# Administrative Procedure for Addressing Discrimination, Harassment, Sexual Assault,

# Bullying, Retaliation, and Hostile Working Conditions in Sponsored Activities (9/2023)

**Scope**

This procedure applies to all sponsored awards, and is relevant to all University of Maryland, College Park (UMD) Principal Investigators (PIs) and Co-PIs; individuals funded through sponsored awards, including faculty, staff and students; Department Business Managers; and Office of Research Administration (ORA) and Sponsored Program Accounting and Compliance (SPAC) staff. This procedure applies to both UMD prime awards and subawards and complements the consolidated University System of Maryland (USM) and UMD Policies and Procedures.

# Background

UMD is committed to creating and maintaining a working and learning environment free from discrimination, harassment (including sexual harassment), sexual assault, bullying, retaliation, and hostile working conditions (“misconduct”), including in the context of sponsored activities such as sponsored research, conferences, and scientific meetings, as set forth in applicable UMD policies. UMD accomplishes this through training, education, prevention programs, policies, and procedures that promote prompt reporting and response, provide support to persons alleged to be victimized, prohibit retaliation, and implement timely, fair, and impartial investigations, adjudications and resolutions that ensure due process and remedy policy violations.

In those instances when allegations of misconduct are made against personnel executing activities funded through sponsored awards, UMD also complies with applicable notification and reporting requirements as stipulated by federal regulations and by individual sponsors. These notification and reporting requirements apply to both prime awards and subawards.

# Purpose

The purpose of this procedure is to:

* Communicate UMD’s conduct expectations in its working and learning environment, including in the context of sponsored activities.
* Provide guidance on where to find information on how to report misconduct or file a complaint.
* Provide guidance on where to locate the procedures for investigating and resolving complaints.
* Provide information on where to find available resources and educational training programs.
* Provide information on sponsor notification and reporting requirements when UMD is a prime recipient or subawardee.
* Provide directions insofar as records retention requirements.

# UMD Policies & Procedures

UMD’s comprehensive response for addressing reports and complaints of misconduct is described in the Policies and Procedures listed below. These Policies and Procedures describe how to report misconduct or file a complaint, articulate the procedures for investigating and resolving complaints, describe potential corrective actions, and identify available resources and educational training programs available to UMD personnel and students.

* USM Policy on Non-Discrimination and Equal Opportunity VI-1.00

<https://www.usmd.edu/regents/bylaws/SectionVI/VI100.pdf>

* UMD Equal Employment Opportunity and Affirmative Action Statement of Policy VI-1.00(A)

<https://policies.umd.edu/general-administration/university-of-maryland-equal-employment-opportunity-and-affirmative-action-statement-of-policy>

* UMD Non Discrimination Policy and Procedures VI-1.00(B)

<https://policies.umd.edu/general-administration/university-of-maryland-non-discrimination-policy-and-procedures>

* UMD Disability & Accessibility Policy and Procedures VI-1.00(D)

<https://policies.umd.edu/general-administration/university-of-maryland-disability-accessibility-policy-and-procedures>

* UMD Policy of Non-Discrimination on the Basis of Gender Identity or Expression in the Use of Gendered Facilities VI-1.05(A)

<https://policies.umd.edu/general-administration/university-of-maryland-policy-of-non-discrimination-on-the-basis-of-gender-identity-or-expression-in-the-use-of-gendered-facilities>

* USM Policy on Sexual Harassment VI-1.60

<https://www.usmd.edu/regents/bylaws/SectionVI/VI160.pdf>

* UMD Policy and Procedures on Sexual Harassment and Other Sexual Misconduct VI-1.60(A)

<https://policies.umd.edu/general-administration/university-of-maryland-policy-and-procedures-on-sexual-harassment-and-other-sexual-misconduct>

* UMD Policy on Threatening and Intimidating Conduct VI-1.00(F)

<https://policies.umd.edu/general-administration/university-of-maryland-policy-on-threatening-and-intimidating-conduct>

* USM Policy on Professional Conduct and Workplace Bullying VII-8.05

<https://www.usmd.edu/regents/bylaws/SectionVII/VII805.pdf>

* UMD Faculty and Staff Workplace Violence Reporting and Risk Assessment Procedures VII-11.00(A)

