



Office of Grants, Research, and Sponsored Programs, Division of Equity, Inclusion, and Compliance, and Office of Human Resources.

Procedures on addressing reports of sexual harassment or discrimination on sponsored projects.

PURPOSE

Agencies that fund CSU Bakersfield and its related affiliates via externally sponsored projects, may include contractual requirements related to reporting findings or administrative actions undertaken by the University in response to reports of sexual harassment or discrimination.

INTRODUCTION

The National Science Foundation (NSF) and the National Institutes of Health (NIH) are committed to supporting a safe and respectful work environment across the entire research enterprise and will not tolerate sexual harassment, other forms of harassment, or sexual assault, within the agency, at awardee organizations, field sites or anywhere science or education is conducted. This includes institutions that receive NSF or NIH funding, or anywhere NSF and NIH-funded activities are conducted. In addition, other funders' requirements regarding harassment or sexual assault will be honored as the institution is made aware of such requirements and will be carried out in accordance with this procedure.

NSF AWARD TERMS AND CONDITIONS

Grantee organizations are required, as part of the award term and conditions, to notify NSF of any findings/determinations of sexual harassment, other forms of harassment, or sexual assault regarding an NSF-funded PI or co-PI. The award term and condition will also require the awardee to notify NSF if the PI or co-PI is placed on administrative leave or if the awardee has imposed any administrative action on the PI or any co-PI relating to any finding/determination or an investigation of an alleged violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault. Finally, the NSF award term and condition specifies the procedures that will be followed by NSF upon receipt of a notification.

For the full Notification Requirements Regarding Findings of Sexual Harassment, Other Forms of Harassment, or Sexual Assault by NSF, effective 9-21-2018, see <https://www.federalregister.gov/d/2018-20574>

Please see the Term and Condition Frequently Asked Questions (FAQs) for additional information:
https://www.nsf.gov/od/odi/docs/Sexual_Harassment_FAQs.pdf

Report Harassment Directly to NSF

If you would like to report harassment you were subjected to, have witnessed, or became aware of involving an NSF-funded program or activity, please contact the NSF Office of Diversity and Inclusion (ODI) at programcomplaints@nsf.gov. If you do not receive an acknowledgement within 48 hours, please follow up to ensure ODI has received your communication.

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NIH ANTI-SEXUAL HARASSMENT POLICY

Recipients of NIH funds (i.e., the institution) must proactively notify NIH of changes in a principal investigator or other senior key person's status, for example modified employment or leave status during an investigation of alleged sexual misconduct.

- The organization receiving NIH funding must notify NIH if it takes an administrative or disciplinary action against its employee(s)-for example, limiting access to the institution's facilities or resources or modifying employment or leave status during an investigation of alleged sexual misconduct - that affects the ability of the employee(s) to continue as PI or other senior key personnel on an NIH award.
- The organization is required to notify NIH and seek NIH's prior approval for replacement(s) of the individual(s).
- NOT-OD-20-124. The request for prior 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.

Prior approval is required for the transfer of the legal and administrative responsibility for a grant-supported project or activity from one legal entity to another before the completion date of the approved project period (competitive segment). As outlined in NOT-OD-20-124, NIH expects both the relinquishing and applicant organizations to disclose whether a Change of Recipient Organization is occurring within the context of an ongoing or recent investigation of misconduct of any kind, including but not limited to professional misconduct or research misconduct.

For more details on NIH Anti-Sexual Harassment Expectations, Policies, and Requirements, see

<https://grants.nih.gov/grants/policy/harassment/policy-requirement.htm>

Report Harassment Directly to NIH

While NIH can and will follow up on all concerns related to NIH-funded research, NIH strongly encourages individuals to report allegations of sexual harassment or assault to the appropriate authorities, which may include your local police department or your organization/institution equal employment opportunity (EEO) or human resources offices (please see HR contact information at the end of this document). NIH direct reporting:

<https://public.era.nih.gov/shape/public/notificationForm.era> .

