

NOAA Financial Assistance Assault and Harassment Policy

NOAA Sexual Assault and Sexual Harassment Prevention and Response Policy Applicable to Financial Assistance Awards Involving the Use of a Vessel(s) under NOAA Contract, Order, Grant, or Cooperative Agreement (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 (c) 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) Applicability.

The policy set forth in NAO 202-1106 is applicable to all crew members of vessels under NOAA contract, order, grant, or cooperative agreement including all crew members that are non-Federal entity employees, as defined in (c) below, through a NOAA financial assistance award. The non-Federal entity shall inform all of its employee crew members of the mandatory sexual assault and harassment prevention training that NOAA will provide when a vessel under a NOAA contract, order, grant, or cooperative agreement will be used in a NOAA-supported financial assistance project. All crew members shall comply with the policy described in the NOAA-provided training.

The non-Federal entity shall include wording substantially the same as this policy in every sub-tier agreement so that it is binding on each sub-tier party.

(c) 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.

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.

(d) Mandatory Training.

1. Completion of initial mandatory sexual assault and sexual harassment prevention training is required for all vessel crew members, including all non-Federal entity employee crew members, in accordance with NAO 202-1106. This training will be provided by NOAA.
 - i. The training will include by-stander intervention training and specific steps on how to prevent and report sexual assault and sexual harassment. The training will typically be provided within two (2) hours of the vessel's departure from port.
 - ii. A copy of NAO 202-1106 will be provided to each crew member upon initial boarding of the vessel. Each crew member must sign a form managed by the vessel's Commanding Officer/Operations Officer verifying they have received and will comply with the NAO in its entirety.
2. For vessels at sea for more than 12 consecutive months, annual sexual assault and sexual harassment training, provided by NOAA, will be required pursuant to NAO 202-1106. The specific format of the training will depend on the availability of resources (e.g. internet access).

(e) Reporting Incidents of Sexual Assault/Sexual Harassment.

Non-Federal entity employees may refer to NAO 202-1106, Section 6, *Reporting Incidents of Sexual Harassment or Sexual Assault*, at .07, *Reporting from Remote Locations*, when reporting incidents of sexual assault/sexual harassment while aboard a NOAA-operated or contracted vessel. Non-Federal entity employees may also report to the non-Federal entity, who shall inform the Grants Officer and Federal Program Officer for appropriate action.

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

If a non-Federal entity employee is reported to have engaged in sexual assault or sexual harassment on a NOAA vessel, 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. In addition to other remedies available to the Government, non-Federal entity employee violations of NAO 202-1106 or other Federal requirements (e.g., law, statutes, executive orders, code, rules, or regulations) applicable to sexual assault and sexual harassment 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.