

# Review of NSF's U.S. Antarctic Program Sexual Harassment Prevention and Response





# At a Glance

## Review of NSF's U.S. Antarctic Program Sexual Harassment Prevention and Response

OIG 24-3-002 | September 24, 2024

### WHY WE DID THIS REVIEW

NSF facilitates and manages U.S. scientific research efforts in Antarctica through the U.S. Antarctic Program (USAP) and operates three stations in Antarctica. Logistical support for these stations is accomplished through the Antarctic Support Contract.

In August 2022, NSF publicly released the Sexual Assault/Harassment Prevention and Response Report (SAHPR Report), which it commissioned to examine the extent of sexual harassment and sexual assault in the USAP Community and identify corrective actions. The report highlighted a concern that NSF lacks adequate reporting and response systems to "ensure that it is appropriately informed of and responsive to incidents of sexual assault and sexual harassment within the USAP community." The objective of our review was to assess NSF's and its contractor's actions to prevent and respond to sexual harassment in the USAP.\*

### WHAT WE FOUND

Before the release of the 2022 SAHPR Report, NSF primarily relied on the Antarctic Support Contractor (ASC) to manage its harassment reporting and response efforts. Since then, NSF has gradually assumed a greater leadership role and has taken steps to help prevent and respond to sexual harassment. However, NSF could consider additional measures to help prevent and respond to sexual harassment through the next Antarctic Support Contract. For example, the current Antarctic Support Contract does not include standards for the ASC and its subcontractors related to sexual harassment prevention, reporting and investigation. We found that the lack of standards for investigations may have led to inconsistency in how investigations were conducted and contributed to a lack of trust in the USAP employers' ability to properly investigate sexual harassment allegations and prevent retaliation. Further, the ASC's and its subcontractors' policies (b) (4) related to harassment prevention, reporting, and investigations.

### WHAT WE RECOMMEND

This report contains two recommendations addressing our findings.

### AGENCY RESPONSE

NSF agreed with both recommendations. NSF's response is included in Appendix B.

### CONTACT US

For congressional, media, and general inquiries, email [OIGPublicAffairs@nsf.gov](mailto:OIGPublicAffairs@nsf.gov).

\*Sexual assaults and stalking are criminal offenses. Our Office of Investigations is taking action to address sexual assaults and stalking.



**U.S. NATIONAL SCIENCE FOUNDATION**  
**Office of Inspector General**

**MEMORANDUM**

**DATE:** September 24, 2024

**TO:** Patrick Breen  
Chief Acquisition Officer/Senior Procurement Executive  
Director, Division of Acquisition and Cooperative Support  
National Science Foundation

**FROM:** Theresa S. Hull [REDACTED]  
Assistant Inspector General  
Office of Audits, Inspections, and Evaluations

**SUBJECT:** Final Report No. 24-3-002, *Review of NSF's U.S. Antarctic Program Sexual Harassment Prevention and Response*

Attached is the final report on the *Review of NSF's U.S. Antarctic Program Sexual Harassment Prevention and Response*. We have included NSF's response to the draft report as an appendix. NSF concurred with all our recommendations. In accordance with Office of Management and Budget Circular A-50, please provide a written corrective action plan to address the report recommendations. The plan should detail specific actions and associated milestone dates. Please provide the plan within 60 calendar days.

We appreciate the courtesies and assistance NSF staff provided during the review. If you have any questions, please contact Vashti Young, Audit Manager, at 703-292-7100 or [OIGPublicAffairs@nsf.gov](mailto:OIGPublicAffairs@nsf.gov).

CC: Darío Gil, Victor McCrary, Wanda Ward, Scott Stanley, John Veysey, Ann Bushmiller, Micah Cheatham, Karen Marrongelle, Christina Sarris, Janis Coughlin-Piester, Judy Hayden, Rhonda Davis, Jean Cottam Allen, Renee V. Ferranti

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## Abbreviations

ASC	Antarctic Support Contractor
EEOC	U.S. Equal Employment Opportunity Commission
NSF	National Science Foundation
OFCCP	U.S. Department of Labor, Office of Federal Contract Compliance Programs
OIG	Office of Inspector General
SAHPR Report	Sexual Assault/Harassment Prevention and Response Report
USAP	U.S. Antarctic Program

# Background

Through the U.S. Antarctic Program (USAP), NSF facilitates and manages U.S. scientific research efforts in Antarctica. According to the USAP Participant Guide 2022-2024, research supported by NSF "... aims to expand fundamental knowledge of the Antarctic region, elicit the connection between Antarctica and the rest of the Earth, and leverage Antarctica as a unique research platform." NSF manages USAP in partnership with various federal agencies, such as the U.S. Department of Defense, which provides air transportation.

