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ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
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Majority (202) 225-2927
Minority (202) 225-3641

August 9, 2021

The Honorable Francis Collins, M.D., Ph.D.
Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Dear Dr. Collins,

We write to you about our concerns over the National Institutes of Health (NIH)'s questionable handling of sexual harassment complaints about an oncologist who served in leadership roles on NIH committees.

The Cancer Letter recently reported that Dr. Axel Grothey, a prominent gastrointestinal oncologist, was reprimanded in 2020 by medical licensure boards in three states for engaging in unethical sexual relationships with two female colleagues, both in mentorship relationships with Dr. Grothey, when he was employed at Mayo Clinic Rochester ("Mayo"), his long-time employer.¹ Despite these three reprimands that were publicly available in 2020, Dr. Grothey held his prominent appointment as co-chair of the NIH National Cancer Institute (NCI) National Clinical Trials Network's Gastrointestinal Steering Committee, an influential group that reviews ideas for clinical trials and helps determine the priorities in federally funded clinical research in GI oncology.²

In his NIH role, Dr. Grothey's decisions could have adversely impacted the careers of his accusers.³ Post-graduate medical education follows an apprenticeship model and experienced

¹ Alexandria Carolan and Paul Goldberg, *Prominent GI oncologist Axel Grothey was forced out of Mayo Clinic for unethical sexual relationships with women he mentored*, *The Cancer Letter* (May 28, 2021), available at https://cancerletter.com/the-cancer-letter/20210528_1/.

² *Id.*

³ Nick Mucahy, *Mayo Clinic Top Doc Ousted Over Sexual Relations With Mentees*, *Medscape* (June 4, 2021) available at <https://www.medscape.com/viewarticle/952249>.

medical professionals in a supervisory role have tremendous sway over the future of mentees.⁴ Rates of sexual harassment, assault, and retaliation in the medical education field far outpace other professional disciplines, according to a 2019 study by the National Academy of Sciences.⁵

It was not until after *The Cancer Letter* informed NCI officials about Dr. Grothey's disciplinary record and requested comment that NCI Director Ned Sharpless removed him from the steering committee effective May 27, 2021.⁶

We note that in 2019 two female scientists from Mayo contacted the NCI and the NIH Office of Extramural Research with allegations about Dr. Grothey's sexual and ethical misconduct out of concern about Dr. Grothey's impact on them from Dr. Grothey's position to wield power on a federal level. On April 3, 2019, one of the two female victims from Mayo emailed complaint information to NCI about Dr. Grothey.⁷ The email stated in part:

My purpose for contacting you is that you were suggested to me as perhaps the best person to go with a concern shared by myself and several other women, on whose behalf I am writing. On a high level, we were victims of ongoing harassment and assault and career retaliation by an individual who holds multiple leadership roles associated with NCI, including currently chairing an NCI steering committee and with an active or recent committee leadership role with Alliance. Even though our own experiences were reported to our institution at the time (as well as Alliance leadership), which ultimately resulted in his dismissal from that institution, we are aware that he continues to hold these NCI-affiliated titles and is now seeking a new leadership role in another cooperative group.⁸

A senior NCI official responded to the female scientist, essentially saying the NCI could not do anything, and then referred her to Dr. Collins' letter of February 2019 and several complaint pathways, including the Office of Extramural Research for awardees complaining of sexual harassment.

Subsequently, on May 6, 2019, another female scientist from Mayo wrote with a complaint about Dr. Grothey to the email address dedicated to reporting sexual harassment complaints operated by the NIH Office of Extramural Research.⁹ The victim only received an NIH Office of Extramural Research automated response without any follow-up contact to her.

⁴ Margaret Cronin Fisk, *America's Medical Profession Has a Sexual Harassment Problem*, Bloomberg (Apr. 30, 2019) available at <https://www.bloomberg.com/news/features/2019-04-30/america-s-medical-profession-has-a-sexual-harassment-problem>.

⁵ Margaret Cronin Fisk, *America's Medical Profession Has a Sexual Harassment Problem*, Bloomberg (Apr. 30, 2019) available at <https://www.bloomberg.com/news/features/2019-04-30/america-s-medical-profession-has-a-sexual-harassment-problem>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ National Institutes of Health Grants & Funding, *Find Help*, Anti-Sexual Harassment Policy, (last updated Feb. 28, 2019) available at <https://grants.nih.gov/grants/policy/harassment/find-help.htm>.

On its Anti-Sexual Harassment Policy for NIH Awardee Organizations website, NIH claims that it “cannot take personnel or legal actions for non-NIH employees.” NIH also does not guarantee confidentiality for individuals who submit reports those who report someone.¹⁰ It is unclear why the NIH cannot provide confidentiality to such whistleblowers but is able to maintain confidentiality of other personnel or intellectual property information.

As noted by Dr. Karyn Goodman, the remaining co-chair of the NCI National Clinical Trials Network’s GI Steering Committee, “As leaders in academic medicine, we need to promote a safe environment for our junior faculty and hold people accountable for their transgressions.” Dr. Goodman also said, “The NCI, in particular, should be the paragon of virtue when it comes to equity issues and set the standard high for the rest of academic medicine to follow.” We agree and want to ensure that the NIH is holding its committee leaders to the highest standards of conduct and to promote a safe work environment for junior researchers, particularly those in mentor relationships that are vulnerable to abuse of authority.

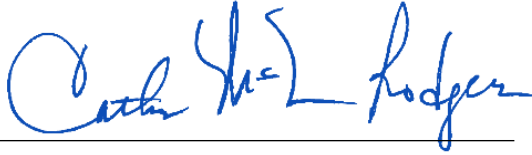
In light of our concerns, please respond to the following by August 30, 2021:

1. What was the NCI’s and the NIH’s policy and process in 2019 for handling sexual harassment complaints about individuals outside of NCI/NIH serving in leadership roles on NCI/NIH committees? Was the approach uniform across all of NIH or was it institute/center-specific?
2. What is the NCI’s and the NIH’s policy and process currently for handling sexual harassment complaints about individuals outside of NCI/NIH serving in leadership roles on NCI/NIH committees? Is the approach uniform across all of NIH or is it institute/center-specific?
3. If there is no policy and process in this area, what actions, if any, will be taken to establish policy and processes for such complaints?
4. What obligations do professionals have immediately to report to NIH any complaints and reprimands involving sexual harassment or unethical conduct for those who hold NIH leadership roles such as steering committees?
5. Do you agree with the removal action that Dr. Sharpless took on May 27, 2021?

¹⁰ National Institutes of Health Grants & Funding, *What to Expect When Notifying NIH*, Anti-Sexual Harassment Policy, (last updated Feb. 28, 2019) available at <https://grants.nih.gov/grants/policy/harassment/notify.htm>.

If you have any questions, please contact Alan Slobodin or Diane Cutler of the Minority Committee staff. Thank you for your attention to this request.

Sincerely,

A handwritten signature in blue ink that reads "Cathy McMorris Rodgers". The signature is written in a cursive style with a large initial "C".

Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce

A handwritten signature in black ink that reads "H. Morgan Griffith". The signature is written in a cursive style with a large initial "H".

H. Morgan Griffith
Ranking Member
Subcommittee on Oversight and
Investigations

CC: The Honorable Frank Pallone, Chairman
The Honorable Diana DeGette, Chair, Subcommittee on Oversight and Investigations