

Sponsor-Funded Prohibited Conduct Review & Notification Protocol

Definitions

For purposes of this Protocol, the following definitions apply:

Administrative Leave/Administrative Action: Any temporary/interim leave, suspension or removal of the PI, Co-PI, or other Personnel, or any administrative action imposed on the PI, Co-PI, or other Personnel by the University relating to activities, including the following: teaching, advising, mentoring, research, management/administrative duties, communication, affiliation or presence on campus.

Authorized Organizational Representative (AOR): The Director for the Division of Sponsored Programs

Finding/Determination: The final disposition of a matter involving Prohibited Conduct under University regulations, policies and processes, to include the exhaustion of permissible appeals exercised by the PI, Co-PI, or other Personnel, or a conviction of an offense in a criminal court of law.

Sponsor: Agency or institution, whether public or private, who provides funding for activities managed through the Division of Sponsored Programs

Other Personnel: All other members of the research team working on a sponsored project.

Principal Investigator (PI): An individual recognized by the University as the lead member on an externally-funded project and the primary individual responsible for an external grant.

Prohibited Conduct: Any violation of applicable federal, state, and local anti-discrimination, anti-harassment, and anti-retaliation laws; criminal laws, including those with respect to physical assault; institutional policies and procedures relating to anti-discrimination, anti-harassment, and anti-retaliation, including grant codes of conduct; and professional codes of conduct. Prohibited conduct specifically includes the following:

Sexual Harassment: May include but is not limited to gender or sex-based harassment, unwelcome sexual attention, sexual coercion, creating a hostile environment, or sexual misconduct, which includes sexual assault, as set forth in the University's regulations and policies.

Other Forms of Harassment: Non-gender or non-sex-based harassment of individuals protected under federal civil rights laws, as set forth in the University's regulations and policies.

Respondent: An individual that is the subject of allegations of Prohibited Conduct.

Purpose

This Protocol seeks to ensure compliance with various Sponsor terms and conditions (*see Reporting Requirements below*) which require the University to notify the Sponsor of any Findings/Determinations or any Administrative Leave/Administrative Action related to Prohibited Conduct for a PI or Other Personnel involved with certain sponsored programs.

Reporting may be required for any award and may cover conduct of a PI or Other Personnel that occurred prior to the issuance of award or outside the scope of the award. The determination of Sponsor notification requirements for any Respondent will be determined by the AOR.

Protocol

In an effort to comply with Sponsor terms and conditions, the University will follow this protocol:

- When any University investigative office, including but not limited to, Title IX or Employee Relations (“Investigating Office”), receives a complaint alleging Prohibited Conduct, such as Sexual Harassment or Other Forms of Harassment and it is determined that the Respondent should be placed on Administrative Leave or be subject to other Administrative Action, the Investigating Office will notify the AOR in a timely manner sufficient to permit the AOR to notify the Grantor/Sponsor within ten (10) business days of the initiation of the Leave or Action.
- The AOR will review the Respondent’s status as a PI or Other Personnel on a sponsored project with terms and conditions subject to these notification requirements, and the AOR will notify the Investigating Office of this confirmation.

If the Respondent is a PI or Other Personnel on a sponsored project with terms and conditions subject to these notification requirements, the AOR will notify the Sponsor according to the Sponsor’s notification requirements.

- If a PI or Other Personnel is involved in multiple sponsored projects, some with the notification term and condition and some without, the AOR will only notify the Grantor/Sponsor for the projects with awards that contain the notification term and condition.
- If the AOR is required to include an Explanation/Description of Events, the AOR will include the following:
 - For Administrative Leave or other Administrative Action: “The University has placed [name] on administrative leave or taken administrative action regarding [name] as a result of allegations or a finding/determination of sexual harassment,

or other form of harassment (or other prohibited conduct). Any administrative leave or other administrative action taken as an interim measure is not a determination of any wrongdoing by [name]. Please contact the AOR for additional information.”

- For a Finding/Determination of a violation of regulation or policy: “The University has made a finding/determination that [name] has violated a University policy or regulation related to sexual harassment or other form of harassment (or other prohibited conduct). Please contact the AOR for additional information.”
- The University will not notify the Sponsor if there is only an allegation or investigation without University placement of the PI or Other Personnel on Administrative Leave.
- If any follow-up notification of the cessation of an interim action is required, the Investigative Office will notify the AOR of final determination. The AOR will follow up with the Investigative Office ninety (90) days after first notification if there has been no follow up.
- If an Investigative Office makes a Finding/Determination that any Respondent is engaged in Prohibited Conduct, the Investigating Office will notify the AOR in a timely manner sufficient to permit the AOR to notify the Sponsor within ten (10) business days from the Finding/Determination and according to the Sponsor’s notification requirements.
- If the Respondent is a Key Person, as defined by the Sponsor’s grant regulations, the University, at any time, may propose a substitute if it determines the Respondent may not be able to carry out the funded project or activity and/or abide by the award terms and conditions.

Administration of Policy

The Division of Sponsored Programs shall oversee this Protocol and review it at least once every year. Changes to this Protocol will be made in consultation with Employee Relations, the Title IX Office, the Chief Compliance Officer and the Office of the General Counsel.

Related University Regulations and Policies:

[University Regulation 1.006](#)

[University Regulation 1.008](#)

[Title IX Policy Statement](#)

Reporting Requirements:

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

<https://www.nasa.gov/sites/default/files/atoms/files/nasa-fed-reg-notice-harassment-tc-3-10-20.pdf>

<https://www.simonsfoundation.org/funding-opportunities/policies-and-procedures/>

<https://grants.nih.gov/grants/guide/notice-files/NOT-OD-20-124.html>

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