NSF operates three stations in Antarctica: McMurdo (where most USAP participants are located), Palmer, and Amundsen-Scott South Pole Stations. Logistical support for these stations is accomplished through the Antarctic Support Contract, which has been held by Leidos Innovations Corporation since fiscal year 2017. The Antarctic Support Contract, which expires on March 31, 2025, is NSF's largest, valued at \$2.3 billion over 13 years. In July 2024, NSF released a draft request for proposals for a new Antarctic Science and Engineering Support Contract.

USAP participants include federal employees, grantees, visitors, and members of the military, but most are employees of the Antarctic Support Contractor (ASC) or one of its subcontractors. NSF's Office of Polar Programs monitors the ASC's performance, with several other NSF offices collaborating to manage the USAP.

## Sexual Harassment Prevention and Response in the USAP

In August 2022, NSF publicly released the Sexual Assault/Harassment Prevention and Response Report (SAHPR Report), which it commissioned to examine the extent of sexual harassment and sexual assault in the USAP community and identify corrective actions.<sup>1</sup> According to the report, "sexual assault, sexual harassment, and stalking are problems in the USAP community." The report also highlighted a concern that NSF lacks adequate reporting and response systems to "ensure that it is appropriately informed of and responsive to incidents of sexual assault and sexual harassment within the USAP community."

Sexual assault and stalking are criminal offenses. NSF is coordinating with our Office of Investigations, which will investigate alleged criminal violations covered under the Special Maritime and Territorial Jurisdiction of the United States, including aggravated sexual abuse, sexual abuse, abusive sexual contact, and stalking.<sup>2</sup>

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<sup>1</sup> Department of the Interior's Federal Consulting Group, [NSF/OPP/USAP Sexual Assault/Harassment Prevention and Response \(SAHPR\) Final Report](#), June 22, 2022

<sup>2</sup> Since July 2023, OIG special agents have been responding remotely to concerns raised by individuals in Antarctica. Our office is working toward establishing an on-site presence during future austral summer seasons. Agents' in-person presence started early last year. Agents performed a security assessment, brought an evidence kit to McMurdo, and conducted training on the use of the contents of the Evidence Kit. In addition, they performed a Table Top exercise with Austral Summer staff to simulate an alleged assault.



Sexual harassment is characterized by unwelcome sexual advances, requests for sexual favors, offensive remarks about a person's sex, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.<sup>3</sup>

USAP participant employers—including NSF, other federal agencies, the ASC and its subcontractors, and universities—have a responsibility to investigate complaints of sexual harassment involving their employees. In addition, two federal agencies—the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP)—have a role in protecting individuals from employment discrimination and associated retaliation.<sup>4</sup> The EEOC and OFCCP work to prevent discrimination before it occurs through outreach, education, and technical assistance programs.

The EEOC also developed four checklists (see appendices C - F) to help employers prevent and respond to harassment in the workplace:

- Checklist One: Leadership and Accountability
- Checklist Two: Anti-Harassment Policy
- Checklist Three: Harassment Reporting System and Investigations
- Checklist Four: Compliance Training

Although organizations are not required to use the EEOC checklists, these tools can help employers prevent harassment in the workplace and respond to harassment if it occurs.<sup>5</sup> We used two checklists, the Anti-Harassment Policy (Appendix D) and Harassment Reporting System and Investigations (Appendix E), for reference in our review.

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<sup>3</sup> 41 CFR § 60-20.8 "[Harassment and hostile work environments](#)"

<sup>4</sup> Most entities with at least 15 employees are covered by equal employment opportunity laws (such as Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex (e.g., sexual harassment), or national origin) and fall under the EEOC's enforcement umbrella. Executive Order 11246, as amended, more specifically prohibits workplace discrimination (including sexual harassment) by federal contractors and subcontractors.

