

GAO Highlights

Highlights of GAO-19-583T, a testimony before the Committee on Science, Space, and Technology, House of Representatives

Why GAO Did This Study

In fiscal year 2017, U.S. universities were awarded over \$15 billion in federal grant funding for STEM research. Federal agencies are required to enforce Title IX—a law prohibiting discrimination on the basis of sex in education programs receiving federal financial assistance—including at universities they fund. Sexual harassment is not only degrading and illegal, it has a negative effect on the ability of women to engage in research at the same level as men. GAO was asked to review federal efforts to help prevent sexual harassment by STEM research grantees.

This testimony is based on ongoing GAO work and provides preliminary observations on selected agencies: (1) availability of staff and budget to address sexual harassment complaints at universities they fund for STEM research; (2) efforts to establish and communicate policies and procedures for university grantees on preventing sexual harassment; and (3) steps taken to promote information sharing and collaboration among agencies to prevent sexual harassment at universities they fund for STEM research. GAO selected five federal agencies that together funded approximately 80 percent of STEM research from fiscal year 2015 through 2017, the latest data available. GAO reviewed these agencies' relevant regulations and documentation. GAO also interviewed agency officials as part of GAO's ongoing work.

What GAO Recommends

GAO is not making recommendations at this time but will consider making them, as appropriate, as it finalizes its work.

View GAO-19-583T. For more information, contact John Neumann at (202) 512-6888 or neumannj@gao.gov.

SEXUAL HARASSMENT IN STEM RESEARCH

Preliminary Observations on Policies for University Grantees and Information Sharing among Selected Agencies

What GAO Found

Based on preliminary information, the availability of agency staff and budget varies across the five selected agencies for efforts to address sexual harassment complaints at universities that use federal funds for Science, Technology, Engineering, and Mathematics (STEM) research. While four of the five agencies received three or fewer sexual harassment complaints from individuals at grantee universities from 2015 through 2019, changes to agency grantee policies or requirements could impact the number of complaints an agency receives and the amount of resources an agency needs to address them.

The five selected agencies have established and communicated sexual harassment prevention policies to university grantees to varying degrees. Agencies vary in how they have:

- **Provided detailed policies to grantees on sexual harassment.** Three agencies—the National Aeronautics and Space Administration (NASA), Health and Human Services (HHS) National Institutes of Health (NIH), and the National Science Foundation (NSF)—have communicated relatively detailed policies on sexual harassment by issuing multiple forms of guidance, such as grantee policy manuals and best practices documents. In contrast, the Department of Energy (DOE) and Department of Agriculture (USDA) National Institute of Food and Agriculture (NIFA) communicated through more general documents, including policy statements that do not specifically address grantees.
- **Modified grant terms and conditions.** Two agencies are modifying the terms and conditions of grants to require grantees to report sexual harassment. NSF now requires grantees to increase transparency by reporting findings of sexual harassment to NSF, and NASA plans to implement the same requirement.
- **Evaluated effectiveness of grantee policies.** To date, the five agencies have not evaluated the effectiveness of their grantee policies and procedures to prevent sexual harassment, although two agencies are in the process of planning such evaluations.

Based on our preliminary analysis and interviews, all five selected agencies have taken some steps to promote information sharing and collaboration among agencies on the prevention of sexual harassment. But they also noted challenges to these efforts, such as the lack of information on sexual harassment cases. These challenges may increase the risk that universities or agencies are unknowingly funding researchers with a history of past sexual harassment findings. The White House's Office of Science and Technology Policy has taken steps to create an interagency working group by establishing a joint committee in May 2019 under the National Science and Technology Council with NIH, NSF, DOE, and the National Institute of Standards and Technology Directors. The committee plans to address challenges in the research environment, including the lack of uniform federal sexual harassment policies.



Testimony

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Space, and Technology, House of
Representatives

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SEXUAL HARASSMENT IN STEM RESEARCH

Preliminary Observations on Policies for University Grantees and Information Sharing among Selected Agencies

Statement of John Neumann, Managing Director,
Science, Technology Assessment, and Analytics

Chairwoman Johnson, Ranking Member Lucas, and Members of the Committee:

I am pleased to be here to discuss our ongoing work on preventing sexual harassment in science, technology, engineering, and mathematics (STEM) research.

