

Preventing and Addressing Harassment and Inappropriate Conduct



TOOLKIT FOR TRAINEES

The following are tools and guidance for trainees, fellows, interns, and all others at the NIH in a training capacity to assist them in understanding Manual Chapter 1311: Preventing and Addressing Harassment and Inappropriate Conduct.

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Purpose

The contributions of each and every member of the National Institutes of Health's community are vital to successfully improving people's health and reducing the burden of disease. An environment where people feel welcome, respected, and valued is necessary for all individuals to contribute to their fullest potential. In alignment with this, the NIH is committed to creating and maintaining a work environment that is free of harassment and other inappropriate conduct. Harassment, bullying, intimidation, threats, or other disruptive behaviors are unacceptable and will be handled with administrative and/or legal action, as appropriate. Actions that run counter to our mission and goals will be met with consequences, no matter who the offender.

The following are tools and guidance for employees to assist trainees and fellows in understanding Manual Chapter 1311: Preventing and Addressing Harassment and Inappropriate Conduct.

What is Harassment and Inappropriate Conduct?

Harassment:

Harassment is unwelcome, deliberate, or repeated unsolicited verbal or physical conduct that is based upon protected classes (race, color, religion, sex, and national origin). Harassment includes, but is not limited to, comments, gestures, graphic materials, physical contact, or solicitation of favors when:

- Submission to or rejection of the conduct by the individual could be used as the basis for employment decisions; OR
- The conduct is severe or pervasive enough that it substantially interferes with an individual's work performance or creates a work environment that is intimidating, hostile, or abusive.

Sexual Harassment:

Sexual harassment is a form of harassment that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Examples: unwanted sexual advances; sharing or displaying inappropriate images; sending suggestive communications; lewd jokes; sharing of sexual anecdotes; inappropriate sexual gestures; suggestive staring and whistling; comments about appearance; inappropriate touching; or offensive comments or questions regarding sexual history, orientation, or gender identity.

Inappropriate Conduct:

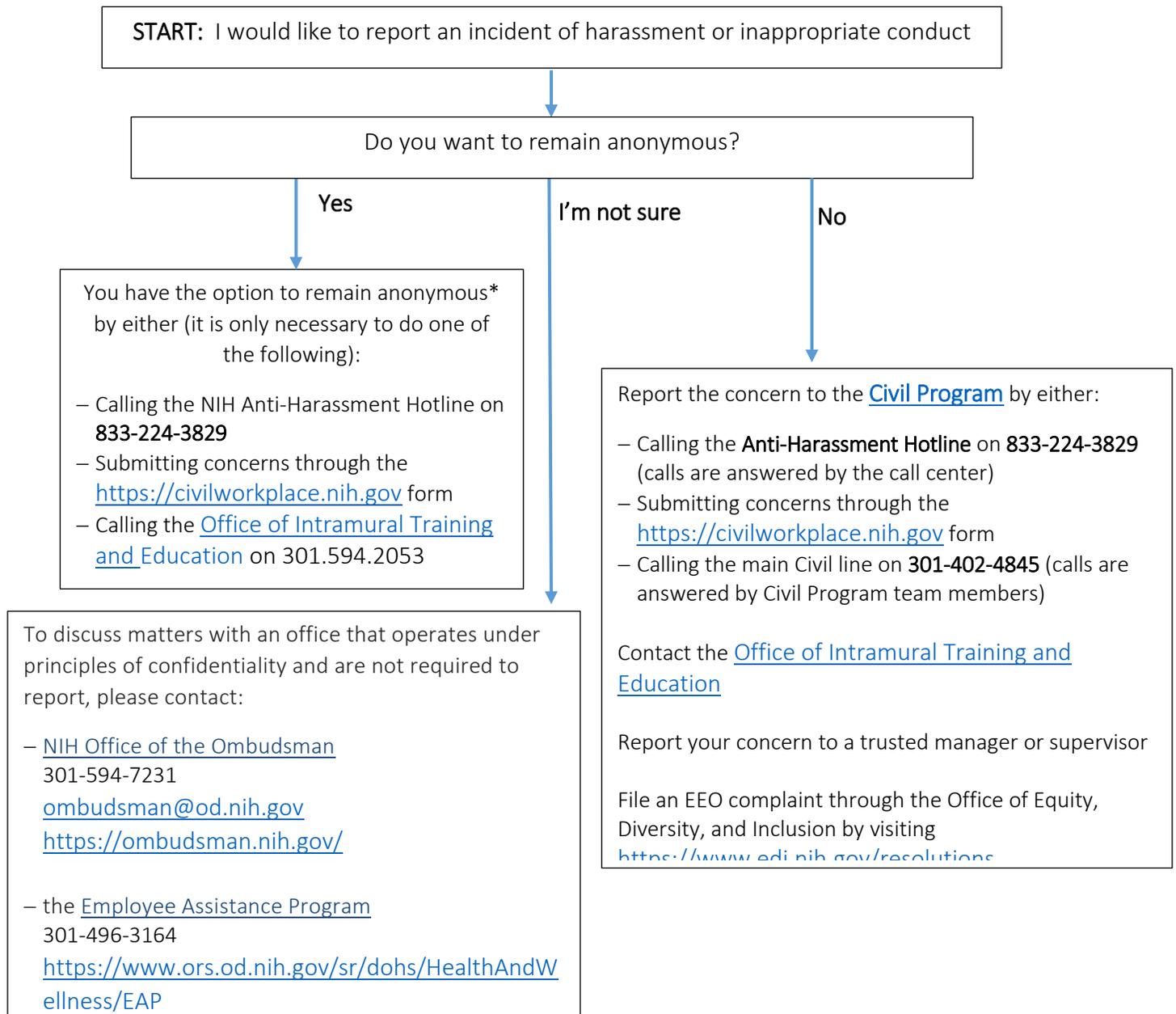
Inappropriate conduct is broader than harassment, because it does not require membership in a protected class. Inappropriate conduct includes any comments or conduct that disparages or demonstrates hostility or aversion towards any person that could reasonably be perceived as disruptive, disrespectful, offensive, or inappropriate in the workplace.