<sup>5</sup> The Checklists For Employers were included in the distribution of the EEOC's 2016 Report of the Co-Chairs of EEOC's Select Task Force on the Study of Harassment in the Workplace and an associated document, Promising Practices for Preventing Harassment, was issued following the report. See <https://www.eeoc.gov/checklists-and-chart-risk-factors-employers>. In addition, the EEOC's [Questions and Answers for Small Employers on Employer Liability for Harassment by Supervisors](#) provides practical guidance regarding the duty of employers to prevent and correct harassment.

## Review Objective

This review assessed NSF's and its contractor's actions to prevent and respond to sexual harassment in the USAP.

## Results of Review

Before it released the 2022 SAHPR Report, NSF primarily relied on the ASC to manage sexual harassment reporting and response in Antarctica. Since then, NSF has gradually assumed a greater leadership role and has taken steps to help prevent and respond to harassment. Additionally, during this review, NSF took action to address recommendations in the SAHPR report and concerns we identified during fieldwork.

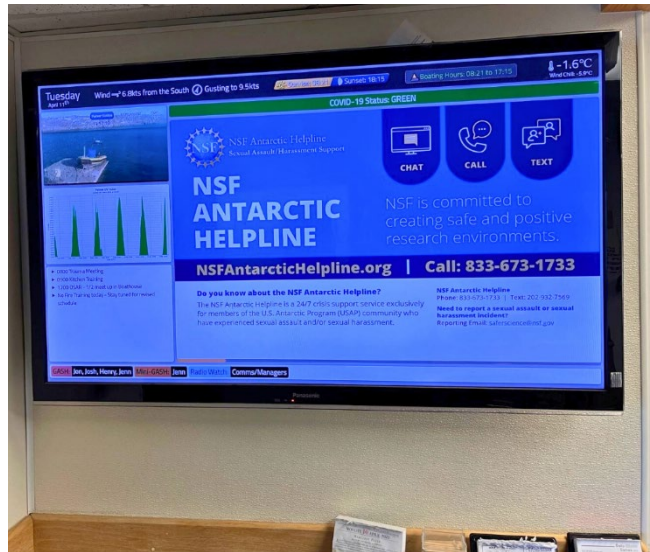
Beyond the actions NSF has already taken, NSF could consider additional measures to help prevent and respond to sexual harassment through the next Antarctic Support Contract. For example, the current Antarctic Support Contract does not include standards for the ASC and its subcontractors related to sexual harassment prevention, reporting and investigation. The lack of consistent standards for investigations may have led to a lack of trust in the USAP employers' ability to properly investigate sexual harassment allegations and prevent retaliation. Further, the ASC's and its subcontractors' policies (b) (4) related to harassment prevention, reporting, and investigations.

## NSF's Actions to Address Sexual Assault and Harassment within the USAP

NSF has taken steps to implement the recommendations in the SAHPR report and address concerns we identified during our review, including during our joint audit/investigative site visit to McMurdo Station in February 2023. For example, NSF:

- Issued the NSF Director Statement on the USAP SAHPR Report and Follow-on Actions.
- Initiated the NSF Action Plan in response to the SAHPR report in September 2022.
- Modified the Antarctic Support Contract in September 2022 to prohibit any contractor or subcontractor employees who have been removed from the Antarctic for sexual assault or sexual harassment from deployment to Antarctica for a period of 3 years from the date of their removal.
- Issued NSF OD 22-18, Establishment of a Director's Task Force for Implementation of Measures to Combat Sexual Assault and Harassment in the United States Antarctic Program (USAP) to implement the Action Plan.
- Initiated bystander intervention training, starting in the Fall of 2022, to advise individuals how to intervene if they witness sexual harassment.

- Stationed an on-ice victim advocate to support sexual assault victims beginning in the 2022-2023 austral summer season and continuing through the 2023-2024 austral summer season.
- Hosted a series of listening sessions at McMurdo and virtually for current and former USAP participants to get community feedback on sexual assault/harassment prevention and reporting.
- Established an NSF Antarctic Helpline in April 2023 to provide support to members of the USAP community who experience sexual assault or sexual harassment.
- Improved communication with USAP participants about sexual harassment and assault through end-of-season emails, on-site posters, and tv displays (see Figure 1).
- Appointed a Special Assistant to the Director for Sexual Assault and Harassment Prevention and Response Implementation in November 2023.
- Modified the Antarctic Support Contract to require more frequent and additional reporting on complaints, and to improve vetting procedures for potential employees.