Prominent members of the academic community who receive federal STEM grant funding have engaged in or been accused of sexual harassment, according to a number of recent media reports. Sexual harassment is not only degrading and illegal, studies show it has a negative effect on the ability of women to engage in research at the same level as men. Title IX of the Education Amendments of 1972 is the primary federal law that prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities receiving any federal financial assistance.¹ In fiscal year 2017, U.S. universities were awarded over \$15 billion in federal grant funding for STEM research.² Federal agencies are responsible for enforcing Title IX compliance at the universities they fund.³

In 2015, we reported on six federal agencies' grant making to women in STEM research, including Title IX compliance.⁴ We found that the Departments of Defense and Health and Human Services (HHS) were not conducting required Title IX compliance reviews at universities they funded and recommended that the two agencies periodically do so.⁵ We also found that the Department of Justice (DOJ) had no formal information-sharing process for federal agencies to exchange best

¹Pub. L. No. 92-318, tit. IX, § 901, 86 Stat. 235, 373, codified at 20 U.S.C. §§ 1681-1688. Sexual harassment can qualify as discrimination under Title IX if, among other things, the harassment is "so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided." *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999).

²For ease of reporting, we use the term "universities" to refer to all institutions of higher education, and we also use the term "grantees" to refer to recipients of federal assistance, including university grantees.

³20 U.S.C. § 1682.

⁴GAO, *Women in STEM Research: Better Data and Information Sharing Could Improve Oversight of Federal Grant-making and Title IX Compliance*, GAO-16-14 (Washington, D.C.: Dec. 3, 2015).

⁵A Title IX compliance review is an agency's assessment of whether a grantee is complying with the law.

practices on Title IX compliance activities, and we recommended that it establish such a process. In 2016, DOJ established the STEM Title IX working group, which meets quarterly with the six major STEM grant-making federal agencies.⁶

My statement today addresses preliminary observations from our ongoing work and describes: (1) the availability of staff and budget at selected federal agencies to address sexual harassment complaints at universities they fund for STEM research, (2) efforts at these selected federal agencies to establish and communicate policies and procedures for university grantees on preventing sexual harassment, and (3) steps these selected federal agencies have taken to promote information sharing and collaboration among agencies to prevent sexual harassment at universities they fund for STEM research.

For all three objectives, we selected five federal research grant-making agencies—three agencies from cabinet-level departments and two independent agencies—that together funded approximately 80 percent of the federal government’s basic and applied extramural research in STEM fields from fiscal year 2015 through 2017.⁷ The five federal agencies are:

- Department of Agriculture, including the National Institute of Food and Agriculture (USDA-NIFA);
- Department of Energy (DOE);
- National Aeronautics and Space Administration (NASA), an independent agency;
- National Institutes of Health (NIH), an agency of HHS; and
- National Science Foundation (NSF), an independent agency.

⁶GAO-16-14. The DOJ Title IX STEM working group was formed in February 2016 to facilitate information sharing across federal STEM grant-making agencies in response to our December 2015 recommendation. The six major STEM grant-making federal agencies are the Department of Defense, Department of Energy, Health and Human Services’ National Institutes of Health, National Aeronautics and Space Administration, National Science Foundation, and Department of Agriculture including the National Institute of Food and Agriculture.

⁷For purposes of this testimony, we define independent agencies as those listed on USA.gov. <https://www.usa.gov/independent-agencies> (last visited May 30, 2019). In addition, fiscal year 2017 data are the latest available for the federal government’s basic and applied research funding in STEM fields.