Examples: Inappropriate communications including slurs, epithets, ridicule, or insults; yelling or emotional outburst, cursing, throwing objects, slamming doors; physical intimidation or aggressions; inappropriate gestures; threats made against others or threatening behavior; psychological bullying or intimidation; making statements that are false, malicious, disparaging, or derogatory with the intent to hurt another's reputation.

What behaviors do not meet the definition of harassment?

Some workplace behaviors are problematic, and should be dealt with, but do not rise to the level of harassment or inappropriate conduct. This may include misunderstandings of behavior by other staff members, non-threatening and non-inappropriate arguments or disputes, a miscommunicated or misinterpreted comment or similar isolated incidents. If you are ever in doubt about whether or not a behavior constitutes harassment or inappropriate conduct, please contact the [Civil Program](#) for further guidance and always err on the side of reporting.

How do I report a concern?



** Reports can be made anonymously, which means the reporting party does not have to identify themselves. However, Civil and OITE staff will have to follow up on information provided and the reporting party's identity may become apparent during the administrative inquiry process. Please note that remaining anonymous requires key details about the allegation or concern to be omitted, which will limit the NIH's ability to conduct an inquiry and take corrective action as warranted.*

What to Expect: Harassment Allegation Process Overview

Report

The incident may be reported either directly or anonymously to Civil or the [Office of Intramural Training and Education](#). If contact information is provided, Civil Specialists will contact the reporting party to discuss the facts surrounding the incident. If the reporting party chooses to remain anonymous, Civil Specialists will review the allegation to the greatest extent possible given the information available.

Initial Review

Civil Specialists will review the initial documentation to determine if an administrative inquiry is required. If they determine the matter would be more appropriately and efficiently handled by a Civil partner, Civil will refer the matter to the most appropriate resource(s). Those resources include, but are not limited to:

- [Office of the Ombudsman](#)
- [Employee and Labor Relations](#) 
- [Office of Intramural Training and Education](#)
- [Employee Assistance Program](#)
- [Division of Police](#) (*if there is an immediate safety concern, call 911*)
- Management officials

Administrative Inquiry

For those cases that require further review, Civil Specialists will initiate an administrative inquiry. This process is designed to be a prompt, objective review of the incident. This includes collecting documentation and may also include interviews with the all parties. This inquiry may be done internally by Civil or externally by a contract investigator depending on the circumstances.