**Figure 1. Photograph of a tv display at Palmer Station**

Source: NSF

Additionally, since the release of the SAHPR report, NSF's Office of Equity and Civil Rights has taken on a greater role by reviewing USAP sexual harassment complaints and meeting with the ASC to ensure the ASC and its subcontractors are responding and handling incidents in a timely and consistent manner. Lastly, NSF launched a climate survey in May 2024 to hear from community members about the impact of its efforts and further changes that may be needed.

## Standards for Sexual Harassment Prevention, Reporting and Investigations

The current Antarctic Support Contract does not specify standards for sexual harassment prevention, reporting and investigations. Federal contractors must follow Federal Acquisition Regulation (FAR) 52.203-13, *Contractor Code of Business Ethics and Conduct*, which requires them to establish a business ethics awareness and compliance program and an internal control system.<sup>6</sup> This includes an "internal reporting mechanism, such as a hotline, which allows for

<sup>6</sup> This requirement does not apply if the contractor has represented itself as a small business concern pursuant to the award of the contract.



anonymity or confidentiality, by which employees may report suspected instances of improper conduct, and instructions that encourage employees to make such reports.” However, sexual harassment prevention and reporting are not specifically mentioned in FAR 52.203-13. For this reason, NSF indicated that it has not included specific standards for contractors’ sexual harassment prevention programs, reporting, or investigations in the Antarctic Support Contract. NSF maintains that the Civilian Agency Acquisition Council<sup>7</sup> would need to issue a class deviation from FAR 52.203-13 to expand what contractors’ programs should cover in relation to sexual harassment prevention, reporting, and investigation.

## Better Guidance Needed for Sexual Harassment Investigations

The lack of standards for the ASC’s sexual harassment investigations may have led to inconsistency in how investigations were conducted and contributed to a lack of trust in the USAP employers’ ability to properly investigate sexual harassment allegations and prevent retaliation. For example, USAP participants we interviewed in February 2023 said there were inconsistent consequences for harassment incidents, offenders were not held accountable, and individuals who reported harassment faced retaliation. Interviewees also said the ASC and its subcontractors need to improve the enforcement of discipline to ensure it is prompt, consistent, and proportionate to the severity of the harassment.

According to the ASC’s *Harassment Free Workplace* policy, (b) (4); in practice, USAP employers use their HR departments for this purpose. The HR representatives we interviewed noted there are no clear overarching USAP standards to guide their investigations.

Because most individuals at USAP stations are employees of the ASC or its subcontractors, these organizations’ responses to sexual harassment are critical. The EEOC recommends that procedures for undertaking harassment investigations (see Appendix E) contain certain elements, including:

- Timely responses and investigations.
- Documentation of all steps taken from the point of first contact and a written report using guidelines to weigh credibility.
- A communication of the determination of the investigation to all parties and, where appropriate, a communication of the sanction imposed if harassment was found to have occurred.
- Mechanisms to determine whether individuals who file reports or provide information during an investigation experience retribution, and authority to impose sanctions on those who engage in retaliation.

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<sup>7</sup> The Civilian Agency Acquisition Council is authorized under the Federal Acquisition Regulation at 48 CFR Part 1 Subpart 1.2. The CAAC assists the Administrator of General Services in developing and maintaining the FAR through the rulemaking process.

When we reviewed the ASC and five of its subcontractors' procedures, we found that (b) (4) (b) (4) companies had established timeframes for conducting an investigation. During our site visit, USAP staff told us that they believe investigations and responses are untimely.

Additionally, interviewees said HR departments did not inform individuals who reported harassment about investigative outcomes, including whether employers would allow individuals found to have committed harassment to return to a USAP station. (b) (4) policies we reviewed (b) (4) this issue. Two HR representatives from different subcontracted companies said there are restrictions on what information they can share with victims, as well as with other HR departments.

Although the ASC said it and its subcontractors follow up with complainants to ensure no retaliation has occurred, this (b) (4) documented in (b) (4) the harassment procedures we reviewed. Furthermore, (b) (4) procedures (b) (4) an investigative process for retaliation claims.

Table 1 compares selected elements from the EEOC's Harassment Reporting System and Investigations Checklist to the ASC's *Harassment Free Workplace* policy, as well as the ASC's and five subcontractors' harassment reporting system and investigations procedures.

