Beginning July 9, 2022 (see NOT-OD-22-129), the University of Utah must report when “individuals identified as a principal investigator or as key personnel in an NIH notice of award are removed from their position or are otherwise disciplined due to concerns about harassment, bullying, retaliation, or hostile working conditions.” Here is the link to the NOT: [NOT-OD-22-129: Updated Requirements for NIH Notification of Removal or Disciplinary Action Involving Program Directors/Principal Investigators or other Senior/Key Personnel](https://public.era.nih.gov/shape/public/notificationForm.era)

NIH will require that the University of Utah report information about individuals identified as key personnel, meaning principal investigators/program directors (including multi-PDs/PIs) or any individual identified as key personnel in the NIH Notice of Award document, who are removed from their position on an NIH-funded grant or disciplined as a result of unprofessional behaviors (defined as harassment, bullying, retaliation, or creating hostile working conditions) to the NIH within 30 days of that removal or disciplinary action. The Office of the Associate Vice President for Research Integrity & Compliance (AVPRIC) will take the lead in this reporting activity. At the current time, NIH is the only federal funder that requires this reporting; however, the AVPRIC anticipates that other federal funding entities will require this type of reporting in the near future.

The information the University is required to report, using the NIH webform ([https://public.era.nih.gov/shape/public/notificationForm.era](https://public.era.nih.gov/shape/public/notificationForm.era)), is:

- Name of the Authorized Organization Representative submitting the notification
- Name of the individual of concern
- Description of the concerns
- Action(s) taken
- Anticipated impact on the NIH-funded award(s)

This Notice involves faculty and staff members of the University of Utah, and as such, the following offices are involved in determining when an individual has been removed from their position, put on administrative leave, or if they are disciplined due to harassment, bullying, retaliation, or hostile working conditions: Office of Sponsored Projects (OSP), Office of Human Resources (HR), Office of Equal Opportunity & Affirmative Action (OEO/Title IX), Senior Vice President for Academic Affairs (SVPAA), Senior Vice Presidents for Health Sciences (SVPHS), and Office of General Counsel (OGC).

This document provides information about the process of gathering the appropriate information so that the AVPRIC can report to the NIH with the required timeframe.
Processes

Senior HR Director

- Runs a weekly report to determine if staff on a 593x Chartfield were disciplined or terminated for misconduct
- If termination or disciplinary action is due to harassment, bullying, retaliation, or creating hostile working conditions, sends information to OSP

OSP (Associate Director)

- Checks information to determine if staff is key personnel based on the Notice of Award
- Sends information to AVRPIC

Appropriate SVP

- For those faculty who have been terminated or disciplined for misconduct, checks employee Chartfield for individuals on 593x accounts
  - For faculty, disciplined is defined as receiving a letter of reprimand
- Requests list of personnel on Notice of Award for that NIH grant account from OSP
- If the faculty member is listed as key personnel on the Notice of Award, sends information to the AVPRIC

AVPRIC

- Develops appropriate training about this reporting requirement and its impact
- Ensures complete information has been received
- Reports information to NIH using NIH webform

Definitions

Bullying: A pattern of repeated, sustained hostile behavior from one’s supervisor that causes an imbalance between the perpetrator and the target, which includes acts of workplace aggression and/or behaviors meant to dismiss others to increase one’s own standing. Effects of bullying include, but are not limited to, stress, depression, self-blame, decreased morale and motivation, dysfunctional work environment, absenteeism, and negative impact on reputation of workplace.

Harassment: As described above for bullying, but when the perpetrator targets the action to an individual because of the individual’s membership in a protected class described in the University’s Policy 1-012 (e.g., gender, race, religion, disability). As noted in University Policy 1-021 “unwelcome or offensive conduct which has the purpose or effect of interfering with a person's work or academic environment or creating an intimidating, hostile, offensive, or otherwise adverse working or learning environment, when such conduct is based on or because of an individual’s membership in a protected class described in Policy 1-012.”
Retaliation: The punishment, intimidation, threatening, coercion or discrimination of/against an employee by a supervisor for any real or perceived activity, which includes (but is not limited to) engaging in legally protected activity, such as making a complaint of bullying or harassment to human resources or other university office. Retaliation can include any punitive job action, such as demotion, discipline, firing, salary reduction, or reassignment of job duties. [See University of Utah Rule R1-012(ii)(T).]

Creating hostile work conditions: A situation created by a supervisor through bullying or harassing behaviors that creates an adverse environment that causes employees to be fearful. The adverse environment denies, limits, or interferes with a person's ability to participate in job activities.