

AMERICAN UNIVERSITY

ANTI-DISCRIMINATION GUIDANCE FOR RESEARCH AND EXTERNAL FUNDING

OFFICE OF RESEARCH
JUNE 25, 2024



American University (AU) is dedicated to fostering a diverse and inclusive environment that is safe and free from harassment and discrimination, ensuring that all who participate in university research programs and activities receive equitable and equal opportunities. This commitment as outlined in the [AU Discrimination and Non-Title IX Sexual Misconduct Policy](#) and the [AU Title IX Sexual Harassment Policy](#) affirms that the University prohibits discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), age, sexual orientation, disability, marital status, personal appearance, gender identity and expression, family responsibilities, political affiliation, source of income, veteran status, an individual's genetic information, or any other protected bases under federal or local laws in its programs and activities. This applies to any university context, including online and virtual environments, and prohibited behaviors include cyber-harassment, sex-based cyber-bullying, and cyber-stalking as well as sexual violence, intimate partner violence, retaliation, or other sexually discriminatory behaviors as governed by the [AU Office of Equity and Title IX](#).

In furtherance of these policies and in recognition of our commitment to be responsible stewards of external research support, the AU Office of Equity and Title IX works in partnership with the AU Office of General Council and the AU Office of Research to adhere to sponsor imposed requirements related to sexual harassment, harassment, sexual assault, discrimination, and other types of responsible conduct. Therefore, in addition to AU policies and procedures regarding harassment and discrimination, AU (and the AU Community consisting of students, staff, faculty, program participants, and all third parties), must also adhere to the following guidelines and requirements from external funders.

Please note: The table below includes sample guidance from a subset of sponsors current as of the date of this document and based on the dates the publications were released. **All recipients of sponsored research funding are responsible for reviewing proposal guidelines, sponsor agreements, award documents, and special notices for specific and up-to-date anti-harassment and discrimination requirements.**

[DHS](#) [DC GOVERNMENT](#) [NIH](#) [NSF](#)

Department of Homeland Security (DHS, FEMA and all other subsidiaries) <i>Current as of June 12, 2024</i>	
DHS Policy Statement	<p>Federal US Civil Rights Laws, Statutes, and Acts have been created to protect individuals from discrimination, harassment, retaliation and unjust treatment on the basis of race, color, national origin (including language), disability, age, religion, and sex (including pregnancy, sexual orientation, and gender identity). These rights extend beyond an organizations’ employees to also include its clients, program participants, and consumers. The DHS Office for Civil Rights and Civil Liberties, along with FEMA’s Office of Equal Rights and other component offices, takes its obligation under the Code of Federal Regulations (CFR) seriously. “DHS integrates civil rights and civil liberties into all agency activities by:</p> <ul style="list-style-type: none"> • Promoting respect for civil rights and civil liberties in policy development and implementation; • Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, and informing them of policies and avenues of remedy; • Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities; and • Leading the Department’s equal employment opportunity programs and promoting workforce diversity.”
Notification Requirements	<p>Participants should be made aware that the timeframe for filing a complaint, is no later than 180 days after the date of the alleged discrimination and that complaints can be filed by accessing the American University online complaints portal or directly with the DHS Civil Rights and Civil Liberties (CRCL) Office at https://www.dhs.gov/file-civil-rights-complaint.</p>
Required Notifications to Program participants and subrecipients	<p>Principal Investigators overseeing external funds from DHS or any of its’ subsidiaries must:</p> <ul style="list-style-type: none"> • Ensure program participants are made aware of their rights to file a complaint if there is a need and the means by which this can be done. • Ensure program participants are made aware of the procedure to follow if they need an accommodation for a disability (including limited English proficiency (LEP)) to participate in a program. Sample notice for reasonable accommodation https://www.dhs.gov/sites/default/files/publications/reasonable-accommodation-sample-notice-faq.pdf • Ensure that programs and activities that affect human health or the environment do not directly or contractually use criteria or practices that discriminate on the basis of race, color, or national origin (including language) • Enforce the requirement for subrecipients to have non-discrimination policies in place that adhere to DHS guidelines
Sponsor Guidance and Links	<p>https://www.dhs.gov/topics/civil-rights-and-civil-liberties</p> <p>https://www.dhs.gov/civil-rights-resources-recipients-dhs-financial-assistance</p>

	<p>https://www.dhs.gov/office-civil-rights-and-civil-liberties</p> <p>https://www.dhs.gov/publication/reasonable-accommodation-guidance-dhs-recipients</p>
<p>District of Columbia <i>Current as of October 31, 2023</i></p>	
Policy Statement	<p>Likewise, contractors and grantees carrying out work on behalf of the District Government, shall not sexually harass colleagues who carry out work on behalf of the District Government; District Government employees; or customers, clients, or beneficiaries of the services the contractors and grantees provide on behalf of the District Government; and those clients, customers, beneficiaries, employees, and colleagues may file complaints that trigger sexual harassment investigations and possibly remedies. Remedies may include requiring the contractor or grantee to use alternate personnel to provide services, and other remedies available under the contract or grant agreements up to and including contract or grant termination or non-renewal of the grant or contract.</p>
Sponsor Guidance and Links	<p>https://mayor.dc.gov/page/mayor%E2%80%99s-order-2023-131</p>
<p>National Institutes of Health (NIH) <i>Current as of July 9, 2022</i></p>	
Policy Statement	<p>“NIH expects recipient institutions to have policies and practices in place that foster an environment free from harassment, including sexual harassment, discrimination, and other forms of inappropriate conduct that can result in a hostile work environment. NIH recipient institutions are required to notify NIH when individuals identified as PD/PI or other Senior/Key personnel in an NIH notice of award are removed from their position or are otherwise disciplined by the recipient institution due to concerns about harassment, bullying, retaliation or hostile working conditions”. (NOT-OD-22-129).</p>
Notification to NIH Requirements	<p>Notification to NIH must occur via the NIH dedicated web form within 30 days of disciplinary action. All required notifications must include, at a minimum:</p> <ul style="list-style-type: none"> • Name of the Authorized Organization Representative submitting the notification • Name of the individual of concern • Description of the concern(s) • Action(s) taken • Any anticipated impact on the NIH-funded award(s)
Sponsor Guidance and Links	<p>https://grants.nih.gov/grants/policy/harassment.htm</p> <p>Updated Requirements for NIH Notification of Removal or Disciplinary Action Involving Program Directors/Principal Investigators or other Senior/Key Personnel (NOT-O-22-129)</p>

