



FASEB

Federation of American Societies
for Experimental Biology

Representing Over 130,000 Researchers

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October 3, 2019

Advisory Committee to the Director
National Institutes of Health
c/o Gretchen Wood
One Center Drive, Room 126
Bethesda, MD 20892-0147

Submitted electronically via email: woodgs@od.nih.gov

Dear Committee Members,

The Federation of American Societies for Experimental Biology (FASEB) appreciates the efforts of the Advisory Committee to the Director's (ACD's) Working Group on Changing the Culture to End Sexual Harassment to develop recommendations for approaches aimed at preventing incidents of sexual harassment and enhancing resources and support for survivors of such occurrences at institutions receiving grant funding from the National Institutes of Health (NIH). We reviewed the interim recommendations issued by this group in June, and offer the following feedback for your consideration, organized by recommendation.

Recommendation 1: Treat *professional* misconduct, including sexual harassment, as seriously as *research* misconduct:

FASEB appreciates NIH's active investigation of incidents of sexual harassment and the agency's recognition that these incidents are serious violations. Professional misconduct, particularly gender and sexual harassment, can be pernicious and damaging to careers and in ways different from research misconduct; therefore, we recommend clarifying the name of this recommendation to ensure a distinction between professional misconduct that includes gender or sexual harassment and bullying and research misconduct.

FASEB commends NIH for implementing mechanisms allowing intramural and extramural researchers to report occurrences of professional misconduct directly to the agency. As part of the Working Group's final recommendations, we suggest providing further clarification on how reports will be handled and investigated by the NIH, and how these investigations will interface with those conducted by the institution. Recognizing that institutions may have varying standards for handling cases of sexual misconduct, we urge NIH to develop guidelines for investigations into allegations of professional misconduct and seek ways to harmonize processes with institutional Title IX offices.

To increase awareness of and prevent incidents of professional misconduct, we encourage incorporating mandatory training, similar to workplace training on sexual harassment, for all members of a research group supported by NIH funds, not just those listed as key personnel on the grant. Harassment is not limited to interactions between a PI and trainees. Therefore, we strongly recommend that all individuals contributing to research supported by NIH be required to take training on professional conduct.

Recommendation 2: Require all PIs to attest, when submitting NIH grant applications and progress reports, that they have not violated and will not violate their institutional code of conduct:

FASEB applauds the Working Group's goal of institutional and individual accountability and transparency when disclosing incidents of sexual harassment to NIH, and we agree with the recommendation to require PIs to attest that they have not and will not violate their institutional code of conduct. However, we also encourage expanding this recommendation to require PIs to further attest that they "understand" or have "learned" the code of conduct. Requiring PIs to attest that they comprehend the code of conduct would add an additional layer of accountability.

FASEB also agrees with the Working Group's recommendation that institutions indicate that a PI has not violated the code of conduct. It is possible, however, that such a requirement would miss any incidents of sexual harassment occurring at other institutions. Therefore, we suggest expanding this requirement to include attestation by all institutions with which the PI has been affiliated within a to-be-determined number of years.

Finally, FASEB is concerned that there is no universal code of conduct across institutions. To resolve this, we recommend that NIH issue standard guidelines to ensure that the attestation of both the PI and institution refer to comparable codes of conduct.

Recommendation 3: Establish mechanisms for restorative justice for survivors and to recapture lost talent:

NIH's commitment to develop strategies to ensure survivors of sexual harassment are provided mechanisms to continue their careers in biological and biomedical research free of subsequent harassment and judgement are laudable. We support the concept of restorative justice for survivors but recognize that additional details and guidelines for applying such opportunities needs to be more clearly defined before implementation. Will NIH require the survivor to show proof of sexual harassment, and how would NIH provide restorative justice to a victim who never reported the incident?

Key concerns in this area include identifying eligibility for support and the mechanism(s) by which support is conferred. Would these funds be supplements to existing research programs? Would these funds be able to be transferred to new institutions beyond where the incident occurred? What is the process for assessment? Would privacy protections be in place for those individuals wanting to maintain their privacy? In addition to providing research support to retain talent, FASEB also believes it is imperative for NIH and institutions to offer professional support and resources to allow victims to feel safe in the research environment.

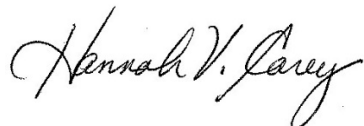
Recommendation 4: Develop novel approaches to address investigator independence from their mentors:

The final recommendation builds upon the report and recommendations issued by the ACD Next Generation Researchers Initiative (NGRI) Working Group in December 2018, particularly those within Theme 2, Develop methods to identify and support "at-risk" investigators and ESIs. FASEB has long supported mechanisms intended to foster transitions to independent research careers. As noted during the June presentation of these interim recommendations, there are existing models of funding mechanisms that do not require preliminary data (e.g., R21 mechanism) or letters of recommendation from the applicant's advisor (e.g., NIH Innovator Award); FASEB encourages NIH to continue to refining application requirements as part of the agency's implementation of the NGRI policy, and the planned R01 mechanism for ESIs named in honor of former National Institute of Arthritis and Musculoskeletal and Skin Diseases Director, Stephen I. Katz, MD, PhD.

During the ACD's deliberations, it was noted that the mentor-trainee interdependence could be especially tenuous for international scholars; however, it was unclear if there were specific provisions within the proposed interventions to address these concerns. Thus, we request further clarification on potential funding opportunities or other mechanisms intended to foster career independence for international researchers. Another way in which institutions could reduce trainee dependency on mentors is by offering ancillary training opportunities in lab and personnel management to supplement informal (and varied) training by mentors. Such training could be incorporated into the support systems described in the interim recommendations. It will be critical for NIH to provide clear guidelines and metrics regarding expectations for institutional resources to establish parity and truly foster culture change.

FASEB thanks the ACD Working Group on Changing the Culture to End Sexual Harassment for its efforts leading to these interim recommendations. We recognize that this group was charged with a difficult task for which there is no easy solution. Throughout these comments, we have indicated areas in which additional clarity and further consideration is needed to develop new policies aimed to end sexual harassment. FASEB looks forward to receiving the final recommendations from the Working Group in December and hopes to see these comments incorporated.

Sincerely,

A handwritten signature in black ink that reads "Hannah V. Carey". The signature is written in a cursive, flowing style.

Hannah V. Carey, PhD
FASEB President