USDA and Title IX

The United States Department of Agriculture (USDA) is dedicated to promoting a safe and inclusive learning environment free from discrimination. Many know that Title IX has been used very effectively to encourage equal opportunity in athletics. However, Title IX applies to all aspects of education, including athletics, admissions, housing, and access to facilities.

The Office of the Assistant Secretary for Civil Rights (OASCR) is committed to ensuring educational programs and activities receiving federal financial assistance from USDA, its Mission Areas, agencies, or staff offices do not tolerate or perpetuate

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such unlawful practices. OASCR is fully dedicated to providing comprehensive resources and reporting mechanisms. OASCR will work closely with educational institutions to develop and implement effective strategies to prevent, detect, and respond to any form of sex-based discrimination, harassment to promote a safe and inclusive learning environment for all students. OASCR has the responsibility to ensure academic programs receiving USDA funding comply with Title IX and take proactive measures to prevent and address sexual harassment and assault.

The USDA will ensure its agency employees and funding recipients, such as state land-grant university partners conducting research and extension programs, comply with Federal and agency civil rights laws, rules, and regulations, which prohibit discrimination in federally assisted programs and employment practices.

USDA prohibits discrimination against its customers. If you believe you experienced discrimination when obtaining services from USDA, participating in a USDA program, or a program receiving financial assistance from USDA, you may file a complaint with USDA. OASCR will investigate and resolve complaints of discrimination in programs or activities receiving federal financial assistance.

File a complaint with USDA

To file a Title IX program discrimination complaint with USDA, you may obtain a complaint form by sending an email to program.intake@usda.gov. You or your authorized representative must sign the complaint form. You are not required to use the complaint form. You may write a letter instead. If you write a letter, it must contain all the information requested in the form and be signed by you or your authorized representative. Incomplete information may delay the processing of your complaint.

Title IX applies to any recipient of federal funds. Any applicant to, participant in, or employee of, a program receiving federal financial assistance has the right to file a Title IX complaint through OASCR if they feel they have been discriminated against or harassed based on their sex.

Send your completed complaint form or letter to us by mail, fax, or email.

[USDA Program Discrimination Complaint Form \(English\)](#) (PDF, 293 KB)

[USDA Program Discrimination Complaint Form \(Spanish\)](#) (PDF, 328 KB)

You may write a letter containing all the information requested in the complaint form, along with your signature or the signature of your authorized representative and send this letter via email to:

Send your completed complaint form or letter to us via email, mail, or fax at program.intake@usda.gov or you may also send by postal mail to:

U.S. Department of Agriculture
Director, Center for Civil Rights Enforcement
1400 Independence Avenue, SW
Washington, DC 20250-9410
Email: program.intake@usda.gov

You may also visit our website at: www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint

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UNIVERSITY POLICIES GOVERNING SEXUAL HARASSMENT OR DISCRIMINATION.

The Division of Equity, Inclusion, and Compliance within the Office of The President are tasked with enforcement and administration of several California State University systemwide Executive Orders and Policies on Equal Opportunity and Policies on Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

- [CSU Executive Order 1107](#)
- [CSU Executive Order 1115](#)
- [CSU Executive Order 1116](#)
- [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Domestic Violence, Stalking, and Retaliation](#)

These Executive Orders and Policies apply to any University-sponsored program, including programs that take place off-campus or in the field or on an online platform (e.g., Zoom). These Executive Orders and Policies also govern the conduct of third parties that occurs on any University campus, in connection with University-sponsored programs or activities that take place off-campus, and/or University-sponsored programs or activities occurring in an online format (e.g., Zoom).

The University strongly encourages those who have experienced, witnessed, or become aware of conduct that violates Executive Orders and Policies to come forward promptly so that the University can take appropriate steps to prevent such conduct from occurring in the future and to ameliorate its effects. The University has a variety of resources available that support individuals affected by harassment. The University will respond to any reports related to this field or off-site activity in accordance with the applicable Executive Orders and Policies. The University will protect the privacy of those who come forward to the extent possible and permissible by law.

