

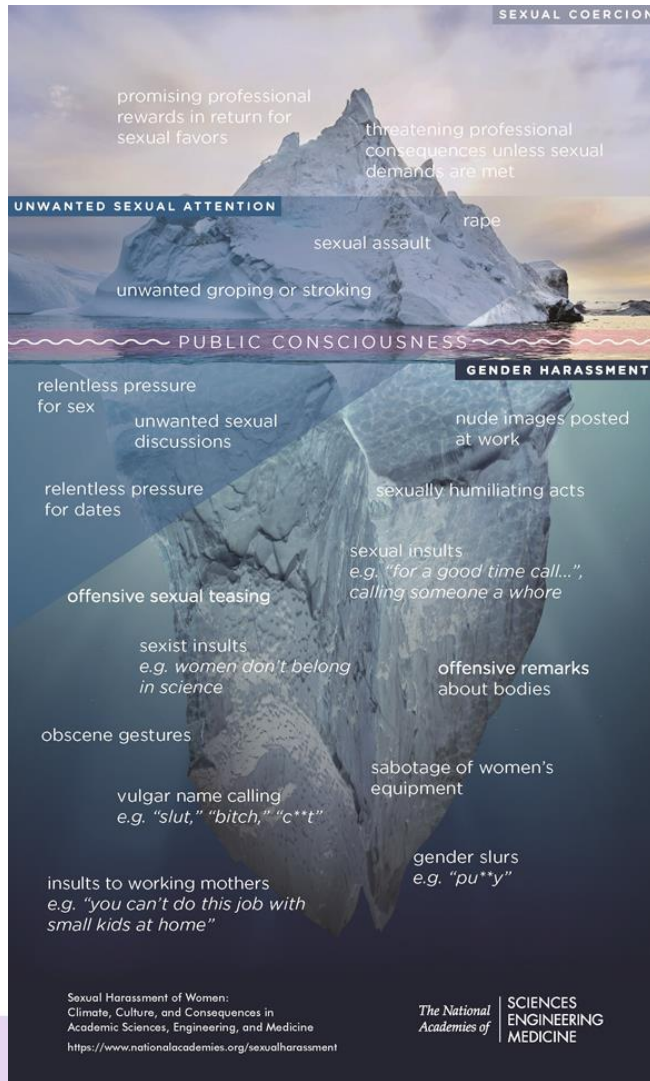
Listening Session Messages

- Current practices allow institutions to investigate their own perpetrators, which can be detrimental to the targets of sexual harassment
- Retaliation against those who speak about harassment is common
- There is an urgent need for restorative justice
- By not assessing how institutions may be enabling perpetrators, Federal agencies have been perpetuating the problem

“At some point, this sense of betrayal was so great that I decided I’m not going to stay in academia. This was the career that I loved and that I wanted to do, but I don’t want to be part of an institution that makes it so hard for people to talk about things that are going wrong and that misconduct is being done to them.”

“We need to stop having as many conversations that are intended strictly to educate, but need to start having conversations on how to meaningfully change policy to hold abusers, the institutions that continue to enable them, and the funding agencies that continue to fund them accountable for this sort of damaging behavior.”

Interim Findings and Recommendations



There is a sense of urgency to address the tip of the iceberg. **What are the immediate, actionable recommendations we can make?**



The Working Group will continued to deliberate about longer-term recommendations to **change the culture**

INTERIM RECOMMENDATIONS TO THE NIH ACD

Interim Recommendations

1. Treat professional misconduct, including sexual harassment, as seriously as research misconduct
2. Require all PIs to attest, when submitting NIH grant applications and progress reports, that they have not violated and will not violate their institutional code of conduct
3. Establish mechanisms for restorative justice for survivors and to recapture lost talent
4. Develop novel approaches to address investigator independence from their mentors

Recommendation 1: Treat *professional* misconduct as seriously as *research* misconduct

