

Supporting Statement A for

NIH Extramural Harassment Web Form (OD/OER)

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Attachments (save file names to match what is being referenced: (ex: x.baseline; y.screener)

ATTACHMENTS

1. Extramural Harassment Web Form
2. PIA for eRA

A. Justification (Abstract)

The NIH Grants Policy Statement [Section 4](#) outlines that NIH recipient institutions are expected to provide safe and healthful working conditions for their employees and foster work environments conducive to high-quality research, regardless of the recipient institution. The Consolidated Appropriations Act, 2022 (Public Law [117-103](#)), Division H, Title II, Section 239 requires that, “[t]he Director of the National Institutes of Health shall hereafter require institutions that receive funds through a grant or cooperative agreement during fiscal year 2022 and in future years to notify the Director 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.” Therefore, NIH recipient institutions are required to notify NIH when individuals identified as PD/PI or other Senior/Key personnel in an NIH notice of award are removed from their position or are otherwise disciplined by the recipient institution due to concerns about harassment, bullying, retaliation or hostile working conditions. The secure Harassment Web Form will be used to collect notifications from institutional Authorized Organization Representatives (AORs) which must include, at a minimum, the name of the AOR submitting the notification, the name of the individual of concern, a description of the concerns, the action(s) taken, and any anticipated impact on the NIH-funded award(s). The Harassment Web Form will also serve as a portal by which individuals may notify NIH of related concerns of harassment, bullying, retaliation, or hostile working conditions.

A.1 Circumstances Making the Collection of Information Necessary

NIH supports safe and respectful work environments that are free from harassment, including sexual harassment, discrimination, or other forms of inappropriate conduct that can result in a hostile work environment. The Consolidated Appropriations Act, 2022 (Public Law [117-103](#)), Division H, Title II, Section 239 requires that, “[t]he Director of the National Institutes of Health shall hereafter require institutions that receive funds through a grant or cooperative agreement during fiscal year 2022 and in future years to notify the Director 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.” A dedicated web form will protect the sensitive information submitted to NIH by institutions and will allow NIH to take appropriate action to protect the research and research funds while working with the recipient to ensure that work is being conducted in a safe and healthful environment.

A.2 Purpose and Use of the Information Collection

The Harassment Web Form will be used to collect the required notifications from recipient institutions when individuals identified as Principal Investigator or as Senior/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. Information in these notifications will be used by a limited number of staff in the NIH Office of Extramural Research (OER) to determine whether concerns shared with NIH will impact the PD/PI or senior key personnel's ability to continue as the scientific lead of the project, NIH will require prior approval for a replacement PD/PI or Senior/Key Personnel. The Harassment Web Form will allow institutions to report to NIH in a secure and confidential manner and only the relevant details will be shared with those who have a need to know, which may include grants management staff at

the funding institute who need to approve and process requests to change the PD/PI or Senior/Key Personnel on grants or take other grant actions.

The Harassment Web Form (see attachment 1) will also be used to collect notifications from individuals about a concern that harassment or discrimination (including but not limited to sexual harassment and racial discrimination) is contributing to an unsafe or hostile work environment affecting an NIH funded project at a grantee institution. This information will be assessed by a select few members of OER's Integrity Team. If a potential risk is identified, OER will contact the recipient institution for additional information on the alleged event and work with the recipient institution to ensure that NIH work is being conducted in a safe and healthful environment, conducive to high quality research. This may include requiring a change of PD/PI or Senior/Key Personnel, grant restriction or termination, or the addition of specific award conditions.

A.3 Use of Information Technology and Burden Reduction

Notifications by recipient institutions about individuals identified as PD/PI or as Key/Senior Personnel in an NIH notice of award removed from their position or are otherwise disciplined due to concerns about harassment, bullying, retaliation, or hostile working conditions will be submitted electronically into a secure Web Form that is part of the Electronic Research Administration (eRA) system and the associated eRA NIH Privacy Impact Assessment (PIA): P-9218201-570012 (see attachment 2). Use of the online Harassment Web Form will reduce the time and burden for institutional officials to notify NIH in comparison to using a paper-based collection.

A.4 Efforts to Identify Duplication and Use of Similar Information

Use of the Harassment Web Form to notify NIH will avoid the duplication in effort that would arise when recipient institutions attempt to contact several funding institutions regarding one case (if multiple grants are affected). The Harassment Web Form will collect information and notify the appropriate grants management staff at the funding institute if grant actions need to be taken in response to the notification. There is no similar resource that could be modified at the NIH that would be able to collect the appropriate sensitive information from extramural institutions. There is also no such similar resource in place that can accept notifications from harmed individuals with an option for remaining anonymous due to fear of retaliation.