If you believe that you have been subjected to, witnessed, or have otherwise learned of conduct prohibited by Executive Orders and Policies, you may notify the University in any of the following ways:

Contact: [Division of Equity, Inclusion, and Compliance](#) / Office of the President

Marcus Brown, J.D.
Title IX Coordinator and Director of Equity,
Inclusion, and Compliance
Phone: (661) 654 – 2713
Email: mbrown59@csub.edu
Office: BDC 33



If you are a student or applicant for admission and believe you have been discriminated against by the CSU, a CSU employee, another student or a third party, CSU Bakersfield will follow the procedures outlined in [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#).

Employees and Students who violate this policy may be subject to discipline. If employee discipline is appropriate, it shall be administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with California Code Regulations and CSU EO 1098 will be referred to the Dean of Students.

The University has several policies, trainings and resources for all members of the University community to promote safe and inclusive work environments including: all University personnel must complete Anti-Harassment Training annually, including but not limited to faculty, staff, and students; University Policies on Romantic and Sexual Relationships prohibit such relationships between faculty or other supervisory personnel and any student; and the University's Employee and Student Codes of Conduct expects all staff and students to maintain the highest standards of ethical conduct.

Pursuant to CSU Nondiscrimination policy, all University employees have a mandatory duty to report allegations or acts of harassment to the Title IX Coordinator – (661) 654-2713 or <https://www.csub.edu/equity-inclusion-compliance/title-ix>

For Nondiscrimination policy, see <https://calstate.policystat.com/policy/12891658/latest#autoid-v37ee>

UNIVERSITY PROCEDURE

1. Names of the NSF and NIH Primary Investigator(s) (PI) and Coordinating Primary Investigator(s) (Co-PI) will be submitted to the Title IX Coordinator upon the following circumstances:
 - a. Once a proposal is submitted through the Office of GRASP or when GRASP is notified of an award (completed by Pre-Award - Authorized Organizational Representative/ Director of Sponsored Programs Development)
 - c. Ongoingly for awarded multi-year grants through access of a shared online excel list – “Active Project Personnel Subject to Reporting.xls” in the “Federal Project Discrimination and Harassment Reporting” folder (completed by Post Award - Director of Sponsored Programs Administration).

2. The Title IX Coordinator determines whether either of the following below exist and report, as a legitimate business need, such finding and action(s) taken, if any, to the Authorized Organizational Representative (AOR) and the Associate Vice President for the Office of Grants, Research, and Sponsored Programs:
 - a. A finding/determination regarding the PI or any co-PI that demonstrates a violation of University policies or codes of conduct, statues, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault; and/or
 - b. If the PI or any co-PI is placed on administrative leave or if any administrative action has been imposed on the PI or any co-PI by the University relating to any finding/determination or an investigation of an alleged violation of

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institutional policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.

3. Upon identification of a PI or Co-PI who may require reporting to NSF or NIH, the PI or Co-PI will be notified by the Title IX Coordinator. This may occur at the proposal stage, award stage, or after award. The PI or Co-PI may request a discussion with the Title IX Coordinator and/or AOR to learn more about the applicable federal policy.

4. NSF Funded Grants/Contracts:

a. The AOR notifies NSF of any findings/determinations (based on 2.a. and 2.b. above) regarding an NSF funded PI or Co-PI using the online Notification of Harassment Form: https://www.nsf.gov/od/odi/notification_form.jsp ; instructions: https://www.nsf.gov/od/oecr/term_and_condition.jsp

The following information must be included in each notification to NSF (items ii.-v. are provided by the Title IX Coordinator):

i. NSF Award Number

ii. Name of PI or Co-PI being reported

iii. Type of Notification based on item 2.a. & 2.b. above

iv. Description of the finding/determination and action(s) taken, if any; and

v. Reason(s) for, and conditions of, placement of the PI or any co-PI on administrative leave or imposition of administrative action.

b. Only the identification of the PI or Co-PI being reported is required and personally identifiable information regarding any complainants or other individuals involved in the matter MUST NOT be included in the notification.

c. The AOR may propose to NSF a substitute investigator if they determine the PI or Co-PI may not be able to carry out the funded project or activity and/or abide by the award terms and conditions. NSF will consult with the AOR upon receipt and review of the information provided by the AOR. Final decisions are made by the NSF.