	<p>Plans to Promote Safe Environments at Conferences Supported by NIH Grants and Cooperative Agreements (NOT-OD-22-074)</p> <p>Updated Guidelines for Enhancing Diversity and Creating Safe Environments in Conferences Supported by NIH Grants and Cooperative Agreements (NOT-OD-21-053)</p> <p>Guidance Regarding Change in Status, Including Absence of PD/PI and Other Key Personnel Named in the Notice of Award (NOT-OD-20-124)</p> <p>Notice of Clarification Regarding Harassment and Discrimination Protections in NIH Training Applications (NOT-OD-19-056)</p> <p>Harassment and Discrimination Protections in NIH Training Applications (NOT-OD-19-029)</p> <p>Revised expectations for prevention of discrimination and harassment in NIH conference grants (first published in May 2016 under PA-16-294)</p> <p>Civil Rights Protections in NIH-Supported Research, Programs, Conferences and Other Activities (NOT-OD-15-152)</p>
<p>National Science Foundation (NSF) <i>Current as of February 3, 2021</i></p>	
<p>Policy Statement</p>	<p>“The National Science Foundation (NSF) will not tolerate sexual harassment, other forms of harassment, or sexual assault within the agency, at awardee organizations, field sites, or anywhere NSF-funded science and education is conducted. The 3,000 U.S. institutions of higher education and other organizations that receive NSF funds are responsible for fully investigating complaints and for compliance with federal non-discrimination laws, regulations, and executive orders.” The Principal Investigator (PI) and any co-PI(s) identified on an NSF award are in a position of trust. These individuals must comport themselves in a responsible and accountable manner during the award period of performance, whether at the awardee institution, on-line, while on travel, or at locales such as field sites, facilities, or conferences/workshops.</p>
<p>Notification to NSF Requirements</p>	<p>In accordance with 83 FR 47940, notification to NSF must be submitted by the Authorized Organizational Representative (AOR) outlined above to NSF's Office of Diversity and Inclusion at www.nsf.gov/harassment within 10 business days of the finding/determination or the date of the placement of a PI or co-PI by the awardee on administrative leave or the imposition of an administrative action, whichever is sooner.</p> <p>Each notification must include the following information:</p> <ul style="list-style-type: none"> • NSF Award Number • Name of PI or co-PI being reported • Type of Notification • Description of the finding/determination and action(s) taken, if any; and

	<ul style="list-style-type: none"> Reason(s) for, and conditions of, placement of the PI or any co-PI on administrative leave or imposition of administrative action.
Remediation	The awardee, at any time, may propose a substitute investigator if it determines the PI or any co-PI may not be able to carry out the funded project or activity and/or abide by the award terms and conditions.
Required Notifications to Program participants and subrecipients	<p>Principal Investigators overseeing external funds from NSF must:</p> <ul style="list-style-type: none"> Have a plan in place that describes how the following types of behavior will be addressed for Off-Campus or Off-Site Research (data/information/samples being collected off-campus or off-site, such as fieldwork and research activities on vessels and aircraft): <ul style="list-style-type: none"> Abuse of any person, including, but not limited to, harassment, stalking, bullying, or hazing of any kind, whether the behavior is carried out verbally, physically, electronically, or in written form; or Conduct that is unwelcome, offensive, indecent, obscene, or disorderly. Provide conference, workshop, symposia, or other program participants with a Nondiscrimination & Anti-Harassment Notification. An example can be found on the Office of Sponsored Research and Research Administration portal under NSF https://www.american.edu/provost/osara/forms2.cfm. Understand the requirement for subrecipients to report PIs' or co-PIs' violations of awardee policies, codes of conduct, statutes, regulations, or executive orders related to sexual harassment, other forms of harassment or sexual assault to NSF consistent with NSF requirements in 83 FR 47940.
Sponsor Guidance and Links	<p>NSF Federal Registry Requirements</p> <p>NSF Proposal & Award Policies & Procedures Guide (PAPPG) Non-Discrimination Statutes</p> <p>NSF Stopping Harassment and Assault</p> <p>NSF Harassment FAQs</p>

For questions or concerns regarding this document, please contact the Office of Sponsored Awards and Research Administration at osara@american.edu.

For questions or concerns regarding Policies, Procedures, or Communication on Harassment and Discrimination, please contact the AU Office for Equity and Title IX at:

Office for Equity and Title IX
3201 New Mexico Avenue, Suite 395
Washington, DC 20016
Equity Office: 202-885-8080
<https://www.american.edu/equity-titleix/equityoffice@american.edu>