Evaluation

Evidence collected during the inquiry is evaluated to determine if a policy has been violated. If a policy has been violated, Civil Specialists will work with the appropriate management officials and the [Employee & Labor Relations Office](#) to develop corrective administrative actions.

Closeout

A close-out notification will be sent to all affected parties notifying them that the inquiry is complete and that Civil Specialists will continue to work closely with management officials to address concerns and ensure employees have a safe and professional work environment. Due to privacy rights and procedures, no further information will be provided.

Note: Should management not cooperate with the Civil Program throughout the process outlined below, including failing to implement corrective administrative action in whole or in part, Civil Specialists will notify the NIH Principal Deputy Director, who will request a meeting with the Institute/Center/Office (ICO) Director and Executive Officer so they may explain their lack of coordination or their rationale for not implementing appropriate corrective administrative action.

What to Expect During an Administrative Inquiry

The purpose of an administrative inquiry is to ensure allegations of harassment are examined objectively and expeditiously and any inappropriate behavior is curtailed quickly through appropriate corrective action. Administrative inquiries may take a variety of forms, but generally involves collecting and reviewing documentation. Some may also include interviews with affected parties. The following are sample emails you may receive if you are asked to participate in an administrative inquiry. When possible, Civil Specialists try to reach out to participants to speak with them prior to sending an email.

Sample Civil Program Language

Sample Email to the Reporting Party

(Salutation)

I work with the [NIH Civil Program](#), which addresses uncivil, disruptive, or harassing workplace behaviors. I am initiating a review/administrative inquiry into the allegations you raised. Please provide me with the information below by *(DATE – typically 3 to 5 business days)*. Please let me know if you would like to schedule a call to discuss this process or any questions you may have.

1. Please provide a brief summary for each incident. Include date, time, location, involved persons, and information about the incident(s).
2. Is there anyone else who may have knowledge of the situation that the Civil Program should contact? If so, please provide his/her name and contact information.

In order to protect the privacy of those involved and the integrity of the process, you are not to discuss this review or the circumstances with other staff members or colleagues. You are not precluded from discussing this matter with your chain of supervision, attorney, union representative (if applicable), the [Employee Assistance Program](#), and the [Office of the Ombudsman](#). You are also not prevented from exercising your right to consult with or initiate an EEO complaint with the [Office of Equity Diversity and Inclusion](#), but you must contact them within 45 days of the discriminatory incident.

The aforementioned provisions do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to the [Office of Management Assessment](#) or [the HHS Office of Inspector General](#) of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection.

You will be protected from reprisal for providing truthful information or otherwise cooperating with this review. If you feel that you are being retaliated against for such actions, please inform the Civil Program immediately. You may also contact other appropriate officials, including the [Office of Equity Diversity and Inclusion](#) or the U.S. Office of Special Counsel, if you feel you are being retaliated against for your cooperation with this inquiry.

NIH also has a variety of resources to support your wellbeing during and after this process. Please visit [Employee Assistance Program](#) and [Wellness@NIH](#) for more information.

Thank you and please let me know if you have any questions,

Asks for summary of instances, desired outcomes, and witnesses

Requests discretion and provides NIH resources

Provides reminder that retaliatory treatment is prohibited and instructs that this type of behavior should be reported

Asks customized questions for specific allegations

Asks for any additional witnesses

Requests discretion and provides NIH resources, including OITE, for trainee witnesses

Provides reminder that retaliatory treatment is prohibited and instructs that this type of behavior should be reported

(Salutation)

I work with the [NIH Civil Program](#), which addresses uncivil, disruptive, or harassing workplace behaviors. I am initiating a review/administrative inquiry into concerns in office/IC and you have been identified as an individual with relevant knowledge. Please provide me with the information below by *(DATE – typically 3 to 5 business days)*. Please let me know if you would like to schedule a call to discuss this process or any questions you may have.