Principle/Justification

- Many institutions already teach researchers best research practices to help mitigate any potential research misconduct issues before they arise
- Parallel mechanisms for training, reporting, investigating, and adjudicating professional misconduct would show NIH/institutions take professional misconduct seriously

Recommendation 1: Treat *professional* misconduct as seriously as *research* misconduct

Require reporting of investigations and findings of professional misconduct, including sexual harassment, by faculty who are PIs or Co-PIs on active NIH grants

- Grantee institutions should be required to:
 - Report investigations within one week of initiation;
 - Report any professional misconduct or other disciplinary investigations that result in findings of violation of the institutional code of conduct within one week of the issuance of the findings;
 - Consult with NIH to determine disposition of grant oversight during and after the adjudication process. An individual who has been found in violation should not have any input into this process.

Recommendation 1: Treat *professional* misconduct as seriously as *research* misconduct

Establish a mechanism for reporting professional misconduct and sexual harassment associated with NIH-funded extramural research

- NIH should establish a hotline for reporting sexual harassment and professional misconduct associated with NIH-funded extramural research
- NIH should establish a Standard Operating Procedure (SOP) to respond to reports, investigations, or findings of sexual harassment in extramurally funded laboratories that should be coordinated through OER
- NIH should coordinate with other federal agencies and funders to reconcile reporting mechanisms and SOPs related to sexual harassment

Recommendation 1: Treat *professional* misconduct as seriously as *research* misconduct

Considerations

- Legal and statutory limitations for implementing this recommendation
 - Research misconduct has a specific definition; this recommendation would not alter that definition, but rather create a parallel process
 - Recognize that Rulemaking is difficult, and expediency is important
- Strongly encourage institutions to develop their own robust systems, including active communication with NIH
- Institutions should devote equal resources to professional misconduct, including sexual harassment, and research misconduct

Recommendation 2: Require all PIs to attest that they have not violated, and will not violate, their institutional code of conduct

Principle/Justification

- NIH does not have any mechanisms to identify whether an investigator is in violation of their institution's faculty code of conduct
- Data indicate that some NIH-funded investigators have been sanctioned by their institution for sexual harassment and continue to receive grant funding

Recommendation 2: Require all PIs to attest that they have not violated, and will not violate, their institutional code of conduct

- PIs and Co-PIs on NIH grants must attest (on grant applications & progress reports) that they have not been found to have violated their institution's code of professional conduct, including findings of sexual harassment
- Institutional signing officials must attest that there are no findings of professional misconduct by the PI or Co-PI
- Information should be directed to the NIH staff and not to the study section

Recommendation 2: Require all PIs to attest that they have not violated, and will not violate, their institutional code of conduct

Possible approach

Retrospective questions to ask:

1. Have you had a finding against you for research misconduct, professional misconduct, or sexual harassment in the past 7 years?
2. Have you been involved in a settlement regarding an allegation of research misconduct, professional misconduct, or sexual harassment in the past 7 years?

Prospective question to ask:

1. Will you abide by your Institution's code of conduct and policies regarding research misconduct, professional misconduct, and sexual harassment during this grant funded period?

Recommendation 2: Require all PIs to attest that they have not violated, and will not violate, their institutional code of conduct

Considerations

- NIH should be notified of findings of misconduct, even if there is a settlement with a non-disclosure agreement
- What is an appropriate term limit if corrective action has taken place?
- PIs should only indicate if there is a finding, not whether they are under investigation
- There should not be predetermined consequences; NIH should examine each case individually

Recommendation 3: Restorative justice for survivors and recapturing lost talent

Principle/Justification

- Survivors of sexual harassment are frequently lost from the scientific enterprise after enduring sexual harassment, intimidation, and retaliation
- Loss of workforce diversity and talent hinders scientific discovery

Recommendation 3: Restorative justice for survivors and recapturing lost talent

Establish mechanisms to reintegrate survivors into the research workforce, alongside systematic culture change, to support successful reintegration of survivors

