

Report on Research Compliance Volume 18, Number 7. June 24, 2021 NIH: Harassment Proposed Rules Could Mandate Training, Misconduct Disclosures

By Theresa Defino

Although the item does not yet appear on a federal compendium of regulatory actions underway or planned for the future, NIH is drafting a regulation to beef up requirements for awardee institutions and principal investigators (PIs) related to sexual and other harassment and misconduct. New regulations could include mandatory harassment training and PI disclosures of investigations and past findings.

According to details NIH Deputy Director Michael Lauer provided during a recent meeting of the Advisory Committee to the Director,^[1] NIH is currently drafting proposed regulations to address some unfinished recommendations forwarded in December 2019 by the ACD Working Group on Changing the Culture to End Sexual Harassment.^[2]

In brief remarks at the same meeting, NIH Director Francis Collins indicated the Biden administration is viewing the proposed regulations in a more favorable light than had Trump's.

Other topics at the meeting included updates on NIH's efforts to improve rigor and translatability in research using animals.^[3]

Annual Training Required for NIH Workers

The topic of rulemaking first came up after Alfred Johnson, NIH deputy director for management, explained during the ACD meeting that NIH requires mandatory annual online harassment training for its employees.^[4] NIH internal training encompasses requirements for both the Notification and Federal Employee Antidiscrimination and Retaliation Act and retaliation and prevention of sexual harassment, he said. Previously the training had to be completed every three years.

All NIH federal employees, trainees, fellows, and contractors must complete the training annually by Dec. 14, and newly hired individuals must take it within 90 days of their start date, Johnson said.

ACD member Shelley Berger, director of the Epigenetics Institute at the University of Pennsylvania, called NIH's training "really great," adding, "I wish that NIH would insist on that for all investigators that have NIH grants. That would be really fantastic."

Johnson responded that such a requirement was "not our call" at NIH to make of institutions. The agency can "set the model within NIH for the rest of the academic community." However, a few minutes later, Lauer disclosed that rulemaking was in progress after ACD member Francis Cuss, who was one of three co-chairs of the harassment working group, offered suggestions on how to keep the momentum going on antiharassment efforts and to hold NIH accountable for progress.

NIH is "going to be drafting potential regulations" regarding harassment that may include mandating harassment training, Lauer said.

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