A.5 Impact on Small Businesses or Other Small Entities

The Harassment Web Form collection method will not cause an additional impact on small businesses or other small entities. Grant recipients must comply with the law, and the Harassment Web Form will reduce burden.

A.6 Consequences of Collecting the Information Less Frequently

As stated in the NIH Notice, [NOT-OD-22-129](#), "recipient institutions are required to notify NIH when individuals identified as PD/PI or other Senior/Key personnel in an NIH notice of award are removed from their position or are otherwise disciplined by the recipient institution due to concerns about harassment, bullying, retaliation or hostile working conditions. Notification must be provided by the Authorized Organization Representative within 30 days of the removal or disciplinary action and must be submitted to NIH through a dedicated web form." The Harassment Web Form will allow recipient institutions to comply

with the law in a timely manner and allow NIH to move quickly when notified of the above situations which may require grant actions to protect the research, funds, and the work environment.

A.7 Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

Due to the need for recipients and NIH to act quickly when a PD/PI or other Senior/Key personnel is removed from their position or otherwise disciplined, notifications to NIH must occur on a regular basis, more often than quarterly. Recipients must notify NIH within 30 days of the removal or disciplinary action.

A.8.1 Comments in Response to the Federal Register Notice

This proposed information collection was previously published in the Federal Register on June 21, 2022, pages 36865-36866 (87 FR 36865) and allowed 60 days for public comment. No public comments were received.

A.8.2 Efforts to Consult Outside Agency

N/A

A.9 Explanation of Any Payment of Gift to Respondents

Respondents will not receive payments or gifts.

A.10 Assurance of Confidentiality Provided to Respondents

Notifications from respondents (grant recipients) must include, at a minimum, the name of the AOR submitting the notification, the name of the individual of concern, a description of the concerns, the action(s) taken, and any anticipated impact on the NIH-funded award(s). The information will also include the name of the institution where the AOR and individual of concern are employed. Contact information such as email address or phone numbers of the individual providing the notification are optional. NIH treats sensitive information as confidential information in accordance with the [NIH Grants Policy Statement \(NIH GPS\) Section 2.3.11.2](#). Such information is subject to the Privacy Act; therefore, the reports will not be made public and will be maintained in our records.

A.11 Justification for Sensitive Questions

No sensitive questions are being asked.

A.12.1 Estimates of Hour Burden Including Annualized Hourly Costs

Estimates of the number of responders is based on past experience of the number of notifications OER has received either from individuals or for grant recipients over the past year (2021). We estimate that the number of notifications from recipient institutions will increase with the new law and the number of notifications from individuals will likely remain unchanged.

Table 12-1 Estimated Annualized Burden Hours

Type of Respondents	Number of Respondents	Number of Responses per Respondent	Average Burden Per Response (in hours)	Total Annual Burden Hours
Private Sector	240	1	15/60	60
TOTAL		240		60

A.12-2 ANNUAL COST TO RESPONDENT

Type of Respondents	Total Annual Burden Hours	Hourly Respondent Wage Rate*	Respondent Cost
Life Scientists	60	\$44.09	\$2,645.40
TOTAL			\$2,645.40

* Bureau of Labor Statistics: The General Public, Life Scientists, and Healthcare Practitioners and Technical Occupations rates were obtained from the http://www.bls.gov/oes/2021/may/oes_nat.htm#00-0000

A.13 Estimate of Other Total Annual Cost Burden to Respondents or Record Keepers

Not applicable.

A.14 Annualized Cost to the Federal Government

Cost Descriptions	Grade/Step	Salary**	% of Effort	Fringe (if applicable)	Total Cost to Gov't
Federal Oversight					
Web Form development	GS-14/4	\$138,856	10		\$13,886
Web Form maintenance	GS-14/4	\$138,856	5		\$6,943
Intake and review	GS-14/9	\$159,894	50		\$79,947
Intake and review	GS-15/4	\$163,333	10		\$16,333
Privacy Lead	T42	\$178,500	5		\$8,925
Contractor Cost					

Travel					
Other Cost					
Total					\$126,034

** the Salary in table above is cited from <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB.pdf>

A.15 Explanation for Program Changes or Adjustments

This is a new information collection request.

A.16 Plans for Tabulation and Publication and Project Time Schedule

Not applicable.

A.17 Reason(s) Display of OMB Expiration Date is Inappropriate

The OMB control number will be displayed (expiration date).

A.18 Exceptions to Certification for Paperwork Reduction Act Submissions

None