

NOAA Financial Assistance Assault and Harassment Policy

NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy Applicable to Financial Assistance Awards Involving NOAA-Operated Facilities (May 2018)

(a) General Policy.

In accordance with [NOAA Administrative Order \(NAO\) 202-1106, NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy](#), it is the policy of NOAA to maintain a work environment free from sexual assault and sexual harassment. NAO 202-1106 prohibits sexual assault and sexual harassment by or of any employee, supervisor, manager, contractor, vendor, grantee/non-Federal entity, affiliate, or other individual with whom NOAA employees come into contact by the virtue of their work for or with NOAA.

It is the responsibility of the non-Federal entity receiving a NOAA grant or cooperative agreement to ensure that its employees, as defined in (b) below, maintain the highest degree of conduct and standards in performance of the project. In support of this, NOAA urges its funding recipients to develop and enforce a comprehensive policy addressing sexual assault and sexual harassment prevention.

(b) Definitions.

Affiliate - Includes, but is not limited to, fellows, interns, scientists, cooperative institute members, grant and cooperative agreement recipients and their employees and agents, and sub-tier contractors and recipients whose work is funded by NOAA

Crew Member - Refers to all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board. This excludes any person on board the vessel who is not required to engage in such activities (e.g. media, educators, scientists, and students).

Financial Assistance - Refers to a grant or cooperative agreement

NOAA Facility - Refers to a NOAA-operated, leased, or owned facility, including remote locations. (Vessels under NOAA contract/order or grant/cooperative agreement may be subject to a separate policy if the non-Federal entity employees are crew members on the vessel[s]).

Non-Federal Entity Employees - Refers to employees of the non-Federal entity (grant or cooperative agreement recipient) or the non-Federal entity's subcontractors, sub-recipients, affiliates, agents, consultants, or team members.

Sexual Assault - As used in this funding announcement and terms and conditions, means any conduct proscribed by state or Federal sexual abuse laws, including, but not limited to, those defined in chapter 109A of title 18 of the U.S. Code (sexual abuse), and assaults committed both by offenders who are strangers to the victim and by offenders who are known or related by blood or marriage to the victim.

Sexual Harassment - As defined by the Equal Employment Opportunity Commission, is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical

conduct of a sexual nature when any of the following are true:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and
- The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

The main characteristics of sexual harassment are that the harasser's conduct is targeted against the recipient's sex, gender identity, or sexual orientation, and is unwelcome to the recipient. It may include, but is not limited to: offensive jokes, slurs, epithets or name calling, undue attention, physical assaults or threats, unwelcome touching or contact, intimidation, ridicule or mockery, insults or put-downs, constant or unwelcome questions about an individual's identity, and offensive objects or pictures.

(c) Requirements.

1. It is the responsibility of the non-Federal entity to ensure that all its employees maintain the highest degree of conduct and standards in performance of the project. In support of this, NOAA urges non-Federal entities to develop and enforce comprehensive organizational policies addressing sexual assault and sexual harassment.
2. The non-Federal entity shall include wording substantially the same as this NOAA policy in every subaward or other sub-tier agreement so that it is binding under each subaward or sub-tier agreement.
3. If a non-Federal entity employee observes or is the object of sexual assault or sexual harassment, he or she is highly encouraged to report the matter, as soon as possible, to their immediate supervisor, the Grants Officer, or the Federal Program Officer. In the case where the incident occurs while performing at a remote location, such as at sea or in the field (at a field camp or other isolated location) where these individuals are unavailable, the contractor employee should follow the reporting procedure set forth in NAO 202-1106, Section 6, *.07 Reporting from Remote Locations*. The non-Federal entity employee may also contact the NOAA Civil Rights Office to obtain guidance on reporting instances of sexual assault or sexual harassment. If deemed necessary, the non-Federal entity employee may also report such instances to local law enforcement.
 - i. Swift reporting allows NOAA and the non-Federal entity to take the appropriate measures to ensure that offensive behavior stops and the complainant's needs are addressed.
 - ii. The Grants Officer, Federal Program Officer, and non-Federal entity (where applicable), will work together to ensure appropriate action is taken in accordance with applicable laws and regulations, terms and conditions of the financial assistance award, and the non-Federal entity's written policy (where applicable).
4. The non-Federal entity shall provide all employees assigned to perform under a financial assistance project at a NOAA-operated facility with mandatory sexual assault and sexual harassment prevention and response training in compliance with the requirements of NAO 202-1106, Section 5, Prevention Training and Awareness, as part of their initial in-processing and on an annual basis thereafter. The initial training shall be completed within

