



FASEB

Federation of American Societies
for Experimental Biology

Representing Over 130,000 Researchers

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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 substantive update on implementation of recommendations from the 2019 Final Report, [Changing the Culture to End Sexual Harassment](#), at the recent National Institutes of Health (NIH) Advisory Committee to the Director (ACD) meeting. We were pleased to see key policy topics emphasized on the agenda in addition to scientific advances with respect to the COVID-19 pandemic.

Case Intake and Reporting Outcomes

Specifically, FASEB was very pleased to see data shared on harassment case intake and the resulting findings and outcomes. Presenting aggregate data shows that NIH is genuinely invested in ensuring research and training environments are safe, respectful, and inclusive and builds trust in the system. Routine public dissemination of summary findings also aids prospective complainants' ability to gauge possible implications if they choose to report.

Widely publishing this data, particularly aiming information to scientists in harmful environments, is vital. Sharing data with ACD is a start, but likely does not reach those most in need of this information. Although FASEB and other policy and advocacy organizations put forth considerable effort to transmit this information to the community, it is unlikely that any given person in an unsafe research environment would know to look at ACD presentations for recent harassment data. As [previously noted](#), the [web form](#) for extramural complaints does not link out to pertinent information located on the [anti-sexual harassment page](#). Moreover, past relevant blogs, ACD presentations, and statements on the [related statements page](#) are somewhat difficult to locate and do not contain the most up-to-date information. A centralized hub to house all pertinent information, including case and outcomes data, should be developed—akin to the ease of use of the [UNITE website](#), where all information regarding NIH's efforts to end structural racism are easily discoverable. When considering ease of use and transparency, NIH should strive to prioritize the needs of those actively experiencing harassment.

Additionally, further clarity on data presented would be helpful. Categories listed under the "Finding / Outcome" column may be expanded for ease of comprehension. For example, formal investigation, Title IX referral, and allegation substantiated are vague as to if NIH or the extramural institutions are responsible for the action. Safety actions and other grant actions would also benefit from listed examples as these topics are quite broad.

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Finally, FASEB would appreciate if case intake and findings and outcomes data were presented for the subset of preceptors and mentors on training grants. This would still be aggregate data that would not contain identifying information, but would provide statistics on prevalence of harassing behavior among those in highly influential positions among trainees.

Encouraging Actions from NIH

FASEB was encouraged to see the swift action NIH has taken to remove respondents to complaints of harassment from peer review. As an outside party to harassment investigations occurring at extramural institutions, NIH has limited authority in these situations; however, it is promising to see NIH exert power and influence when able. Similarly, it appears that external pressure from NIH and other funding agencies has begun to influence grantee institutions to remove Principal Investigators (PIs) when they are unable to foster safe environments. FASEB commends NIH for enhanced communication on these efforts and actions taken that are positively influencing the culture of science and hopes to see more.

Promising Trends Over Time

Additionally, the Federation appreciates NIH sharing longitudinal data. The total case intake has increased substantially since 2018, indicating that availability of the web form has positively influenced ease of reporting. The current pace of harassment case intake in 2021 also appears to indicate that NIH's outreach efforts are proving impactful. FASEB is delighted to see positive change as NIH works to build trust in the system and emphasizes that harassment of any form is not tolerated.

Restorative Justice

Progress towards the 2019 Final Report recommendations thus far is commendable. However, there is a noticeable dearth of advancements towards recommendation implementation from Theme 2, establishing mechanisms for restorative justice. Specifically, implementation of recommendation 2.2, developing bridge funding for targets and affected individuals who lose salary support due to sexual harassment, appears feasible. This bridge funding may help ensure targets of harassment do not experience further consequences due to the inappropriate actions of another, such as needing to take out a personal loan to pay rent and other expenses when salary support is lost. If NIH posted a Notice of Special Interest enacting this recommendation it would be incredibly meaningful to those in need and help retain talent.

Furthermore, when contemplating viable restorative justice actions, it may be prudent to intertwine the underlying essence of recommendation 3.1, create new mechanisms whereby research awards are given directly to trainees. Early career scientists moving laboratories due to unsafe environments may experience disruptions in the ability to submit fellowship applications due to changing PIs. Explicitly allowing flexibilities in submission deadlines when harassment is evident will help safeguard trainees from further significant downstream effects from the harassing individual in power. FASEB greatly appreciates the flexibilities offered to F and K awardees during the COVID-19 pandemic and hopes to see this spirit applied to those affected by harassment. NIH can be a standard-bearer by broadly allowing rolling fellowship submissions for applicants subjected to unsafe environments.

Mechanisms of Accountability

Substantial advancements have been made in Theme 1, increase transparency and accountability in reporting of professional misconduct, of the 2019 Final Report; yet the last case example shared during the ACD meeting points to persisting concerns regarding the "pass the harasser" phenomenon. FASEB's volunteer leaders are invested in ensuring PIs who cultivate hostile environments do not continue this tendency at new institutions of higher education. Further consideration of recommendation 1.4, establish mechanisms of accountability for findings of professional misconduct, may help address the pervasiveness of harassment in research environments.

Future Undertakings

FASEB looks forward to implementation of other recommendations from the Report. We are pleased to hear that NIH is exploring the potential for new rule making to execute recommendations that currently pose legal challenges. For example, carrying out recommendation 1.6—requiring PIs and key personnel on grants attest they have not violated their institution’s code of conduct—would send a clear signal to all grantees. Additionally, implementation of recommendation 1.6 will also create more uniformity across federal agencies, such as [National Science Foundation](#) who has led the way in prioritizing harassment-free work environments. Furthermore, in instances where NIH may be limited due to legal constraints, FASEB supports working congruently with other agencies such as the White House Office of Science and Technology Policy. The Biden administration has clearly stated the [importance of preventing sexual harassment](#); this may be an opportune moment in time to swiftly enact legal change that previously could have been challenging.

Culture change is a difficult task, and FASEB appreciates the emphasis on evidence-based practices and policies to mitigate harassment. We look forward to the results of the [Notice of Special Interest](#) pertaining to interventions to eliminate sexual harassment in the biomedical research enterprise, and hope to see metrics for success that will be broadly applicable across different environments.

FASEB is eager for NIH to take bold steps in implementing recommendations to end sexual harassment. Early signs suggest increased trust to report to NIH, and NIH’s influence appears impactful on extramural institutions to remove PIs when appropriate. As more difficult topics are broached, FASEB welcomes the opportunity to provide comments and be a resource. The Federation looks forward to future updates on case and outcomes data, efforts to increase transparency, and undertaking additional Report recommendations.

Sincerely,

A handwritten signature in black ink that reads "Patricia L. Morris". The signature is written in a cursive, flowing style.

Patricia L. Morris, MS, PhD
FASEB President