

## NASA Revamps Reporting Policies To Fight Sex Harassment

By Adam Lidgett

*Law360 (March 9, 2020, 7:19 PM EDT)* -- Universities and other institutions receiving NASA funding will soon have to tell the agency if any research leaders on NASA-backed projects sexually harassed or assaulted anyone, according to new requirements set to go into effect next month.

In a final notice, set to be published Tuesday in the Federal Register, NASA laid out new terms and conditions for entities receiving its funding, saying organizations will have to let the agency know about sexual assaults or harassment. Specifically, the notice focused on reporting misconduct by so-called “principal investigators” — researchers that oversee NASA-sponsored or funded projects — and co-investigators.

“The implementation of new reporting requirements is necessary to help ensure research environments to which NASA provides funding are free from sexual harassment, other forms of harassment, and sexual assault,” the notice said. “Additionally, NASA is bolstering our policies, guidelines and communications. These requirements are intended, first, to better ensure that organizations funded by NASA clearly understand expectations and requirements.”

The revised terms — set to become effective 30 days after their posting in the Federal Register — will require organizations and institutions of higher education getting NASA funds to report to the agency if any investigator on the projects are put on administrative leave or have faced administrative discipline for a purported violation of the institution’s policies or any laws regarding harassment and sexual assault.

The NASA-funded institutions will have 10 business days to make a report to the agency, according to the notice. NASA would then look into the impact on the activity NASA is funding and whether the project could continue, the notice said.

NASA said that after getting the report, it would have the authority to reduce or terminate funding.

“Recipients are strongly encouraged to conduct a thorough review of the term and condition to determine whether the new reporting requirements necessitate any changes to the institution’s policies and procedures,” the notice said. “The new term and condition will be effective for any new award, or funding amendment to an existing award, made on or after the effective date.”

NASA’s notice puts it in line with the National Science Foundation, which has a similar requirement that

the research environments it funds must let the foundation know if any principal investigator or co-principal investigator committed a sexual assault or was found to have harassed someone. The National Science Foundation posted its term and condition for awards in September 2018, according to its website.

Trina Fairley Barlow, a partner in Crowell & Moring LLP's labor and employment practice group, told Law360 on Monday that while NASA's rule is a bit out of the ordinary, she has seen similar moves before. She said that in the wake of the #MeToo movement, she is starting to see more aggressive rules, laws and guidances "that require transparency when there are claims of sexual harassment."

She added that "the point of this rule is if these individuals are found to have engaged in wrongful conduct, the public has the right to know."

--Editing by Haylee Pearl.