**Table 1. Analysis of Harassment Reporting System and Investigations Policies and Procedures**

Policy/Company Procedure Reviewed	EEOC's Checklist Three: Harassment Reporting System and Investigations		
	Timely responses and investigations	A communication of the determination of the investigation to all parties and, where appropriate, a communication of the sanction imposed if harassment was found to have occurred	Mechanisms to determine whether individuals who file reports or provide information during an investigation experience retribution, and authority to impose sanctions on those who engage in retaliation
USAP Harassment Free Workplace Policy	■	■	■
Company 1	■	■	■
Company 2	■	■	■
Company 3	■	■	■
Company 4	■	■	■
Company 5	■	■	■
Company 6	■	■	■

X = Statement not included in the procedure.

√ = Statement included in the procedure.

Source: NSF OIG

## Analysis of Anti-Harassment Policies

According to the EEOC, a comprehensive, clear harassment policy that is regularly communicated to all employees is an essential part of an effective harassment prevention strategy (see Appendix D). The EEOC recommends that policies include certain elements, such as:

- An unequivocal statement that harassment based on *any* protected characteristic will not be tolerated;
- An easy-to-understand description of prohibited conduct, including examples;
- A description of a reporting system;
- A statement concerning retaliation; and
- A statement that the identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible.

Although the ASC has a *Harassment Free Workplace* policy, which applies across the USAP participant community, it (b) (4) the EEOC's ten suggested elements (see Table 2). Further, (b) (4) ASC's (b) (4) subcontractors' internal policies included (b) (4) EEOC-suggested elements.

### Assessment of the ASC's *Harassment Free Workplace* Policy for USAP Participants

The ASC developed the USAP *Harassment Free Workplace* policy in (b) (4). The policy, which was last updated in (b) (4), establishes practices and procedures for reporting harassment for all USAP participants. The policy includes (b)(4)

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(b)(4).

NSF later developed additional reporting options to increase its oversight of sexual harassment incidents, but as of the time of our review, the ASC (b)(4) the *Harassment Free Workplace* policy (b)(4). The new reporting options include a victim advocate stationed in McMurdo in October 2022; the creation of a dedicated email address and phone number to NSF's Sexual Assault and Harassment Prevention and Response Office in January 2023; and the initiation of the NSF Antarctic Helpline in April 2023.

Other potential venues for reporting sexual harassment (b)(4) include the OFCCP and EEOC. The EEOC or OFCCP can

investigate claims of harassment if a complainant believes their employer has not appropriately responded to the situation.

In December 2022, NSF distributed a fact sheet titled *Information for US Antarctic Program (USAP) Participants Regarding Retaliation and Reprisal*. This document provides information on protections against retaliation, as well as the NSF Office of Equity and Civil Rights' process for reviewing retaliation complaints. (b)(4) the retaliation reporting and review process (b)(4) Harassment Free Workplace policy.

Finally, ASC's Harassment Free Workplace policy (b)(4) EEOC's Anti-Harassment Policy checklist that the identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible.

## Assessment of ASC and Subcontractor Policies

We also reviewed the ASC's and subcontractors' anti-harassment policies, which are specific to their employees.

(b)(4) policies included a statement that any information gathered as part of an investigation will be kept confidential to the extent possible. (b)(4) the policies (b)(4) maintaining confidentiality of the individual who submits a report or the target of the complaint as suggested by EEOC.

(b)(4) policies include a statement on retaliation as the EEOC suggests,<sup>8</sup> (b)(4) policies (b)(4) reporting retaliation.

The ASC's and subcontractors' policies also lack a reference to (b)(4). Although this is not mentioned explicitly in EEOC's guidance on policy contents, it aligns with recommended statements about reporting avenues and retaliation.

Table 2 compares selected elements from the EEOC's Anti-Harassment Policies Checklist to the ASC's Harassment Free Workplace policy, as well as the ASC's and five subcontractors' anti-harassment policies.

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<sup>8</sup> According to the EEOC, an anti-harassment policy could include "an assurance that an individual who submits a report (either of harassment experienced or observed) or a witness who provides information regarding a report will be protected from retaliation from co-workers and supervisors."