1. *(Customize questions based on the initial statement from the Reporting Party, do not use overly broad questions starting with, "Have you ever...")*
2. Is there anyone else who may have knowledge of the situation that the Civil Program should contact? If so, please provide his/her name and contact information.

In order to protect the privacy of those involved and the integrity of the process, you are not to discuss this review or the circumstances with other staff members or colleagues. You are not precluded from discussing this matter with your chain of supervision, attorney, union representative (if applicable), the [Employee Assistance Program](#), and the [Office of the Ombudsman](#). You are also not prevented from exercising your right to consult with or initiate an EEO complaint with the [Office of Equity Diversity and Inclusion](#), but you must contact them within 45 days of the discriminatory incident.

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You will be protected from reprisal for providing truthful information or otherwise cooperating with this review. If you feel that you are being retaliated against for such actions, please inform the Civil Program immediately. You may also contact other appropriate officials, including the [Office of Equity Diversity and Inclusion](#) or the U.S. Office of Special Counsel, if you feel you are being retaliated against for your cooperation with this inquiry.

NIH also has a variety of resources to support your wellbeing during and after this process. Please visit [Employee Assistance Program](#) and [Wellness@NIH](#) for more information.

Thank you and please let me know if you have any questions,

Sample Email to Respondent *(the person being accused of the behavior)*

Per our discussion, I work with the [NIH Civil Program](#), which addresses uncivil, disruptive, or harassing workplace behaviors. I am conducting an administrative inquiry into allegations raised in the workplace and you have been identified as someone who may have relevant information. Please provide me with the information below by *(DATE – typically 3 to 5 business days)*.

1. *(Customized questions are based on the initial statement from the Reporting Party...)*
2. Is there anyone else who may have knowledge of the situation that the Civil Program should contact? If so, please provide their name and contact information.

In order to protect the privacy of those involved and the integrity of the process, please do not discuss the circumstances of this matter with any other staff members or colleagues. You are not precluded from discussing this matter with your supervisory chain of command, the [NIH Office of Equity Diversity and Inclusion](#), the [Employee Assistance Program](#), or the [Office of the Ombudsman](#).

Retaliatory treatment toward any NIH employee or non-federal worker for reporting allegations of inappropriate conduct or harassment or for participating

Asks customized questions for specific allegations

Asks for any additional witnesses

Requests discretion and provides NIH resources

Provides reminder that retaliatory treatment is prohibited and instructs

Sample Close-Out Email

Sent after Civil Specialists call the affected parties to provide advance notice

Notifies of inquiry completion

Sent after corrective action taken

Provides resources

No other information provided

(Salutation)

Per our phone conversation/voicemail, this is notification that Civil Program has completed the recent review/administrative inquiry/climate assessment in the office/IC.

First, thank you for your willingness to share your experience and help us ensure a safe and professional workplace. Please know that the NIH takes these matters seriously and the Civil Program ensured a thorough review of the matter and will continue to work closely with management to ensure appropriate actions are taken, if warranted. If there are any concerning incidents moving forward, please let me know as soon as possible.

I want to remind you of the other available NIH resources, including the [Office of Equity, Diversity, and Inclusion](#) (please note, you must contact them within 45 days of the discriminatory incident) and the [Office of the Ombudsman](#).

NIH also has a variety of resources to support your wellbeing moving forward. Please visit [Employee Assistance Program](#) and [Wellness@NIH](#) for more information. *(If a trainee, also include [Office of Intramural Training & Education](#))*

Thank you again and please let me know if you have any questions,

Frequently Asked Questions

What is my role as a trainee regarding harassment in the NIH workplace?

As an NIH trainee, your role is to conduct yourself in a manner that promotes civility, promptly report inappropriate conduct, and to cooperate fully in administrative inquiries.

What is the role of the Office of Intramural Training and Education (OITE) in this process?

OITE's role in this process is to support the trainee in terms of wellness and career guidance, as well as help them navigate resources within the larger NIH. If appropriate (and initiated) by the trainee, OITE staff will advise and assist with research group transfers.