As part of our ongoing work, we reviewed relevant laws, regulations, and documentation (e.g. selected federal agencies' policies and procedures on preventing sexual harassment, grant requirements as outlined in terms and conditions, and interagency meeting agendas).⁸ We also reviewed prior GAO work and interviewed officials from selected federal agencies. Our preliminary observations will not be generalizable to all agencies that provide federal STEM grants. We shared the information in this statement with DOE, HHS, NASA, NSF, and USDA, and these agencies provided technical comments that we incorporated, as appropriate. We will complete our ongoing work that will include examining selected agencies' efforts to conduct Title IX compliance reviews and to address sexual harassment complaints. We plan to complete this work by the end of 2019.

We are conducting the work upon which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Selected agencies' funding for university STEM research. The five federal agencies included in our preliminary analysis provide billions of dollars annually for university research in STEM fields, with NIH providing more than the other four agencies combined. Table 1 details the total amount of research funding provided to universities by each agency in fiscal year 2017.

⁸For ease of reporting, we use the term "agencies," even in cases where the agency is relying on a department-implemented policy or process. We are focusing on the core STEM fields—excluding social science and healthcare fields—and on university graduate, postgraduate and full-professor-level research in STEM fields.

Table 1: Fiscal Year 2017 Federal Obligations from Five Agencies for Select Areas of STEM Basic Research Performed at Universities and Colleges (amount in dollars)

Agency	Amount ^a
NIH	\$8.3 billion
NSF	\$3.8 billion
DOE	\$647 million
NASA	\$580 million
USDA	\$289 million
NIFA	\$242 million

Source: National Science Foundation, National Center for Science and Engineering Statistics, Survey of Federal Funds for Research and Development, Fiscal Year 2017.

^aThese funding figures are drawn from the 2017 NSF Survey of Federal Funds for Research and Development and therefore may differ from agency figures reported elsewhere. Fiscal year 2017 figures include only basic research obligations in fields that fall within the scope of our review: computer sciences and mathematics, engineering, environmental sciences, life sciences, physical sciences, and other sciences not elsewhere classified, such as multidisciplinary or interdisciplinary projects that cannot be classified within one of these broad science fields. These may differ from total agency research funding obligations for fiscal year 2017. For example, NSF's total STEM research obligations include funding for additional STEM fields such as psychology and social sciences.

Sexual harassment. As defined in the National Academies of Sciences, Engineering, and Medicine (NASEM) 2018 report, sexual harassment encompasses three types of behavior:⁹

- **Sexual coercion:** Favorable treatment conditioned on sexual activity.
- **Unwanted sexual attention:** Verbal or physical unwelcome sexual advances, including sexual assault.
- **Gender harassment:** Sexist hostility and crude behavior.¹⁰

The most common form of sexual harassment is gender harassment, which generally involves hostility, exclusion, or other discrimination based on a person's gender. The 2018 report found that sexual harassment in

⁹Sexual harassment is not a defined term in Title IX. In some circumstances sexual harassment can qualify as discrimination under Title IX if, among other things, the harassment is "so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided." *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999).

¹⁰We adopt this definition for purposes of this testimony. National Academies of Sciences, Engineering, and Medicine. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. (Washington, DC: The National Academies Press, 2018).

academia is significantly more common among female students in engineering and medical majors than in non-STEM fields. According to the report, at least five factors create the conditions under which sexual harassment is likely to occur in STEM programs and departments in academia:

- Perceived tolerance for sexual harassment
- Environments where men outnumber women and leadership is male dominated
- Environments in which the power structure of an organization is hierarchical with strong dependencies on those at higher levels or in which people are geographically isolated
- Increased focus on symbolic compliance with Title IX
- Uninformed leadership on campus

Title IX of the Education Amendments of 1972. Title IX of the Education Amendments of 1972 is the primary federal law that addresses sex discrimination in all federally funded grant programs at educational institutions.¹¹ Under Title IX, federal agencies that award grants to educational institutions have enforcement responsibilities to ensure such institutions do not discriminate based on sex.¹² Enforcement responsibilities include issuing regulations, conducting periodic compliance reviews of funding recipients, and investigating timely written complaints of sex discrimination against recipients.¹³ DOJ and the

¹¹In 2002, Title IX of the Education Amendments of 1972 was renamed the Patsy Takemoto Mink Equal Opportunity in Education Act. Pub. L. No. 107-255, 116 Stat. 1734 (2002). For purposes of this report, we refer to this Act as Title IX.