**Table 2. Analysis of Anti-Harassment Policies**

Policy/Company Reviewed	EEOC's Checklist Two: Anti-Harassment Policy		
	<i>A statement that the reporting system will provide a prompt, thorough, and impartial investigation</i>	<i>A statement that the identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible consistent with a thorough and impartial investigation</i>	<i>A statement that any employee who retaliates against any individual who submits a report or provides information regarding a report will be disciplined appropriately</i>
<i>USAP Harassment Free Workplace Policy</i>	■	■	■
Company 1	■	■	■
Company 2	■	■	■
Company 3	■	■	■
Company 4	■	■	■
Company 5	■	■	■
Company 6	■	■	■

X = Statement not included in the policy.

√ = Statement included in the policy.

Source: NSF OIG

## Recommendations

We recommend the Chief Acquisition Officer/Senior Procurement Executive:

1. Consider requesting a class deviation to Federal Acquisition Regulation 52.203-13, *Contractor Code of Business Ethics and Conduct* to expand contractors' business ethics awareness and compliance programs and internal control systems to include sexual harassment and sexual assault prevention and reporting, as well as sexual harassment investigations.
2. For the upcoming contract award for the management of the U.S. Antarctic Program, require as a contract deliverable, and maintain, contractor policies related to sexual harassment prevention, reporting, and investigations.



## OIG Evaluation of Agency Response

NSF agreed with all our recommendations. Specifically, NSF noted that the report recommendations align with the actions that NSF has taken, and continues to take, regarding prevention of sexual assault and harassment in the USAP. Further, NSF stressed its steadfast commitment for creating a safe and inclusive research environment for all. We have included NSF's response in Appendix B.

## Appendix A: Objective, Scope, and Methodology

The objective of this review was to assess NSF's and its contractor's actions to prevent and respond to sexual harassment in the USAP. To accomplish this objective, we conducted site visits to McMurdo Station and the ASC's headquarters in Denver, Colorado; held interviews with NSF staff, contractors, and grantees; and reviewed documentation. During our McMurdo site visit in February 2023, we interviewed 51 individuals including the Special Deputy US Marshal, HR staff, firefighters, and USAP personnel. We held open office hours for staff wanting to discuss sexual harassment and assault concerns.

We also reviewed EEOC's Promising Practices for Preventing Harassment included in its 2016 Report of the Co-Chairs of EEOC's Select Task Force on the Study of Harassment in the Workplace. Although non-binding, we used two EEOC checklists, the Anti-Harassment Policy and Harassment Reporting System and Investigations, as points of reference in our review.

We reviewed NSF's program oversight responsibility of the USAP, which included a review of USAP policies, procedures, and processes. Where possible, we also looked at the ASC's and its subcontractors' policies. We also reviewed training provided to USAP participants and supervisors.

We conducted this review from October 2022 to April 2024, in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that evidence supporting inspection findings, conclusions, and recommendations should be sufficient, competent, and relevant and should lead a reasonable person to sustain the findings, conclusions, and recommendations. We believe that the evidence obtained provides a reasonable basis for our findings, conclusions, and recommendations.

# Appendix B: Agency Response



U.S. National Science Foundation  
Office of Budget, Finance and  
Award Management

## MEMORANDUM

DATE: August 26, 2024

TO: Theresa S. Hull, Assistant Inspector General, Office of Audits, Inspections and Evaluations

FROM: Patrick K. Breen, Chief Acquisition Officer/Senior Procurement Executive and Division Director, Division of Acquisition and Cooperative Agreement Support, Office of Budget, Finance and Award Management

SUBJECT: NSF's Response to the OIG's Official Draft Report, *"Review of NSF's U.S. Antarctic Program Sexual Harassment Prevention and Response"*

**PATRICK  
K BREEN** Digitally signed by  
PATRICK K BREEN  
Date: 2024.08.26  
16:06:23 -04'00'

NSF appreciates the OIG's thoughtful and diligent review of NSF's and the Antarctic Support Contractor's ("ASC") actions to prevent and respond to harassment in the U.S. Antarctic Program ("USAP"). We agree with the two recommendations resulting from the OIG's review.

The recommendations align with the actions NSF has taken, and continues to take, to prevent and address sexual assault and harassment in the USAP. NSF is steadfast in its commitment to creating safe and inclusive research environments for all.