How does OITE work with the Civil Program?

OITE and Civil work together throughout the process to ensure that management and trainees are aware of their rights and responsibilities. They manage resources and communication to ensure that the process is as coordinated as possible. OITE provides support and advice to trainees while Civil collects information regarding the specific allegations. Civil also interfaces with management to ensure that management implements corrective action for any issues found during the inquiry.

If Civil requests that I either answer questions via email or in an interview, must I participate?

Yes, all NIH staff, including trainees and fellows, are responsible for participating in administrative inquiries. If you have questions about the process or have concerns about retaliation, you can always contact the Civil Specialist member who emailed you. Additionally, you can contact OITE for support and advice during this process.

What should I do if I am either subjected to harassment or witness harassing behavior?

As part of the NIH community, we are all responsible for reporting concerning behavior. You can report it to the Civil Program or to OITE directly or anonymously. You may also have the option of filing an EEO complaint with the [Office of Equity, Diversity, and Inclusion](#). If you're not sure how to proceed, you may talk through options with a confidential resource, such as the [Employee Assistance Program](#) or the [Office of the Ombudsman](#).

You may also report the behavior to a supervisor or management official. However, please know that when you report harassment to a supervisor or manager, even if they are outside of your chain of command, they are obligated to report the information to the [Civil Program](#). You can talk through different options to report the allegation with them, but ultimately they must act on the information and cannot guarantee confidentiality.

The same standard applies for trainees reporting incidents to OITE. OITE must act on information and cannot guarantee confidentiality. However, OITE understands the vulnerability of the trainee position and works diligently to support them during this process. It is important to understand that OITE can make an anonymous complaint on your behalf. However, it is typically more difficult to investigate and act upon anonymous complaints.

What should I do if my Principal Investigator is harassing me?

You should report the harassment to the Civil Program, OITE, the [Office of Equity, Diversity, and Inclusion](#), or to someone in your supervisor's chain of command. You are not obligated to report the harassment directly to your supervisor of record.

Will I have to move research groups if I come forward with a complaint?

In most cases, no. OITE and Civil work together to ensure that there is minimal disruption during this process for all parties involved and resolve any issues as swiftly as possible. In more severe cases, this decision depends on a lot of factors, including if the alleged harasser needs to be moved for safety considerations. The trainee should work closely with OITE and communicate any perceived retaliation to OITE and Civil. When trainees wish to change groups, OITE staff support them throughout the process and there is no disruption in their appointment. Furthermore, OITE will work with the Division of International Services to resolve any issues involving Visiting Fellows who wish to transition research groups as a result of harassing behavior. While some trainees wish to change groups, others do not. Regardless, OITE and Civil work jointly with the trainee to assure that they meet the goals of their training experience. OITE also works to assure that trainees receive appropriate credit for research contributions, that they receive letters of recommendation as appropriate, and that their training experience is impacted as little as possible.

What if someone makes an allegation of harassment against me?

You will have the opportunity to respond to the allegations through the administrative inquiry process. You may contact the Civil Program with questions or concerns about the process at any time or OITE for support resources and referrals.

In the meantime, you must conduct yourself in a professional and respectful manner. If you feel that you could benefit from strategies to assist you in this effort, please contact OITE. Also, please comply with requests to work from home or avoid interacting with certain individuals during the inquiry process.

We understand that this process can be stressful and strongly recommended that you seek additional support from the [Office of the Ombudsman](#) and/or the [Employee Assistance Program](#), in addition to OITE.

If I make a complaint, can my Principal Investigator remove me from their research group?
Terminate my contract? Refuse to write me a letter of recommendation?

Retaliatory treatment toward any federal employee or non-federal worker (i.e. trainee, fellow, intern, etc.) for reporting allegations of inappropriate conduct or harassment, or for participating as a witness in an administrative inquiry or EEO complaint process, is prohibited.

If a Principal Investigator either explicitly or implicitly implies that participating in the Civil process will result in any of these actions, document the interaction, and report it immediately to the Civil Program. OITE will work to support the trainee and determine next best steps.