¹²20 U.S.C. § 1682.

¹³20 U.S.C. § 1682. Education and HHS's Title IX regulations generally derive from the Department of Health, Education, and Welfare (HEW) Title IX regulations published in 1975 (40 Fed. Reg. 24,137, June 4, 1975). In 1979 the Department of Education was created and HEW was renamed the Department of Health and Human Services. Education's Title IX regulations are now codified at 34 C.F.R. Part 106 and HHS's regulations are codified at 45 C.F.R. Part 86. USDA published regulations in 1979 (44 Fed. Reg. 21,610, April 11, 1979, codified at 7 C.F.R. Part 15a) and DOE published regulations in 1980 (45 Fed. Reg. 40,514, June 13, 1980, codified at 10 C.F.R. Part 1042). A Title IX Final Common Rule was published in 2000 to implement regulations for 21 agencies, including NASA and NSF (65 Fed. Reg. 52,858, Aug. 30, 2000). In 2001, DOE replaced its regulations with the provisions of the Common Rule (66 Fed. Reg. 4630, Jan. 18, 2001). Title IX regulations for all of the agencies in our review are substantially the same. For purposes of this report any reference to a regulatory requirement is applicable to all five agencies we reviewed.

Department of Education have other responsibilities for administering Title IX. DOJ is designated by Executive Order No. 12250 to coordinate Title IX compliance across federal agencies, including information sharing.¹⁴

Federal grant awards and grant life cycle. In general, federal agencies administer grants through a common administrative life cycle: pre-award, award, implementation, and closeout. During the pre-award stage, most of the agencies we reviewed require grantees to submit an “assurance of compliance” form as part of their grant application to attest compliance with anti-discrimination laws, including Title IX.¹⁵ For the award stage, the federal agency awarding the grant enters into an agreement with grantees stipulating the terms and conditions for the use of grant funds. During the implementation stage, among other things, the federal agency manages and oversees the grant, including any Title IX compliance reviews.¹⁶ A Title IX compliance review is an agency’s assessment of whether a grantee is complying with the law. Federal agencies may conduct these reviews onsite at an institution (grantee) or via a desk audit. In the closeout stage, the awarding federal agency and grantee bring the grant to its conclusion, once all the work associated with the grant agreement is complete, the grant end date has arrived, or both.

Among the federal agencies we reviewed, different offices handle various aspects of grant compliance. Generally, each agency’s civil rights or diversity office conducts Title IX compliance reviews, develops policies and procedures for grantees, and investigates allegations and complaints involving university researchers supported by their agency’s federal STEM grants. The office that awards grants generally creates and modifies grant terms and conditions.

¹⁴Exec. Order No. 12250, 45 Fed. Reg. 72995 (Nov. 2, 1980).

¹⁵According to HHS and NIH officials, the department is responsible for requiring the grantee to submit an assurance of compliance form to NIH.

¹⁶According to HHS and NIH officials, NIH does not oversee any Title IX compliance reviews since this is the responsibility of HHS.

Resources to Address Sexual Harassment Complaints Vary

Our preliminary analysis indicates that the selected federal agencies' staff and budget available to address sexual harassment complaints from individuals at grantee universities varies according to the duties and funding for the primary agency offices responsible for addressing the complaints, as well as with the number of complaints received from grantees.

Duties and funding for offices responsible for addressing complaints. Our preliminary analysis shows that all five agencies (DOE, HHS, NASA, NSF, and USDA-NIFA) primarily address sexual harassment complaints through their civil rights or diversity offices. However, these offices are responsible for more than just addressing complaints and preventing sexual harassment at grantee universities; they also oversee a number of civil rights, diversity and inclusion efforts for the entire agency. Moreover, most of these offices also address internal employee sexual harassment complaints and other discrimination issues. For example, HHS officials described how staff in their Office for Civil Rights at headquarters and eight regional offices conduct compliance reviews and investigate all complaints alleging sexual harassment and other forms of discrimination against recipients of HHS federal financial assistance, including recipients of NIH grants. USDA-NIFA said their civil rights and diversity office staff are not always available when sexual harassment issues arise because they have other duties and also cover other discrimination issues. In addition, some agencies noted challenges in ensuring adequate staffing levels. For example, USDA-NIFA officials cited the need to fill vacant positions in their civil rights office, and NSF officials described a need to find staff with expertise in this complicated, specialized area.¹⁷