2415 Eisenhower Avenue | Alexandria, VA 22314

## Appendix C: EEOC's Checklist One: Leadership and Accountability

***The first step for creating a holistic harassment prevention program is for the leadership of an organization to establish a culture of respect in which harassment is not tolerated.***

***Check the box if the leadership of your organization has taken the following steps:***

- ☐ Leadership has allocated sufficient *resources* for a harassment prevention effort
- ☐ Leadership has allocated sufficient *staff time* for a harassment prevention effort
- ☐ Leadership has *assessed* harassment *risk factors* and has taken steps to *minimize* those risks

***Based on the commitment of leadership, check the box if your organization has the following components in place:***

- ☐ A harassment prevention *policy* that is *easy-to-understand* and that is *regularly communicated* to all employees
- ☐ A harassment reporting *system* that employees *know about* and is *fully resourced* and which accepts reports of harassment experienced and harassment observed
- ☐ *Imposition of discipline* that is prompt, consistent, and proportionate to the severity of the harassment, if harassment is determined to have occurred
- ☐ *Accountability* for mid-level managers and front-line supervisors to prevent and/or respond to workplace harassment
- ☐ Regular *compliance trainings* for *all employees* so they can recognize prohibited forms of conduct and know how to use the reporting system
- ☐ Regular *compliance trainings* for *mid-level managers and front-line supervisors* so they know how to prevent and/or respond to workplace harassment

***Bonus points if you can check these boxes:***

- ☐ The organization conducts *climate surveys* on a regular basis to assess the extent to which harassment is experienced as a problem in the workplace
- ☐ The organization has implemented *metrics* for harassment response and prevention in supervisory employees' performance reviews
- ☐ The organization conducts workplace civility training and bystander intervention training
- ☐ The organization has *partnered with researchers* to evaluate the organization's holistic workplace harassment prevention effort

***A reminder that this checklist is meant to be a useful tool in thinking about and taking steps to prevent harassment in the workplace, and responding to harassment when it occurs. It is not meant to convey legal advice or to set forth legal requirements relating to harassment. Checking all of the boxes does not necessarily mean an employer is in legal compliance; conversely, the failure to check any particular box does not mean an employer is not in compliance.***

Source: U.S. Equal Employment Opportunity Commission; <https://www.eeoc.gov/checklists-employers>

## Appendix D: EEOC's Checklist Two: Anti-Harassment Policy

***An anti-harassment policy is a key component of a holistic harassment prevention effort. Check the box below if your anti-harassment policy contains the following elements:***

- ☐ An unequivocal statement that harassment based on *any* protected characteristic will not be tolerated
- ☐ An easy-to-understand description of prohibited conduct, including examples
- ☐ A description of a reporting system - available to employees who experience harassment as well as those who observe harassment - that provides multiple avenues to report, in a manner easily accessible to employees
- ☐ A statement that the reporting system will provide a prompt, thorough, and impartial investigation
- ☐ A statement that the identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible consistent with a thorough and impartial investigation
- ☐ A statement that any information gathered as part of an investigation will be kept confidential to the extent possible consistent with a thorough and impartial investigation
- ☐ An assurance that the employer will take immediate and proportionate corrective action if it determines that harassment has occurred
- ☐ An assurance that an individual who submits a report (either of harassment experienced or observed) or a witness who provides information regarding a report will be protected from retaliation from co-workers and supervisors
- ☐ A statement that any employee who retaliates against any individual who submits a report or provides information regarding a report will be disciplined appropriately
- ☐ Is written in clear, simple words, in all languages commonly used by members of the workforce

***A reminder that this checklist is meant to be a useful tool in thinking about and taking steps to prevent harassment in the workplace, and responding to harassment when it occurs. It is not meant to convey legal advice or to set forth legal requirements relating to harassment. Checking all of the boxes does not necessarily mean an employer is in legal compliance; conversely, the failure to check any particular box does not mean an employer is not in compliance.***

Source: U.S. Equal Employment Opportunity Commission; <https://www.eeoc.gov/checklists-employers-0>



# Appendix E: EEOC's Checklist Three: Harassment Reporting System and Investigations

***A reporting system that allows employees to file a report of harassment they have experienced or observed, and a process for undertaking investigations, are essential components of a holistic harassment prevention effort.***