_____business days [30 unless a different number is inserted] of award or the date a non-Federal entity employee is assigned to perform under the project, as applicable. The cost of creating and providing the training should be included in the award budget.

- i. The mandatory sexual assault and sexual harassment training provided by the non-Federal entity shall include the required elements set forth by NOAA's Workplace Violence Program Manager. A link to the website including the required elements of the training is provided at: <https://www.noaa.gov/organization/acquisition-grants/noaa-workplace-harassment-training-for-contractors-and-financial>. The non-Federal entity may provide training that solely addresses the NOAA required elements or may supplement existing training in a manner that ensures the elements are adequately addressed. Resources/training materials may be provided by the NOAA Workplace Violence Program Manager through the link provided above.
 - ii. The required elements of the training may be updated by NOAA periodically. NOAA will inform the non-Federal entity of any changes required for their training.
 - iii. NOAA's Workplace Violence Program Manager, Grants Officer, or the Federal Program Officer may periodically review the non-Federal entity's training outline to ensure the required elements are included and, if necessary, any appropriate adjustments are made to the training by the non-Federal entity.
 - iv. In addition to the above training requirements, the non-Federal entity is advised that all its employees performing on assignments in a remote location, such as at sea or in the field (at a field camp or other isolated locations) are subject to receiving the annual briefing from NOAA on NAO 202-1106.
5. If a non-Federal entity employee is reported to have engaged in sexual assault or sexual harassment at a NOAA-operated facility, the Grants Officer, Federal Program Officer, and non-Federal entity will work together to ensure appropriate action is taken in accordance with NAO 202-1106 and, where applicable, the written policies of the non-Federal entity.

(d) Sexual Assault/Sexual Harassment (SASH) Helpline.

For NOAA employees, affiliates, and contractors who have experienced sexual assault or sexual harassment, NOAA has established the NOAA Sexual Assault/Sexual Harassment (SASH) helpline. This helpline is designed to provide crisis intervention, referrals, and emotional support to those who are victims and/or survivors of sexual harassment or sexual assault within the workplace. Non-Federal entity employees may use the helpline to receive live, confidential, one-on-one support in an occurrence of sexual harassment or assault by a Federal Government employee. All services are anonymous, secure, and available worldwide, 24 hours a day, seven days a week. The NOAA SASH helpline is accessible through a variety of channels, including:

- Phone: 1-866-288-6558
- Website & Online Chat: <https://www.noasashhelpline.org/>
- Mobile App: NOAA SASH Helpline (available via iOS and Android App Stores)
- Text: (202) 335-0265

(e) Confidentiality.

Any party receiving information from the filing of a complaint alleging sexual assault or sexual harassment, or while performing an investigation into such a complaint, shall keep the information confidential. "Confidentiality" means that the information shall only be shared with others who have a need to know the information to conduct their official duties.

(f) Remedies for Non-Federal Entity Employee Violations.

In addition to other remedies available to the Government, non-Federal entity employee violations of Federal requirements (e.g., law, statutes, executive orders, code, rules, regulations) applicable to sexual assault and sexual harassment and/or failure to complete the mandatory training set forth in this policy, may result in:

1. Requiring the non-Federal entity to remove its employee or employees from the performance of the project;
2. Requiring the non-Federal entity to take applicable enforcement action, which may include termination, of a sub-tier agreement;
3. Suspension of payments until the non-Federal entity has taken appropriate remedial action;
4. Enforcement action, including termination of the award for non-compliance, in accordance with 2 C.F.R. 200.338-.342;
5. Suspension or debarment; or
6. Other appropriate action