For visiting fellows, is it possible to lose my visa sponsorship for coming forward with an allegation? Participating as a witness? If someone makes a complaint against me?

A visiting fellow will not lose their visa sponsorship for making an allegation in good faith and honestly participating in the process as a witness. Retaliatory treatment toward any federal employee or non-federal worker for reporting allegations of inappropriate conduct or harassment, or for participating as a witness in an administrative inquiry or EEO complaint process, is prohibited.

In rare cases, if a visiting fellow participates in severe harassing behavior or misconduct, it is possible to lose their fellowship. This could lead to a loss of visa sponsorship. However, the fellow will be provided the opportunity to respond to the allegation, the decision is not made lightly, and several individuals are involved in the decision-making process. The Division of International Services (DIS) may be notified to determine if there are incident reporting requirements related to immigration status.

Can the Civil Program assist me with finding a new trainee position at the NIH?

No, the purview of the Civil Program is to determine if an NIH policy has been violated and recommend administrative action to managers. Civil Program Specialists do not mediate interpersonal conflicts, nor do they negotiate resolutions. However, you should discuss options with OITE and/or the training director in your Institute/Center. OITE staff often help trainees assess their options and explore other possibilities. At times, OITE or IC training office staff assists trainees in navigating the transfer process.

Can the Civil Program assist me with authorship disputes or scientific misconduct allegations?

No, this is outside of the Civil Program's purview. If you are unsure who to speak with to discuss authorship issues or scientific misconduct allegations, please contact your IC Training Office or the OITE. In addition, please visit the NIH Sourcebook for additional resources - <https://oir.nih.gov/sourcebook>.

If I make a report to the Civil Program that is not about my Principal Investigator, will you tell my Principal Investigator?

It depends. It is often a good idea for the Principal Investigator to know and help manage the day-to-day interaction and Civil Specialist and/or OITE will have to notify them if they directly supervise the harasser. If you would like to remain completely anonymous, you can also submit a complaint via the anti-harassment hotline or the online web form. In addition, you can make an anonymous complaint by speaking with OITE staff who will make a complaint on your behalf.

Can reports be made to Civil anonymously?

Reports **can** be made anonymously, which means the reporting party does not have to identify themselves. However, staff will have to follow up on information provided and the reporting party's identity may become apparent during the administrative inquiry process.

Reports **cannot** be made to Civil or OITE *confidentially*. Confidentiality indicates that what one says is private or secret and staff will not follow up on the information provided or take action to stop the harassment. To discuss matters with an office that operates under principles of confidentiality, please contact [the Employee Assistance Program](#) or the [Office of the Ombudsman](#).

Please note that while management officials must be discreet in address these types of issues, they cannot guarantee *confidentiality* to staff. If a federal or non-federal worker reports an allegation of harassment to a supervisor or manager, they **must** contact the Civil Program to address the matter.

Can I ask Civil and OITE to hold off on an inquiry while I weigh my options or request not to get anyone in trouble?

Civil has some discretion, but ultimately, they must act on information provided to them, just like any other management official. They must also follow the process dictated by Manual Chapter 1311, which ensures that all allegations of harassment are addressed appropriately and that NIH staff and trainees have a safe workplace. To discuss matters with an office that operates under principles of confidentiality, please contact [the Employee Assistance Program](#) or the [Office of the Ombudsman](#).

Will Civil Specialist serve as my advocate during this process?

Civil Specialist carry out the NIH's obligation to look into and address harassment allegations swiftly and objectively, as well as provide advice to deescalate and address difficult situations. They do not advocate for anyone during this process. For assistance with options, stress management, or coaching during the process, please contact OITE. The OITE may also refer you to the [Office of the Ombudsman for assistance with resolving conflicts and the EAP or OITE Wellness Advisors for dealing with stress](#).

Will I find out the results of the administrative inquiry?

The reporting party will receive notification that the inquiry is complete and that Civil Specialists are working with management to ensure a safe and civil work environment, but no other information will be provided. Civil Specialists do not release reports or findings, as they are responsible for safeguarding the privacy of all staff.