

Procedure for Handling Complaints of Sexual Harassment, Other Forms of Harassment, Sexual Assault, and Retaliation by Personnel Supported on Sponsored Projects

Scope

This procedure applies to all sponsored awards, and is relevant to all University of Maryland, College Park (UMD or University) Principal Investigators (PIs) and Co-PIs; personnel 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 policy and incorporated procedures in the consolidated University System of Maryland (USM) and UMD Policy VI-1.60(A), University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (<https://policies.umd.edu/assets/section-vi/VI-160A.pdf>).

Further, this procedure recognizes that in addition to longstanding University policy, individual sponsors of UMD's research have implemented specific policies that require notification and reporting related to sexual harassment, other forms of harassment, sexual assault, and retaliation.¹ The enhanced requirements apply to both prime awards and subawards and include the obligation to report corrective actions taken when allegations of sexual harassment, other forms of harassment, sexual assault, and retaliation raised against PIs, Co-PIs, and other senior/key personnel are substantiated or as otherwise required by specific sponsors.

Background

UMD is committed to creating and maintaining a working and learning environment free from all forms of prohibited conduct, sexual harassment, other forms of harassment, sexual assault, and retaliation. The University 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, and adjudications and resolutions that ensure due process and remedy policy violations. Sexual harassment, other forms of harassment, sexual assault, and retaliation will not be tolerated in any form. In those instances when allegations of sexual harassment, other sexual misconduct, and/or retaliation are made against personnel executing activities funded through sponsored awards, UMD not only engages these same investigations and adjudication and resolution activities, it also complies with requirements to report as stipulated by federal regulations and by individual sponsors.

Purpose

The purpose of this procedure is to:

- Communicate UMD's expectations for the timely and sensitive investigation and resolution of allegations of sexual harassment, other forms of harassment, sexual assault, and retaliation, specific to personnel carrying out sponsored activities. Policy VI-a.60(A) the University of

¹ The References Section of this procedure includes links to the sponsor-specific policies issued to date and will be updated as additional sponsors follow suit and/or an enhanced federal-wide requirement is implemented. (Procedure last updated 11/2021)

Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct contains the definitions for the range of prohibited conduct.

- Provide guidance on where to find information on how to report 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 reporting requirements when UMD is a prime recipient or subawardee including reporting the action taken in cases when allegations are substantiated through investigation, adjudication and resolution or as otherwise required by specific sponsors.
- Provide directions insofar as records retention requirements.

Procedures

- **University Policy & Procedures** – UMD’s comprehensive response for addressing reports and complaints of prohibited conduct is described in Policy VI-1.60(A). The policy describes how to report or file a complaint, articulates the procedures for investigating and resolving complaints, and identifies the available resources and educational training programs available to all UMD staff and students. All University personnel and students should familiarize themselves with this Policy. Further, the overarching policy applies to such prohibited conduct alleged to have occurred during the execution of sponsored activities, which have additional reporting requirements attached.
- **Applicability to Subawards** – By executing the UMD Subrecipient Commitment Form, 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 sexual harassment and sexual misconduct, and are prepared to enter into a Subrecipient Agreement consistent with the applicable flow-down requirements.
- **Jurisdiction over Prohibited Activities in the Conduct of Sponsored Activities** – As noted, UMD Policy VI-1.60(A) applies to the activities specified and incorporates prohibited conduct described in the context of a University Education Program or Activity, including University-sponsored research, conferences, and scientific meetings.
- **Reporting Allegations** – Allegations of prohibited conduct must be reported. Reports should be made to the UMD Title IX Coordinator/Officer in the Office of Civil Rights and Sexual Misconduct (OCRSM, <http://www.ocrsm.edu/>). Certain prohibited conduct may be a crime, and in such instances OCRSM will assist complainants who wish to report such instances to law enforcement.

For allegations under sponsored awards, OCRSM will coordinate with ORA to ensure that UMD complies with the general and specific federal reporting requirements. OCRSM is also obligated to report allegations to ORA upon reasonable notice that the allegations involved personnel

funded through sponsored awards. Recipients of sponsored projects are required to have in place procedures and guidelines for institutions to follow in addressing these types of concerns. ORA and OCRSM are responsible for preparation and submission to the sponsoring agency of the information required under the award terms and conditions that pertains to sexual harassment, other forms of harassment, sexual assault, and retaliation. The OCRSM's Title IX Coordinator is the focal point for coordinating the reporting of any allegation.

- **Timeline for Investigation of Allegations** – Unless referred to law enforcement, OCRSM will investigate the allegations and coordinate with the designee within the Division of Research. The VPR has designated the Director, ORA as the point of contact. Consistent with UMD Policy VI-1.60(A), appropriate action, including investigation, adjudication, and resolution, generally is completed within 120 days of the filing of a Formal Complaint.²
- **Resolutions / Sanctions** – Consistent with the UMD policy, employees found in violation of UMD Policy VI-1.60(A), including those supported through sponsored awards, are subject to sanctions ranging from a written reprimand up to and including separation from employment, depending on the circumstances and nature of the violation. In addition to University sanctions, the sponsor may take additional action.
- **Requirement for Reporting of Complaint Resolution under Sponsored Awards** – Specific sponsors have instituted specific notification and reporting requirements concerning allegations against PIs, Co-PIs, and other senior/key personnel. As of the date of this procedure, the National Aeronautics and Space Administration (NASA), the National Institutes of Health (NIH), the National Oceanic and Atmospheric Administration (NOAA) and the National Science Foundation (NSF) have each adopted such specific reporting requirements, as cited in the “References” section below.
- **Records Retentions under Sponsored Awards** – Records of allegations subject to sponsor-specific reporting requirements will be retained with the UMD official grant file and retired according to the applicable federal schedule.
- **References**
 - 2 C.F.R. 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – §200. 210 – Information contained in a Federal Award, A(b) General Terms and Conditions & (c) Federal Awarding Agency, Program, or Federal Award Specific Terms and Conditions.
 - Title IX of the Education Amendments of 1972 (Title IX) and Title VII of the Civil Rights Act of 1964 (Title VII).
 - Consolidated USM & UMD Policies and Procedures – Policy Number: VI-1.60(A): University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct – <https://policies.umd.edu/assets/section-vi/vi-160A.pdf>.

² Sponsor-specific terms may include timelines for reporting allegations against PIs, Co-PIs, or other senior/key personnel to the sponsor.

- Policy Number - VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures: <https://policies.umd.edu/policy/5e0c704a-09df-4535-9a58-122fb0154676/>
- Sponsor-Specific 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#:~:text=POLICY.-,,%2C%20or%20manager%2C%20at%20NOAA>