All five agencies fund their civil rights and diversity offices separately from their STEM research funding, and there is little relationship between the two budgets. For more information on selected agencies' civil rights and

¹⁷NASA, NSF, and USDA-NIFA described actions they are planning to take to address these staffing and workload challenges. For example, NASA is exploring the use of detailees and increased interagency coordination to supplement its resources, in part because the three full-time equivalents it has assigned to handle grantee sexual harassment complaints spend no more than 30 percent of their time on grantee compliance with civil rights (including sexual harassment), according to officials. USDA-NIFA officials also described using detailees to help address staff vacancies, and while they indicated that staffing is sufficient for what is reported and for proactive prevention, they plan to hire staff to fill vacant positions by the end of calendar year 2019. NSF officials said that they have hired two temporary fellows to help while they assess their long-term needs.

diversity office staffing and budgets planned for fiscal year 2019, see table 2.

Table 2: Selected Agencies' Planned Staff and Budget for Civil Rights and Diversity Offices, Fiscal Year 2019

Agency/Name of Civil Rights or Diversity Office	Number of Staff	Budget (annual)
DOE/Office of Economic Impact and Diversity (includes Office of Civil Rights and Diversity) ^a	37	\$10 Million
HHS/Office for Civil Rights ^b	155	\$38 Million
NASA/ Office of Diversity and Equal Opportunity	16	\$4 Million ^c
NSF/Office of Diversity and Inclusion	10	\$1.5 million ^d
USDA/Office of Civil Rights	130	\$28 Million

Source: GAO analysis of agency budget information, fiscal year 2019.

^aDOE does not provide details on staff or funding specifically for its Office of Civil Rights and Diversity in its agency budget information. Instead, it provides staff and funding information for the Office of Economic Impact and Diversity, which includes DOE's Office of Civil Rights.

^bHHS's Office for Civil Rights addresses civil rights compliance involving entities that receive federal financial assistance from any of HHS's component agencies, including NIH.

^cNASA's fiscal year 2019 Office of Diversity and Equal Opportunity program budget without staff salaries is \$1.4 million.

^dNSF does not provide details on funding for its Office of Diversity and Inclusion in its agency budget information, but NSF officials told us that their program budget estimate for fiscal year 2019 is \$1.5 million, or \$353,000 without staff salaries.

Number of complaints received. Our preliminary analysis of sexual harassment complaint information indicates that four of the five selected agencies received three or fewer complaints from individuals at grantee universities from fiscal year 2015 through 2019. See table 3.

Table 3: Sexual Harassment Complaints Received by Selected Agencies, Fiscal Years 2015-2019

	Independent Agencies		Cabinet Agencies		
	NASA	NSF	DOE	HHS	USDA-NIFA
Number of Complaints^a	3	14	2	1	0

Source: GAO analysis of agency information and interviews with agency officials from the National Science Foundation (NSF), National Aeronautics and Space Administration (NASA), Health and Human Services (HHS), Department of Energy, and Department of Agriculture (USDA) National Institute of Food and Agriculture (NIFA).

^aIn fiscal year 2018 and fiscal year 2019, DOE, NSF, and NASA received the same complaint alleging violation of Title IX—discrimination on the basis of sex—against a university; NSF took the lead on investigating this complaint, according to DOE and NASA officials.