***Check the box below if your anti-harassment effort contains the following elements:***

- ☐ A fully-resourced reporting process that allows the organization to respond promptly and thoroughly to reports of harassment that have been experienced or observed
- ☐ Employer representatives who take reports seriously
- ☐ A supportive environment where individuals feel safe to report harassing behavior to management
- ☐ Well-trained, objective, and neutral investigators
- ☐ Timely responses and investigations
- ☐ Investigators who document all steps taken from the point of first contact and who prepare a written report using guidelines to weigh credibility
- ☐ An investigation that protects the privacy of individuals who file complaints or reports, individuals who provide information during the investigation, and the person(s) alleged to have engaged in harassment, to the greatest extent possible
- ☐ Mechanisms to determine whether individuals who file reports or provide information during an investigation experience retribution, and authority to impose sanctions on those who engage in retaliation
- ☐ During the pendency of an investigation, systems to ensure individuals alleged to have engaged in harassment are not "presumed guilty" and are not "punished" unless and until a complete investigation determines that harassment has occurred
- ☐ A communication of the determination of the investigation to all parties and, where appropriate, a communication of the sanction imposed if harassment was found to have occurred

***A reminder that this checklist is meant to be a useful tool in thinking about and taking steps to prevent harassment in the workplace, and responding to harassment when it occurs. It is not meant to convey legal advice or to set forth legal requirements relating to harassment. Checking all of the boxes does not necessarily mean an employer is in legal compliance; conversely, the failure to check any particular box does not mean an employer is not in compliance.***

Source: U.S. Equal Employment Opportunity Commission; <https://www.eeoc.gov/checklists-employers-1>

# Appendix F: EEOC's Checklist Four: Compliance Training

***A holistic harassment prevention effort provides training to employees regarding an employer's policy, reporting systems and investigations. Check the box if your organization's compliance training is based on the following structural principles and includes the following content:***

## Structural Principles

- ☐ Supported at the highest levels
- ☐ Repeated and reinforced on a regular basis
- ☐ Provided to all employees at every level of the organization
- ☐ Conducted by qualified, live, and interactive trainers
- ☐ If live training is not feasible, designed to include active engagement by participants
- ☐ Routinely evaluated and modified as necessary

## Content of Compliance Training for All Employees

- ☐ Describes illegal harassment, and conduct that, if left unchecked, might rise to the level of illegal harassment
- ☐ Includes examples that are tailored to the specific workplace and the specific workforce
- ☐ Educates employees about their rights and responsibilities if they experience conduct that is not acceptable in the workplace
- ☐ Describes, in simple terms, the process for reporting harassment that is experienced or observed
- ☐ Explains the consequences of engaging in conduct unacceptable in the workplace

## Content of Compliance Training for Managers and First-line Supervisors

- ☐ Provides easy-to-understand and realistic methods for dealing with harassment that they observe, that is reported to them, or of which they have knowledge or information, including description of sanctions for failing to use such methods
- ☐ Provides clear instructions on how to report harassing behavior up the chain of command, including description of sanctions for failing to report
- ☐ Encourages managers and supervisors to practice "situational awareness" and assess the workforces within their responsibility for risk factors of harassment

***A reminder that this checklist is meant to be a useful tool in thinking about and taking steps to prevent harassment in the workplace, and responding to harassment when it occurs. It is not meant to convey legal advice or to set forth legal requirements relating to harassment. Checking all of the boxes does not necessarily mean an employer is in legal compliance; conversely, the failure to check any particular box does not mean an employer is not in compliance.***

Source: U.S. Equal Employment Opportunity Commission; <https://www.eeoc.gov/checklists-employers-2>

# National Defense Authorization Act

## General Notification

Pursuant to Pub. L. No. 117-263 § 5274, business entities and non-governmental organizations specifically identified in this report have 30 days from the date of report publication to review this report and submit a written response to NSF OIG that clarifies or provides additional context for each instance within the report in which the business entity or non-governmental organizations is specifically identified. Responses that conform to the requirements set forth in the statute will be attached to the final, published report.

If you find your business entity or non-governmental organization was specifically identified in this report and wish to submit comments under the above-referenced statute, please send your response within 30 days of the publication date of this report to [OIGPL117-263@nsf.gov](mailto:OIGPL117-263@nsf.gov), no later than October 28, 2024. We request that comments be in .pdf format, be free from any proprietary or otherwise sensitive information, and not exceed two pages. Please note, a response that does not satisfy the purpose set forth by the statute will not be attached to the final report.

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## Contact Us

**Address:**

U.S. National Science Foundation Office of Inspector General  
2415 Eisenhower Avenue  
Alexandria, VA 22314

**Phone:** 703-292-7100

**Website:** [oig.nsf.gov](https://oig.nsf.gov)

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