



September 17, 2021

The Honorable Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative McMorris Rodgers:

Thank you for your August 9 letter to National Institutes of Health (NIH) Director Dr. Francis Collins. As the Principal Deputy Director of NIH, I am pleased to reply.

Sexual harassment is morally indefensible, it's unacceptable, and it presents a major obstacle that is keeping women and other victims of sexual harassment from achieving their rightful place in science. NIH takes sexual harassment seriously and has made clear that it does not tolerate sexual harassment. In 2015, NIH issued Guide Notice [NOT-OD-15-152](#) to make stakeholders aware that existing civil rights regulations apply to activities supported by NIH and protect individuals from unlawful sexual harassment, sexual violence, and sexual assault. From late 2018 through 2020, recognizing that more needed to be done, NIH developed a series of policies and approaches to address sexual harassment in both internal and external environments.

- In September 2018, NIH issued a [Federal Register Notice](#) on a new policy manual chapter on addressing and preventing harassment, inappropriate conduct, and inappropriate relationships in the NIH workplace. NIH used the opportunity to state that the agency “expects that organizations receiving NIH funds have in place similarly rigorous policies and related procedures for their employees, contractors, trainees, and fellows who engage in agency-funded activities.”
- In February 2019, the NIH Director issued a [detailed statement](#), which described steps the agency had already begun, at the suggestion of both an internal Anti-Harassment Steering Committee and the newly formed Advisory Committee to the Director (ACD) [Working Group on Changing the Culture to End Sexual Harassment](#). These steps included clarifying expectations of organizations to ensure a safe workplace and inform the agency of investigator or key personnel changes and to provide clear channels of communication to NIH whereby anyone can report concerns. At that time, NIH established a dedicated mailbox [granteeharassment@nih.gov](mailto:granteeharassment@nih.gov) to receive notifications of possible violations of NIH policy or rules.
- In March 2019, the Director of the NIH Center for Scientific Review (CSR) issued [a statement](#) that, out of an abundance of caution, CSR would exclude some reviewers from committees until concerns had been resolved.
- In December 2019, the NIH ACD endorsed [recommendations issued](#) by the [Working Group](#), and the NIH Director accepted those recommendations. The recommendations

included steps NIH should take to address sexual harassment as seriously as it takes other types of misconduct.

- In June 2020, NIH issued a [detailed description](#) of its processes for handling sexual harassment allegations. The processes are centralized (mainly in the NIH Office of Extramural Research, which sits in the NIH Office of the Director) and include the ability to remove individuals from NIH committees (usually peer review committees that may be located in CSR or in Institutes or Centers). In addition, NIH issued a Guide Notice [NOT-OD-20-124](#) which stated that organizations should inform the agency of concerns about safe working conditions (including concerns about sexual harassment) when they seek prior approval for changes in principal investigators or key personnel named in the Notice of Award.
- In September 2020, NIH and the Department of Health and Human Services (HHS) Office for Civil Rights signed a memorandum of understanding whereby the two entities would share information and work with each other on addressing specific allegations.
- In June 2021, NIH provided the ACD with [an update](#) of its approaches to addressing sexual harassment, along with results to date. At that time, the Office of Extramural Research had handled [extramural harassment \(sexual and other\) allegations involving over 300 individuals](#) since 2018. A large proportion of these individuals were removed from peer review committees, at least temporarily, while allegations were being assessed. The update was well-received by the ACD.

In the case of Dr. Grothey, NIH was concerned about the complaints when they were received and worked to determine how it might be able to address them. However, two factors affected NIH's ability to respond more fully to the complaints we received in 2019. First, in many of the oversight processes that NIH conducts, it is the institution's acceptance of federal funding that gives NIH the authority to gather information from the institution about employee conduct. When NIH received the complaints detailed in your letter, OER conducted a thorough search of Dr. Grothey's involvement in NIH activities. Dr. Grothey was not then and is not now key personnel on any NIH award. Nor was he at the time or is he at the present employed by an institution that receives NIH funding. This greatly constrained NIH's authority to make inquiries or conduct even a cursory review of the allegations made.

Second, the complaints were made at a critical time in NIH's deliberations about how to change our policies to address sexual harassment. As noted above, NIH established mechanisms for notifying NIH about concerns related to harassment at NIH-funded institutions in February 2019. When establishing those notification channels, NIH indicated that they would follow up with the relevant applicant/grantee institution on all concerns related to NIH-funded research. As previously stated, Dr. Grothey was not employed by an NIH grantee institution in 2019. Further, the NIH notice recommended that affected individuals could make formal reports to the HHS Office for Civil Rights, providing another avenue for someone to report sexual harassment at an institution that receives financial support from HHS, even if they are not NIH-funded. Since 2019, NIH has made great strides to address harassment in research. We deeply regret that these women endured harassment during their training. Harassment has no place in science, and NIH remains committed to developing an improved culture in which any type of harassment is not tolerated.

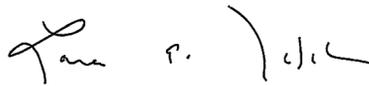
NIH's efforts in addressing harassment have led to substantive change, with certain individuals removed from NIH-funded activities, including from NIH committees. The NIH Office of the Director worked with and strongly supported Dr. Sharpless in his removal of Dr. Grothey from an NCI steering committee.

This case exemplifies the need for other entities to play a role in reducing harassment in science. While NIH plays a very crucial role in reducing harassment in biomedical science, the biomedical research space is much larger than NIH-funded research alone. NIH needs partners from other organizations, including licensing boards, scientific societies, and research institutions, to successfully minimize harassment in science.

We hope you find this information helpful and would be happy to offer a briefing on NIH's anti-sexual harassment efforts.

I have also provided this response to Representative H. Morgan Griffith who co-signed your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence A. Tabak". The signature is fluid and cursive, with a large initial "L" and a distinct "A" and "T".

Lawrence A. Tabak, D.D.S., Ph.D.  
Principal Deputy Director

cc:

The Honorable Frank Pallone, Jr.

The Honorable Diana DeGette