<https://policies.umd.edu/personnel/university-of-maryland-faculty-and-staff-workplace-violence-reporting-and-risk-assessment-procedures>

* USM Policy on Grievances for Nonexempt and Exempt Staff Employees VII-8.00

<https://www.usmd.edu/regents/bylaws/SectionVII/VII800.pdf>

* UMD Policies and Procedures Governing Faculty Grievances II-4.00(A)

<https://policies.umd.edu/faculty/university-of-maryland-policies-and-procedures-governing-faculty-grievances>

* USM Policy on Employee and Applicant Disclosure of Misconduct for Nonexempt and Exempt Staff Employees and Applicants for USM Positions VII-2.30

<https://www.usmd.edu/regents/bylaws/SectionVII/VII230.pdf>

* UMD Code of Student Conduct V-1.00(B)

<https://policies.umd.edu/student-affairs/university-of-maryland-code-of-student-conduct>

**Reporting Obligations to Sponsors**

Various sponsors (federal and non-federal) have instituted specific notification and reporting requirements concerning allegations of misconduct against PIs, Co-PIs, or other senior/key personnel. Specific sponsor reporting requirements vary and are cited in the “References” section below.[[1]](#footnote-1)

In cases of alleged misconduct against personnel under sponsored awards, appropriate UMD offices (e.g., the Office for Civil Rights and Sexual Misconduct (OCRSM), the Office of Faculty Affairs (OFA), and University Human Relations (UHR)) will coordinate with ORA to ensure that UMD complies with all applicable notification and reporting requirements. Appropriate UMD offices are also obligated to report allegations of misconduct to ORA upon reasonable notice that the allegations involve personnel funded through sponsored awards. ORA, in consultation with other appropriate UMD offices, is responsible for the preparation and submission to the sponsoring agency of the information required under the award terms and conditions that pertains to misconduct, in accordance with all applicable laws (e.g., FERPA).

Sponsors may take action in response to alleged misconduct, in addition to any UMD action taken pursuant to UMD Policies and Procedures.

**Records Retention under Sponsored Awards**

Records subject to sponsor-specific reporting requirements will be retained with the UMD official sponsored project file and retired according to the applicable UMD and/or federal schedule.

**Applicability to Subawards**

By executing the UMD Subrecipient Commitment Form and the Subaward document, the subrecipient certifies that the appropriate programmatic and administrative personnel involved in its application are aware of applicable federal and sponsor guidelines and policies, including those concerning misconduct, and are prepared to enter into a Subrecipient Agreement consistent with the applicable flow-down requirements.

# References

* + 2 C.F.R. Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – § 200. 211 – Information contained in a Federal Award, (c) General Terms and Conditions & (d) Federal Awarding Agency, Program, or Federal Award Specific Terms and Conditions.
  + Sponsor-Specific Award Terms and Conditions, Policies, and Procedures
    - The National Science Foundation - <https://www.nsf.gov/od/odi/term_and_condition.jsp>
    - The National Institutes of Health – <https://grants.nih.gov/grants/policy/harassment/policy-requirement.htm>
    - The National Aeronautics and Space Administration – <https://missionstem.nasa.gov/term-condition-institutional-harassment-discr.html>
    - The National Oceanic and Atmospheric Administration –

<https://www.noaa.gov/organization/administration/nao-202-1106-noaa-sexual-assault-and-sexual-harassment-prevention-and>

* The Simons Foundation - <https://www.simonsfoundation.org/funding-opportunities/policies-and-procedures/>
* American Heart Association (AHA) - https://professional.heart.org/-/media/PHD-Files/Research/Research-Policies-and-Awardee-Hub-Media-Folder/aha\_award\_agreement\_AC.pdf
* Robert Wood Johnson Foundation (RWJF) - <https://www.rwjf.org/content/granteeresources/FAQs/FAQsforApplicants.html>
* Howard Hughes Medical Institute (HHMI)-see award terms

1. Sponsor-specific terms may include timelines for reporting, and requirements to report open investigations, administrative actions, determinations or findings, and/or discipline against PIs, Co-PIs, or other senior/key personnel to the sponsor. The Reference list is not intended to be exhaustive. [↑](#footnote-ref-1)