

116TH CONGRESS
1ST SESSION

S. 1067

To provide for research to better understand the causes and consequences of sexual harassment affecting individuals in the scientific, technical, engineering, and mathematics workforce and to examine policies to reduce the prevalence and negative impact of such harassment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 8, 2019

Ms. HARRIS (for herself, Ms. ROSEN, Mr. BLUMENTHAL, Ms. SMITH, Ms. KLOBUCHAR, Ms. HIRONO, Mr. PETERS, Mr. SANDERS, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for research to better understand the causes and consequences of sexual harassment affecting individuals in the scientific, technical, engineering, and mathematics workforce and to examine policies to reduce the prevalence and negative impact of such harassment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Combating Sexual Harassment in Science Act of 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Definitions.
 Sec. 4. Research grants.
 Sec. 5. Data collection.
 Sec. 6. Responsible conduct guide.
 Sec. 7. Interagency working group.
 Sec. 8. National academies assessment.
 Sec. 9. Authorization of appropriations.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) According to the report issued by the Na-
 6 tional Academies of Sciences, Engineering, and Med-
 7 icine in 2018 entitled “Sexual Harassment of
 8 Women: Climate, Culture, and Consequences in Aca-
 9 demic Sciences, Engineering, and Medicine”—

10 (A) sexual harassment is pervasive in insti-
 11 tutions of higher education;

12 (B) the most common type of sexual har-
 13 assment is gender harassment, which includes
 14 verbal and nonverbal behaviors that convey in-
 15 sulting, hostile, and degrading attitudes about
 16 members of one gender;

17 (C) 58 percent of individuals in the aca-
 18 demic workplace experience sexual harassment,
 19 the second highest rate when compared to the
 20 military, the private sector, and Federal, State,
 21 and local government;

1 (D) women who are members of racial or
 2 ethnic minority groups are more likely to expe-
 3 rience sexual harassment and to feel unsafe at
 4 work than White women, White men, or men
 5 who are members of such groups;

6 (E) the training for each individual who
 7 has a doctor of philosophy in the science, tech-
 8 nology, engineering, and mathematics fields is
 9 estimated to cost approximately \$500,000; and

10 (F) attrition of an individual so trained re-
 11 sults in a loss of talent and money.

12 (2) Sexual harassment undermines career ad-
 13 vancement for women.

14 (3) According to a 2017 study led by Dr. Kath-
 15 ryn Clancy at the University of Illinois, among as-
 16 tronomers and planetary scientists, 18 percent of
 17 women who are members of racial or ethnic minority
 18 groups and 12 percent of White women skipped pro-
 19 fessional events because they did not feel safe at-
 20 tending.

21 (4) Many women report leaving employment at
 22 institutions of higher education due to sexual har-
 23 assment.

24 (5) Research shows the majority of individuals
 25 do not formally report experiences of sexual harass-

1 ment due to a justified fear of retaliation or other
2 negative professional or personal consequences.

3 (6) Reporting procedures with respect to such
4 harassment are inconsistent among Federal science
5 agencies and have varying degrees of accessibility.

6 (7) There is not adequate communication
7 among Federal science agencies and between such
8 agencies and grantees regarding reports of sexual
9 harassment, which has resulted in harassers receiv-
10 ing Federal funding after moving to a different in-
11 stitution.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **ACADEMIES.**—The term “Academies”
15 means the National Academies of Sciences, Engi-
16 neering, and Medicine.

17 (2) **DIRECTOR.**—The term “Director” means
18 the Director of the National Science Foundation.

19 (3) **FEDERAL SCIENCE AGENCY.**—The term
20 “Federal science agency” means any Federal agency
21 with an annual extramural research expenditure of
22 over \$100,000,000.

23 (4) **GRANTEE.**—The term “grantee” means the
24 legal entity to which a grant is awarded and that is

1 accountable to the Federal Government for the use
2 of the funds provided.

3 (5) GRANT PERSONNEL.—The term “grant per-
4 sonnel” means principal investigators, co-principal
5 investigators, other personnel supported by a grant
6 award under Federal law, and their trainees.

7 (6) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning given such term in section 101 of the High-
10 er Education Act of 1965 (20 U.S.C. 1001).

11 (7) SEXUAL HARASSMENT.—The term “sexual
12 harassment” means conduct that encompasses—

13 (A) verbal and nonverbal behaviors that
14 convey hostility, objectification, exclusion, or
15 second-class status about one’s gender, gender
16 identity, gender presentation, sexual orienta-
17 tion, or pregnancy status;

18 (B) unwelcome sexual advances;

19 (C) unwanted physical contact that is sex-
20 ual in nature, including assault;

21 (D) unwanted sexual attention, including
22 sexual comments and propositions for sexual ac-
23 tivity;

24 (E) conditioning professional or edu-
25 cational benefits on sexual activity; and

1 (F) retaliation for rejecting unwanted sex-
2 ual attention.