5. NIH Funded Grants/Contracts:

a. The AOR notifies the NIH Program Officer of any findings/determinations (based on 2.a. and 2.b. above) regarding an NIH funded PI or Co-PI using the online Notification of Harassment Form: <https://public.era.nih.gov/shape/public/notificationForm.era> ; instructions: <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-22-129.html>



6. Any institution that has not implemented the NSF or NIH Harassment Policy and enters into a subaward or contract with the University must certify that they will follow this procedure. The University Title IX Coordinator will work with the sub awardee's Title IX Coordinator to collect information and report to the University's AOR, who is responsible for reporting directly to the funder.

OTHER FUNDERS

Other funders with policies and requirements to notify the awarding entity of any findings/determinations of sexual harassment, other forms of harassment, or sexual assault regarding a funded PI or co-PI will also conform to these CSUB procedures.

NSF SPONSORED CONFERENCES OR TRAVEL PROPOSALS/AWARDS

For any grant that provides support for an NSF-sponsored conference (in whole or in part), the grantee is required to have a policy or code-of-conduct that addresses sexual harassment, other forms of harassment, and sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. The policy or code-of-conduct must address the method for making a complaint as well as how any complaints received during the conference will be resolved. The policy or code-of-conduct must be disseminated to conference participants prior to attendance at the conference as well as made available at the conference itself.

For any grant that provides support for group travel to scientific meetings, prior to the grantee's participation in the meeting, the grantee must assure that the meeting organizer has a written policy or code-of-conduct that addresses sexual harassment, other forms of harassment, and sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct. The policy or code-of-conduct must address the method for making a complaint as well as how any complaints received during the meeting will be resolved.

RELATED PROCEDURES REGARDING NSF SPONSORED CONFERENCES OR TRAVEL PROPOSALS/AWARDS

The University shall use this reporting procedure to address sexual harassment, other forms of harassment, and sexual assault, and that includes clear and accessible means of reporting violations of the policy or code-of-conduct for travel proposals as required by NSF PAPPG Chapter II.F.11.

PPAPG: https://nsf-gov-resources.nsf.gov/2022-10/nsf23_1.pdf?VersionId=VQHMy1XFCINhULRMabdaeCqYvbgykldV,
PAGE II-56 Travel Proposal, Chapter II, Section F, part 11.

If you believe that you have been subjected to, witnessed, or have otherwise learned of conduct prohibited by NSF, you may notify the University in any of the following ways:

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The University has several policies, trainings and resources for all members of the University community to promote safe and inclusive work environments including: all University personnel must complete Anti-Harassment Training annually, including but not limited to faculty, staff, and students; University Policies on Romantic and Sexual Relationships prohibit such relationships between faculty or other supervisory personnel and any student; and the University's Employee and Student Codes of Conduct expects all staff and students to maintain the highest standards of ethical conduct.

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For Nondiscrimination policy, see <https://calstate.policystat.com/policy/12891658/latest#autoid-v37ee>

NSF Travel Proposals shall abide by with OECR Bulletin No. 23-020, which note that NSF will not fund travel to conferences that do not have a policy or code of conduct that addresses sexual harassment, other forms of harassment and sexual assault.

NSF 23-02: <https://www.nsf.gov/od/oecr/docs/oecr2302.pdf>

To ensure the safety of those attending NSF funded conferences, all NSF funded conferences are required to have a policy or code of conduct that addresses sexual harassment, other forms of harassment and sexual assault. The conference policy or code of conduct must include clear, accessible mechanisms to report and resolve incidents. In addition, NSF does not fund travel to conferences that do not have such a policy or code of conduct.

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