4.6.006A NSF Sexual Harassment/Assault Notification Requirements

Effective date: March 5, 2024

Last revision date: n/a

Approvals: Executive Vice President of Academics

Responsible office: Office of Applied Research and Grants

Policy contact: Dean of Applied Research

I. PURPOSE and SCOPE

The purpose of this policy is to explain to the MSOE community, specifically NSF-funded investigators, how the University expects to implement NSF's "Notification Requirements Regarding Harassment and Sexual Assault" expanded and formalized agency notification requirement. This obligates the University to notify NSF promptly of findings of "sexual harassment, other forms of harassment, or sexual assault" against an NSF-funded principal investigator (PI) or co-PI, as well as interim administrative actions imposed by the University (e.g., administrative leave or curtailment of certain University duties).

II. RELATED POLICIES

Title IX-Sexual Misconduct; Faculty Research Misconduct; Student Complaints; NSF Sexual Harassment/Assault

III. DEFINITIONS

None

IV. POLICY STATEMENT

On September 21, 2018, the National Science Foundation (NSF) published in the Federal Register a final notice of a new award "term and condition regarding sexual harassment, other forms of harassment, and sexual assault."

At present, this procedure addresses NSF reporting only. However, the University may have other legal or contractual obligations to report harassment or sexual misconduct to third parties, e.g., to other government agencies or sponsors in connection with specific awards or collaborations and will act in accordance with those obligations. Also, the University anticipates that additional funding agencies or organizations may adopt comprehensive notification requirements similar to NSF's. The University may update this procedure as necessary to address such additional notification requirements.

V. PROCEDURE

At the outset of a University investigation into allegations of (i) harassment of any sort (including sexual harassment) or (ii) any unwelcomed sexual conduct (including sexual assault), and throughout the investigation in compliance with Milwaukee School of Engineering (MSOE) Policy for Title IX-Based Sexual Misconduct and Section III of MSOE's Faculty Handbook, "Process for Adjudicating Reports of Conduct Violations," the Executive Vice President of Academics in consultation with the Title IX Coordinator and the Director of Human Resources will consider and determine whether to place the individual whose conduct is under review (the "respondent") on administrative leave or curtail his/her University duties (e.g., teaching, research, mentoring, advising, administrative duties, or presence on campus) (collectively, "Administrative Actions") pending the final disposition of the matter.

The Executive Vice President of Academics, will certify whether the respondent is a PI or co-PI on any current NSF award(s), including sub-award(s).

a. Notification to NSF re Administrative Action. If the respondent is a PI or co-PI on any NSF award(s), including sub-award(s), NSF will be notified within ten (10) business days of the Administrative Action, in accordance with NSF requirements (presently via the "Organizational Notification of Harassment Form" on the NSF website). The notification will describe the Administrative Action and the reasons for it.

    i. If the Administrative Action could negatively affect the NSF-funded activity or other personnel associated with the award, the University may seek to appoint a substitute PI or co-PI in consultation with NSF. This process will necessarily involve discussions with others at the University, including the potential substitute PI(s) or co-PI(s) and appropriate Department Chair(s), but disclosures will be limited to the extent possible.

    ii. If the respondent is found responsible, following any applicable appeals, of violating a University policy prohibiting harassment (including sexual harassment) or sexual assault, as outlined in Milwaukee School of Engineering (MSOE) Policy for Title IX-Based Sexual Misconduct or Section III of MSOE's Faculty Handbook, "Process for Adjudicating Reports of Conduct Violations"), the Dean of Applied Research will be confidentially notified of such final determination within three (3) business days.

b. Notification to NSF regarding Finding of Responsibility. If the respondent is a PI or co-PI on any NSF award(s), including sub-award(s), NSF will be notified within ten (10) business days of such final determination of responsibility, in accordance

with NSF requirements (presently via the "Organizational Notification of Harassment Form" on the NSF website).

i. After a final determination of responsibility, and if a substitute PI or co-PI has not already been approved, the University may again seek to appoint a substitute PI or co-PI in consultation with NSF. This process will necessarily involve discussions with others at the University, including the potential substitute PI(s) or co-PI(s) and appropriate Department Chair(s), but disclosures will be limited to the extent possible.

ii. In accordance with NSF requirements, notifications to NSF under this procedure regarding the Administrative Actions and final determinations of responsibility will identify the respondent, as required, but will not include personally identifiable information of others (e.g., the complainant(s) or witnesses).

iii. When MSOE is a subawardee or non-lead institution under an NSF award, notifications will be made directly to NSF, per current NSF guidance. However, the University may also communicate with the prime awardee as necessary or appropriate under the circumstances.

VI. EXCEPTIONS

Policy limited to NSF Primary Investigators (PIs), co-PIs, and Investigators.

VII. APPENDICES

None

VIII. ASSOCIATED REGULATIONS/ACCREDITATION STANDARD

Notification Requirements Regarding Findings of Sexual Harassment, Other Forms of Harassment, or Sexual Assault
Higher Learning Commission (HLC) Core Component 2

This section to be completed by the Records Manager:

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Biennially or as needed: 2029

Public Location
MSOE Policy Library

Version History

- **2026, November 5:** Reviewed without change
- **2024, March 5:** Initial approval

Records Manager
Associate VP of Curriculum & Knowledge Management