3 **SEC. 4. RESEARCH GRANTS.**

4 (a) IN GENERAL.—The Director shall establish a pro-
5 gram to award grants, on a competitive basis, to institu-
6 tions of higher education or nonprofit organizations (or
7 consortia of such institutions or organizations)—

8 (1) to expand research efforts to better under-
9 stand the factors contributing to, and consequences
10 of, sexual harassment affecting individuals in the
11 scientific, technical, engineering, and mathematics
12 workforce, including students and trainees; and

13 (2) to examine interventions to reduce the inci-
14 dence and negative consequences of such harass-
15 ment.

16 (b) USE OF FUNDS.—Activities funded by a grant
17 under this section may include—

18 (1) research on the sexual harassment experi-
19 ences of individuals in underrepresented or vulner-
20 able groups, including racial and ethnic minority
21 groups, disabled individuals, foreign nationals,
22 sexual- and gender-minority individuals, and others;

23 (2) development and assessment of policies,
24 procedures, trainings, and interventions, with respect

1 to sexual harassment, conflict management, and
 2 ways to foster respectful and inclusive climates;

3 (3) research on approaches for remediating the
 4 negative impacts and outcomes of such harassment
 5 on individuals experiencing such harassment;

6 (4) support for institutions of higher education
 7 to develop, adapt, implement, and assess the impact
 8 of innovative, evidence-based strategies, policies, and
 9 approaches to policy implementation to prevent and
 10 address sexual harassment;

11 (5) research on alternatives to the hierarchical
 12 and dependent relationships in academia that have
 13 been shown to create higher levels of risk for sexual
 14 harassment; and

15 (6) establishing a center for the ongoing com-
 16 pilation, management, and analysis of campus cli-
 17 mate survey data.

18 **SEC. 5. DATA COLLECTION.**

19 Not later than 180 days after the date of enactment
 20 of this Act, the Director shall convene a working group
 21 composed of representatives of Federal statistical agen-
 22 cies—

23 (1) to develop questions on sexual harassment
 24 in science, technology, engineering, and mathematics
 25 departments to gather national data on the preva-

1 lence, nature, and implications of sexual harassment
 2 in institutions of higher education; and

3 (2) to include such questions as appropriate,
 4 with sufficient protections of the privacy of respond-
 5 ents, in relevant surveys conducted by the National
 6 Center for Science and Engineering Statistics and
 7 other relevant entities.

8 **SEC. 6. RESPONSIBLE CONDUCT GUIDE.**

9 (a) IN GENERAL.—Not later than 180 days after the
 10 date of enactment of this Act, the Director shall enter into
 11 an agreement with the Academies to update the report en-
 12 titled “On Being a Scientist: A Guide to Responsible Con-
 13 duct in Research” issued by the Academies. The report,
 14 as so updated, shall include—

15 (1) updated professional standards of conduct
 16 in research;

17 (2) standards of treatment individuals can ex-
 18 pect to receive under such updated standards of con-
 19 duct;

20 (3) evidence-based practices for fostering a cli-
 21 mate intolerant of sexual harassment;

22 (4) methods, including bystander intervention,
 23 for identifying and addressing incidents of sexual
 24 harassment; and

1 (5) professional standards for mentorship and
2 teaching with an emphasis on preventing sexual har-
3 assment.

4 (b) RECOMMENDATIONS.—In updating the report
5 under subsection (a), the Academies shall take into ac-
6 count recommendations made in the report issued by the
7 Academies in 2018 entitled “Sexual Harassment of
8 Women: Climate, Culture, and Consequences in Academic
9 Sciences, Engineering, and Medicine” and other relevant
10 studies and evidence.

11 (c) REPORT.—Not later than 16 months after the ef-
12 fective date of the contract under subsection (a), the Acad-
13 emies, as part of such agreement, shall submit to the Di-
14 rector and the Committee on Science, Space, and Tech-
15 nology of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 the report referred to in such subsection, as updated pur-
18 suant to such subsection.

19 **SEC. 7. INTERAGENCY WORKING GROUP.**

20 (a) IN GENERAL.—The Director of the Office of
21 Science and Technology Policy, acting through the Na-
22 tional Science and Technology Council, shall establish an
23 interagency working group for the purpose of coordinating
24 Federal science agency efforts to reduce the prevalence of
25 sexual harassment involving grant personnel. The working

1 group shall be chaired by the Director of the Office of
2 Science and Technology Policy (or the Director's designee)
3 and shall include a representative from each Federal
4 science agency with annual extramural research expendi-
5 tures totaling over \$1,000,000,000.

6 (b) RESPONSIBILITIES OF WORKING GROUP.—The
7 interagency working group established under subsection
8 (a) shall coordinate Federal science agency efforts to im-
9 plement the policy guidelines developed under subsection
10 (c)(2).