Officials from DOE told us that because they receive so few sexual harassment complaints from individuals at grantee universities, they have enough resources to address those that are reported to their civil rights or diversity offices. In addition, officials from HHS told us that because they receive so few complaints, their civil rights office has used other oversight mechanisms, like Title IX compliance reviews, to examine whether sexual harassment is occurring at universities receiving HHS funds, including funds from NIH. However, as agencies continue to strengthen grantee policies or requirements, it may affect the number of complaints an agency receives from individuals at grantee universities, as well as the amount of resources an agency needs to address them. For example, NSF officials described how the number of sexual harassment complaints they receive has increased since the agency implemented new grant terms and conditions that require university grantees to report any sexual harassment findings involving a Principal Investigator or co-Principal Investigator for NSF-funded research. NSF officials also described an increased number of questions and calls about how to report incidents, requests for training and presentations, and meetings with program officers, awardee representatives and other stakeholders, among other items.

Agencies Have Different Sexual Harassment Prevention Policies and Mechanisms for Communicating Them to Grantees

Based on our preliminary review, all five of the selected agencies have established and communicated their own sexual harassment prevention policies to grantees within the last 2 fiscal years, but agency communication mechanisms and the content of these grantee policies vary.

Specifically, our preliminary analysis shows that NASA, NIH, and NSF communicate their policies on sexual harassment in multiple forms, such as grantee policy manuals, best practices documents, and online FAQs. The result is that grantees receive a relatively high level of detail about preventing sexual harassment and mechanisms for reporting complaints. In contrast, Cabinet agencies DOE and USDA-NIFA provide fewer forms of guidance, either through their website or agency director and Secretary-level policy statements and documents, which focus more generally on the broader category of sex discrimination or provide different levels of information on sexual harassment prevention policies for grantees. See table 4 for more information.

Table 4: Mechanisms Used to Communicate Sexual Harassment Prevention Policies

	Independent Agencies		Cabinet Agencies		
	NSF	NASA	NIH ^a	DOE	USDA-NIFA
Director or Secretary-Level Policy Statements^b					
Agency officials' announcements or policy statements on preventing sexual harassment by grantees posted online	✓	✓	✓	In progress	✓
Agency Websites					
Descriptions of agency policies and requirements, best practices, FAQs, definitions, or complaint reporting procedures for grantees to address sexual harassment	✓	✓	✓	✓	—
Agency Documents					
Guidance documents for grantees such as policy manuals or best practices to address sexual harassment	✓	✓	✓	—	—
Grant Terms and Conditions					
Terms and conditions apply to all awards and dictate grantee requirements to report sexual harassment to the agency	✓	In progress	—	—	—
Grantee Assurance of Compliance Form^c					
A general statement of compliance with national laws and policies prohibiting discrimination, including sex discrimination (Title IX)	N/A	✓	✓	✓	✓

Legend:

✓ Used

— Not used

N/A: Not applicable

In Progress: Agency plans to use

Source: GAO analysis of agency policy and procedure documents, websites, and interviews with agency officials from the National Science Foundation (NSF), National Aeronautics and Space Administration (NASA), Health and Human Services National Institutes of Health (NIH), Department of Energy, and Department of Agriculture (USDA) National Institute of Food and Agriculture (NIFA).

^aNIH is a component of HHS, a cabinet agency.

^bDOE and USDA officials told us they have Director or Secretary-level sexual harassment policy statements, but they either focus more broadly on sex discrimination or provide different levels of information. DOE's Secretary-level anti-discrimination policy statement is from 2006 and does not specifically address sexual harassment, but DOE officials said they are in the process of drafting a new Secretarial sexual harassment policy statement that will apply to grantees. NIFA does not have a policy that addresses or provides details on preventing sexual harassment for grantees, while the USDA Secretary-level statement does.

^cMost of the selected agencies require grantees to submit an assurance of compliance form as part of their grant application. In general, these forms do not provide detailed definitions of sexual harassment. NSF does not use this form. Instead, NSF outlines Title IX requirements in its grant terms and conditions, and notes that when a grantee signs a proposal, they are providing the required compliance certification.