Recommendation 3: Restorative justice for survivors and recapturing lost talent

Possible Approaches

Immediate action: Issue a notice indicating that the NIH Re-Entry Supplement program is currently seeking applications from individuals who have faced issues of sexual harassment

Intermediate-term action: Develop a new mechanism for the re-integration for survivors of sexual harassment that is not dependent on a specific mentor

Intermediate-term action: Alter **all** NIH funding opportunity announcements to include a re-entry path for survivors of sexual harassment

Recommendation 4: Approaches to address investigator independence from their mentors

Principle/Justification

- Hierarchical relationships, particularly those with high dependency, between faculty and trainees increase the risk of sexual harassment
 - Note: International students are particularly vulnerable to this risk

Recommendation 4: Approaches to address investigator independence from their mentors

1. Create new mechanisms in which awards are granted directly to trainees to support their independence and to reduce hierarchical relationships between trainees and mentors
2. Consider existing models as alternative approaches to achieve career independence
 - Katz Award does not require preliminary data when changing fields
 - NIH Innovator Award does not require letters of recommendation from the applicant's advisor

Recommendation 4: Approaches to address investigator independence

Potential Approaches

Intermediate-term action: Develop new mechanisms that involve an award linked to the individual trainees themselves rather than the institution or advisor, to include detailed institutional commitments and mentoring plans

Long-term action: Develop an approach to assess whether institutions are ensuring a safe and inclusive environment

- E.g., Modify the Institutional Environment scored criteria for all NIH funding mechanisms to specifically consider the safety and inclusivity of the environment

Recommendation 4: Approaches to address investigator independence from their mentors

Considerations

- Approaches to address the vulnerability of international students will be needed
- Efforts to bring survivors back into the scientific enterprise should not be done in the absence of demonstrated and robust efforts on the side of the institution to demonstrate that these individuals will be safe, welcome, and supported in their lab and institution
- Support systems may include but are not limited to bias training, safe spaces, healthy working environment, emotional support resources, legal resources, and other programs aimed at reducing sexual harassment and supporting targets of sexual harassment on their campuses

TOPICS FOR FUTURE DISCUSSIONS AND NEXT STEPS

Topics for Future Discussions

Improving Culture and Climate

- Recommending climate surveys at NIH-funded institutions
- Leveraging existing models to spur institutional climate change

Modifying NIH Grants Policy

- Balancing requirements between trainees supported by training grants and those funded through research grants
- Requiring risk mitigation plans related to safety and inclusion of researchers as a component of NIH grant applications
- Addressing funding mechanisms that demonstrate significant gender disparities (e.g., Center grants, SBIR awards)

Topics for Future Discussions

Research

- Supporting research on evidence-based interventions to improve the health and safety of biomedical researchers

Conferences

- Developing guidelines to promote safety and inclusivity at NIH-supported conferences

Institutional Actions

- Asking for institutional accountability for administrative practices
- Encouraging institutions to offer restorative justice funding to cover survivor costs
- Communicating the importance of optimizing institutional processes and support through use of best practices

Next Steps

- Develop final report and recommendations ahead of December 2019 ACD meeting
 - Recommendations to not only include efforts to target egregious cases, but also address underlying cultural issues that facilitate gender harassment
 - Working Group will consider recommendations made by related NIH ACD Working Groups
- Solicit input from additional stakeholders

Next Steps

- Develop final report and recommendations ahead of December 2019 ACD meeting
 - Recommendations to not only include efforts to target egregious cases, but also address underlying cultural issues that facilitate gender harassment
 - Working Group will consider recommendations made by related NIH ACD Working Groups
- Solicit input from additional stakeholders
- The Working Group will develop recommendations that are actionable, implementable, and will lead to sustained change in the biomedical sciences

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**We can do better. We must do better.
We will do better.**