11 (c) RESPONSIBILITIES OF OSTP.—The Director of
12 the Office of Science and Technology Policy shall—

13 (1) not later than 90 days after the date of the
14 enactment of this Act, submit to the Committee on
15 Science, Space, and Technology of the House of
16 Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate an inven-
18 tory of Federal science agency policies, procedures,
19 and resources dedicated to preventing and respond-
20 ing to reports of sexual harassment;

21 (2) not later than 6 months after the date on
22 which the inventory is submitted under paragraph
23 (1)—

1 (A) in consultation with outside stake-
2 holders, develop a uniform set of policy guide-
3 lines for Federal science agencies; and

4 (B) submit a report to the committees re-
5 ferred to in paragraph (1) containing such
6 guidelines;

7 (3) encourage and monitor efforts of Federal
8 science agencies to develop or maintain and imple-
9 ment policies based on the guidelines developed
10 under paragraph (2);

11 (4) not later than 1 year after the date on
12 which the inventory under paragraph (1) is sub-
13 mitted, and every 5 years thereafter, the Director of
14 the Office of Science and Technology Policy shall re-
15 port to Congress on the implementation by Federal
16 science agencies of the policy guidelines developed
17 under paragraph (2); and

18 (5) update such policy guidelines as needed.

19 (d) REQUIREMENTS.—

20 (1) IN GENERAL.—In developing policy guide-
21 lines under subsection (c)(2), the Director of the Of-
22 fice of Science and Technology Policy shall include
23 guidelines that require—

1 (A) grantees to submit to the Federal
2 science agency or agencies from which the
3 grantees receive funding reports relating to—

4 (i) findings or determinations of sex-
5 ual harassment; and

6 (ii) any decisions made to place grant
7 personnel on administrative leave or im-
8 pose any administrative action on grant
9 personnel related to any sexual harassment
10 investigation;

11 (B) the sharing and archiving of reports of
12 sexual harassment from grantees submitted
13 under paragraph (1) with relevant Federal
14 science agencies on a quarterly basis; and

15 (C) to the extent practicable, ensure con-
16 sistency among relevant Federal agencies with
17 regards to the policies and procedures for re-
18 ceiving reports submitted pursuant to para-
19 graph (1), which may include the designation of
20 a single agency to field reports so submitted.

21 (2) FERPA.—The Director of the Office of
22 Science and Technology Policy shall ensure that
23 such guidelines and requirements are consistent with
24 the requirements of section 444 of the General Edu-
25 cation Provisions Act (20 U.S.C. 1232g) (commonly

1 referred to as the “Family Educational Rights and
2 Privacy Act of 1974”).

3 (e) CONSIDERATIONS.—In developing policy guide-
4 lines under subsection (c)(2), the Director of the Office
5 of Science and Technology Policy shall consider guidelines
6 that—

7 (1) require grantees to periodically assess their
8 organizational climate using climate surveys, focus
9 groups, or exit interviews;

10 (2) require grantees to publish on a publicly
11 available internet website the results of assessments
12 conducted pursuant to paragraph (1), disaggregated
13 by gender and, if possible, race, ethnicity, disability
14 status, and sexual orientation;

15 (3) require grantees to make public on an an-
16 nual basis the number of reports of sexual harass-
17 ment at each such institution;

18 (4) require grantees to regularly assess and im-
19 prove policies, procedures, and interventions to re-
20 duce the prevalence of sexual harassment;

21 (5) require each grantee to describe in its grant
22 proposal a code of conduct for maintaining a healthy
23 and welcoming workplace for grant personnel; and

24 (6) reward and incentivize grantees working to
25 create a climate intolerant of sexual harassment.

1 (f) FEDERAL SCIENCE AGENCY IMPLEMENTATION.—

2 Each Federal science agency shall—

3 (1) develop or maintain and implement policies
4 with respect to sexual harassment that are con-
5 sistent with policy guidelines under subsection (c)(2)
6 and that protect the privacy of all parties involved
7 in any report and investigation of sexual harass-
8 ment, except to the extent necessary to carry out an
9 investigation; and

10 (2) broadly disseminate such policies to current
11 and potential recipients of research grants awarded
12 by such agency.

13 (g) SUNSET.—The interagency working group estab-
14 lished under subsection (a) shall terminate on the date
15 that is 7 years after the date of the enactment of this
16 Act.

17 **SEC. 8. NATIONAL ACADEMIES ASSESSMENT.**

18 (a) IN GENERAL.—Not later than 3 years after the
19 date of enactment of this Act, the Director shall enter into
20 an agreement with the Academies to undertake a study
21 of the influence of sexual harassment in institutions of
22 higher education on the career advancement of individuals
23 in the scientific, engineering, technical, and mathematics
24 workforce. The study shall assess—

1 (1) the state of research on sexual harassment
2 in such workforce;

3 (2) whether research demonstrates a decrease
4 in the prevalence of sexual harassment in such work-
5 force;

6 (3) the progress made with respect to imple-
7 menting recommendations promulgated in the Acad-
8 emies consensus study report entitled “Sexual Har-
9 assment of Women: Climate, Culture, and Con-
10 sequences in Academic Sciences, Engineering, and
11 Medicine”;

12 (4) the degree to which Federal science agen-
13 cies have implemented the policy guidelines devel-
14 oped under section 7(c)(2) and the effectiveness of
15 that implementation; and

16 (5) where to focus future efforts with respect to
17 decreasing sexual harassment in such institutions.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to the Direc-
20 tor to carry out this Act, \$17,400,000.

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