



LOCAL 5810

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Suzanne H. Plimpton
Reports Clearance Officer
Office of the General Counsel
National Science Foundation
Eisenhower Avenue, Alexandria, Virginia 22314

RE: Reporting Requirement Regarding Findings of Sexual Harassment, other Forms of Harassment,
or Sexual Assault

May 4, 2018

Dear Ms. Plimpton,

I am writing on behalf of UAW Local 5810, the union of 7,000 Postdoctoral Scholars (Postdocs) working throughout the University of California campuses, regarding the National Science Foundation's proposed changes to reporting requirements regarding harassment, sexual harassment and sexual assault as outlined in NSF Important Notice No. 144, dated February 8, 2018.

Six of the 10 University of California campuses ranked among the top 50 institutions that received NSF funding in Fiscal Year 2017, making UC the top single institutional recipient. Many Postdocs are funded by NSF grants and fellowships in a wide variety of fields, making these policies of critical importance to our members. In addition, since forming our union ten years ago, working to end sexual harassment and assault as well as gender-based and other forms of discrimination have been among our top priorities. Many studies have found widespread sexual harassment and discrimination in academia, and this is a major contributor to the persistent loss of women and people of color, especially in STEM fields.

In these proposed policies, NSF would take a leading role among federal granting agencies in fighting the epidemic of workplace harassment by giving the agency the ability to protect the safety of grant personnel when a Principal Investigator is put on administrative leave regarding harassment findings or an investigation, up to and including removing personnel from the grant or suspending the award. We support these policies as there have been many cases, both at UC and elsewhere, of PIs who were under investigation or were found to have violated harassment policies, but they continued to receive federal research support. A central component in ending this epidemic is enacting real consequences on those who violate harassment policies, and this is a major step in the right direction.



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Based on our union's experience representing Postdocs over the last 10 years, we would also like to identify some areas where the proposed policies could be improved and strengthened. For example, the policy relies on the institution to put a PI on administrative leave for NSF to take action while an investigation is underway. There have been numerous cases at UC where a PI, who is under investigation for harassment or sexual assault, is not put on leave during the investigation or even after a finding of policy violation has been made. The NSF policy should be changed to include notification to NSF if the university has opened a formal investigation of a PI or co-PI, and then providing NSF with updates when the investigation is concluded.

In addition, as many policy violations predate this policy change, we believe NSF should be aware of PIs with a history of sexual harassment so this can be taken into account as well. Consistent with the HR 6161 introduced by Rep. Jackie Speier, in the 114th Congress, we recommend that NSF require grantee institutions to notify NSF when university grievance procedures have found that a research professor has engaged in harassment or sexual assault in the past 10 years. These reports would be kept on file for 10 years, unless there is another violation by the same PI, in which case the clock would restart. Moreover, if these policies only apply to new awards and not existing awards, this would create a loophole so that PIs who are currently funded by NSF could violate harassment or sexual assault policies without the same consequences.

Finally, the power imbalance between PIs and mentees (typically graduate students and Postdocs) significantly contribute to the widespread and persistent instances of harassment. Survivors often fail to bring claims forward due to concerns about retaliation or fear that the consequences to their PI will in turn impact the careers of themselves and their colleagues. Many Postdocs and graduate students are also in the US on non-immigrant visas, so the institution can attract the best and brightest from around the world. The non-immigrant status makes these mentees even more vulnerable when coming forward to raise concerns about PI misconduct. To address this, protections in the NSF proposal should include strong whistleblower protections and should require grantee institutions to ensure that the careers of claimants or their colleagues do not suffer following a report of harassment or sexual assault, both while an investigation is underway and at its conclusion.

Problems like the epidemic of harassment and sexual assault can seem intractable but we believe that through concerted policy and institutional changes we can move toward a more equitable and safe environment for academic research. We appreciate NSF's efforts to this end.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AS', with a horizontal line underneath.

Anke Schennink, PhD
President, UAW Local 5810