Regarding the content of the policies, our preliminary analysis shows that DOE, NIH, NSF, and USDA-NIFA updated their definitions of behaviors or actions that qualify as sexual harassment in their grantee policies and procedures, and NASA is in the process of doing so. The definitions are more specific than previous definitions; for example, they include

descriptions of gender harassment, the most common form of sexual harassment.¹⁸ The increased specificity may make clear the behaviors or actions grantees are expected to address in their efforts to prevent sexual harassment. The agencies continue to develop and revise policies and communication mechanisms for grantees.

Also, NSF and NASA have modified, or are taking steps to modify their grant terms and conditions to strengthen requirements for university grantees to report on findings of sexual harassment to the funding agency.¹⁹ Officials from both agencies told us these modifications will help hold grantees accountable for reporting sexual harassment; the NSF Director states on the agency's website that these changes are "intended to provide targeted, serious consequences for harassers" while also providing "tools to make harassment stop without disturbing others' careers and lives." The requirement also supports the NASEM 2018 report recommendation for institutions to be transparent about reporting sexual harassment findings, which is intended to foster a culture and climate that does not tolerate sexual harassment at universities.²⁰ Officials from cabinet agencies DOE, NIH (a component of HHS), and USDA-NIFA stated they would need to go through formal rulemaking processes to alter their grant terms and conditions in a similar manner.

In addition, our preliminary analysis shows that two of the five selected agencies are taking steps to evaluate the effectiveness of their sexual

¹⁸See *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. (Washington, DC: The National Academies Press, 2018).

¹⁹ NSF grant terms and conditions now require, for any new award or funding amendment to an existing award, the grantee report findings of sexual harassment, other forms of harassment, or sexual assault against the principle investigator (PI) or co-PI to NSF. See 83 Fed. Reg. 47940 (Sept. 21, 2018). NASA officials also told us they are planning to issue new grant terms and conditions that will require grantees to inform the agency when there has been a finding of harassment against a researcher receiving NASA financial assistance or if that researcher has been placed on administrative leave pending investigation. NASA officials said they anticipate releasing these new terms and conditions for public comment in fiscal year 2019.

²⁰According to the NASEM 2018 report, academic institutions should strive for greater transparency in how they are handling reports of sexual harassment while balancing a need for confidentiality. Specifically, they should issue annual reports that provide information on (1) how many and what type of policy violations have been reported (both informally and formally), (2) how many reports are currently under investigation, and (3) how many have been adjudicated, along with general descriptions of any disciplinary actions taken.

harassment prevention policies and procedures for grantees. NSF officials told us that they are in the process of determining how best to evaluate the effectiveness of the new sexual harassment reporting requirements and how the requirements have affected grantees. Similarly, DOE is in the process of comparing its policies and procedures against other federal agencies', according to officials. To date, the other three agencies have not yet evaluated the effectiveness of their policies, but officials at these agencies told us that they focus on ensuring grantees comply with Title IX regulations as a way to measure the effect of their policies. For example, NASA established a goal to promote compliance and encourage best practices among grantees, and the agency measures progress towards this goal through verifying grantee compliance with Title IX. USDA-NIFA officials are also in the process of creating a tool to provide a comprehensive blueprint for civil rights compliance—including Title IX compliance—and are planning to implement the tool in fiscal year 2020. We will continue to examine and assess the selected agencies' sexual harassment prevention policies for university grantees and steps they are taking to evaluate them in our ongoing work.

Agencies Have Taken Some Steps to Share Information and Collaborate

Based on our preliminary review, all five selected agencies have taken some steps to promote information sharing and collaboration among agencies on Title IX compliance reviews through DOJ's Title IX STEM working group. According to officials, the group discusses strategies for conducting joint Title IX compliance reviews to leverage limited agency resources and share best practices. For example, DOE and NSF have conducted three joint compliance reviews, and NASA and NSF told us that they are in the process of conducting a joint review.²¹ These joint reviews can be helpful, as the selected agencies conduct a small number of compliance reviews (two to four) annually relative to the number of university grantees who must comply with Title IX.

Despite this collaboration, all five selected agencies reported challenges in obtaining and sharing information. For example, all five selected agencies told us they rarely discuss sexual harassment cases at DOJ's Title IX STEM working group meetings unless they are directly related to an ongoing or planned compliance review. In addition, DOE, NASA, NIH,

²¹A joint Title IX compliance review occurs when two agencies conduct a joint assessment of whether a grantee is complying with the law. The grantee that is selected for the joint compliance review receives funding from both agencies.

and NSF stated they rarely learn about instances of sexual harassment from voluntary reporting from universities or other federal agencies and instead must rely on other sources, such as news reports. This situation may change at NSF and NASA, which have taken steps to modify their grant terms and conditions to require reporting of sexual harassment findings by grantees. Challenges in obtaining and sharing information on sexual harassment cases may increase the risk of a situation known as “pass the harasser,” in which a researcher with substantiated findings of sexual harassment obtains employment at another university or grants from another funding agency without the university or funding agency being aware of the researcher’s history.

Officials from all five selected agencies noted a willingness to participate in an interagency working group to address the culture of sexual harassment in STEM research that moves beyond conducting Title IX compliance reviews. The White House’s Office of Science and Technology Policy (OSTP) has taken steps to establish an interagency working group. In May 2019, OSTP established a joint committee under the National Science and Technology Council to address challenges in the research environment.²² OSTP, NIH, NSF, DOE, and the National Institute of Standards and Technology Directors were selected as joint committee chairs to engage with the academic and science community for policymaking insight and to convene interagency efforts. According to DOE officials, the committee will address several priorities, including the development of policies and procedures across the federal government regarding sexual harassment in the research environment. Three of the five selected agencies (NSF, NASA, and DOE) stated OSTP would be the appropriate entity to establish uniform sexual harassment policy guidelines to help provide consistency across the federal government. NSF and NASA officials suggested that DOJ or the Department of Education would be the appropriate agencies to collaborate with OSTP on the ongoing monitoring of sexual harassment policy guidelines.

All five selected agencies reported taking collaborative steps with universities and federal agencies to address the culture and climate for

²²The National Science and Technology Council was established by Executive Order on November 23, 1993. Exec. Order No. 12881, 58 Fed. Reg. 62491 (Nov. 26, 1993). This Cabinet-level Council is the principal means within the Executive Branch to coordinate science and technology policy across the diverse entities that make up the Federal research and development enterprise. The Office of Science and Technology Policy Director serves as the chair of the Council and provides leadership across the National Science and Technology Council.

women in STEM. For example, in 2019, NIH established a working group with university experts to collaborate with other federal agencies to assess the current state of sexual harassment allegation investigation, reporting, remediation, and disciplinary procedures at NIH-funded organizations and advise on oversight, accountability, and reporting measures for grantees, among other things. In addition, all five agencies provided examples of collaborative efforts that would help address the culture of sexual harassment in STEM research. For example, NASA officials told us that it would be helpful to conduct joint meetings with other university grantees across agencies to discuss sexual harassment in science. Lastly, efforts to improve information sharing and collaboration across agencies beyond conducting Title IX compliance reviews are consistent with findings in the 2018 NASEM report, which states, “adherence to legal requirements is necessary but not sufficient to drive the change needed to address sexual harassment.”²³ We will continue to examine and assess selected agencies’ Title IX reviews and efforts to collaborate and share information in our ongoing work.

In closing, I note that we are continuing our ongoing work on this topic. Sexual harassment is not only degrading to individual researchers, it undermines the quality and fairness of our nation’s research enterprise. It is therefore important that federal agencies ensure their grantees effectively prevent and address sexual harassment in STEM research. We look forward to continuing our work to determine whether additional federal actions may be warranted to promote this objective.

Chairwoman Johnson, Ranking Member Lucas, and Members of the Committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

²³The 2018 NASEM report notes that “academic institutions and federal agencies should treat the legal obligations for addressing sexual harassment under Title IX law, as a floor, not a ceiling, and work to move beyond basic legal compliance to promote sustainable, holistic, evidence-based policies and practices to address sexual harassment and promote a culture of civility and respect”. See National Academies of Sciences, Engineering, and Medicine. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. (Washington, DC: The National Academies Press, 2018).

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