

House Committee on Science, Space, and Technology  
Hearing on *Building a Safer Antarctic Research Environment*

Responses to Questions for the Record for Dr. Karen Marrongelle

**(Johnson) How many allegations of sexual harassment and assault has NSF received in the U.S. Antarctic Program? How many of those allegations were investigated and what were the timelines for those investigations? How many of those investigations resulted in findings of wrongdoing or violation of Leidos policy or procedures? What sanctions were imposed in those cases with findings of wrongdoing or a violation of policy?**

The multi-jurisdictional nature of activities in Antarctica necessitated the development of multiple reporting mechanisms for both individuals and organizations on safety and behavioral issues. There is both direct and indirect reporting to NSF, as detailed below. It is possible that some of these reporting mechanisms overlap, or that the same complaint may be pursued through multiple channels.

Direct Reporting to NSF

1) Polar Code of Conduct

Since 2013, every individual who is deployed to Antarctica through the US Antarctic Program (USAP) must sign the Polar Code of Conduct, which requires them to abide by a series of safety and behavioral rules. NSF monitors and tabulates those Code of Conduct violations that are directly reported to the agency. Additionally, the Department of Defense and NSF's prime contractor are asked to submit an annual report to NSF that compiles all Polar Code of Conduct violations that constitute significant misconduct among individuals within their jurisdiction over the prior year. The reports received from our partners are limited in detail and cover all behavioral breaches including sexual assault and harassment.

Over the past five years, there have been eight total harassment and sexual assault incidents reported to NSF. The incidents occurred randomly in that time frame. The reports included violations by individuals employed by contractors, foreign program members, and U.S. military service members. All reported incidents were investigated by the organizations with managerial oversight of the victims and accused. The investigation outcomes varied with the circumstances, from formal apology to a range of employment consequences (including at least three separations) and removal from Antarctica in five cases. All incidents involving allegations of criminal wrongdoing were referred to the Department of Justice. None of the referrals resulted in criminal charges.

2) Reports to NSF's Office of Equity and Civil Rights (OECR)

Since 2018, OECR has received nine complaints or communications on inappropriate sexual behavior or actions in the USAP program. OECR conducted follow-up on all the reports, which included investigations within its jurisdiction, or reporting to the appropriate authority with jurisdiction.

## Reporting to Other Appropriate Authorities

Individuals or organizations may use the following channels for reporting that are not directly through NSF. These other entities have specific processes for follow-up, only some of which may involve direct liaison with NSF.

- 1) Each employer that is a USAP partner has established procedures for employee reporting (typically through HR processes) – this includes NSF, other federal agencies, the Department of Defense, contractor, and academic institutions.
- 2) Contractors and contract employees may report complaints to the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) or to the Equal Employment Opportunity Commission (EEOC), if applicable.
- 3) Individuals may report complaints directly to law enforcement officials (such as the Special Deputy Marshall) or confidential support personnel (e.g., on-ice counselor, chaplain, or advocate).
- 4) Academic employees may report complaints to their institution’s Title IX offices.

One of the goals of the newly established Sexual Assault and Harassment Prevention and Response (SAHPR) program office in OECR is to build a data and reporting framework around these existing mechanisms to allow for timely and aggregate monitoring and reporting of complaints and their resolution.

**(Johnson) One of the most challenging issues with the USAP is the multi-jurisdictional structure - there are individuals representing multiple agencies, contractors, academic institutions, and the military present on the ice. The SAHPR report found that instances involving individuals from different institutions are falling through the cracks. In your testimony you discuss efforts to establish points of contact at each institution to facilitate timely follow-up on incident reports. A point of contact is an important first step, but I want to understand how these situations will be investigated and adjudicated.**

- **What steps is NSF taking to develop a process for information sharing and collaborative response to cross-jurisdictional incidences of sexual harassment and assault?**

NSF created a Sexual Assault and Harassment Prevention and Response (SAHPR) office within its Office of Equity and Civil Rights (OECR) to act as the single communication point for the US Antarctic Program (USAP), and to properly refer all sexual assault/harassment matters to the appropriate authority with jurisdiction for follow-up. NSF is in the process of identifying specific points of contact among the USAP partners to ensure clear lines of communication for referrals from NSF. NSF’s SAHPR office provides a safety net for ensuring access to resource materials and services, preventing miscommunication regarding reporting lines, and building trust in leadership and management structures. NSF will coordinate with our USAP partners (which includes the Department of Defense, our contractors, other federal agencies, and academic institutions) and other entities for any criminal or administrative matters that require other action. NSF is currently in the process of building the administrative and cross-jurisdictional framework to support effective reporting and follow-up across our partners. It is our overall goal to provide immediate support to survivors, provide swift assessment of a complaint or report, and ensure thorough follow-up until the situation is resolved.

In addition to enhanced vetting of deployed individuals and improved security measures at USAP stations, NSF is engaging prevention experts, federal partners, and other industry stakeholders to identify best practices for the prevention of sexual assault and harassment in all research environments, particularly in remote field settings.

**(Johnson) In response to the SAHPR report, NSF negotiated a new contract term with Leidos that prohibits contractors from redeploying to the ice for three years after being disciplined for an incident of sexual harassment. However, enforcement of this policy relies on self-reporting by the individual contractor seeking an opportunity to go to the ice.**

- **Do you have concerns about bad actors falling through the cracks?**

NSF has a multi-layered process to vet potential contractor/subcontractor staff that goes beyond self-reporting to address this very issue.

1) Pre-employment Screening by the Employer

The contractor conducts pre-employment screening of potential employees. This includes the new requirement we have implemented with Leidos to ask all potential contractor or subcontractor employees if they have been disciplined by a previous employer on SA/SH or quit before they were disciplined.

2) NSF Screening

All potential employees go through a national fingerprint check and clearance of the OF-306 (Suitability for Federal Employment); this information undergoes federal adjudication. In this process, potential employees must complete federal forms, where there is a penalty for any false reporting. Some individuals in sensitive positions undergo elevated screening. If, during the screening process or following the hiring process, it is determined that a potential or current employee has not disclosed a SA/SH disciplinary action by a previous employer, the screening process for the potential employee will cease, or, if already hired, the employee will be immediately terminated. If a contract employee has been removed from the ice for SA/SH disciplinary action and seeks to redeploy following the three-year ban, NSF will consult with the contractor on a case-by-case basis and have final decision-making authority.

After deployment, the contractor and NSF will be aware of any cases of individuals that have been removed from the ice. If an individual is put forward to go back, the contractor and NSF will be able to stop that redeployment. In fact, the new terms of the Leidos contract requires the Contracting Officer (CO) to approve the redeployment of individuals who have previously been removed from the ice. If NSF finds that the contractor has not provided such notification, that would be considered a breach of the contract terms.

- **Does NSF have any leverage to require Leidos and/or future ASC contract awardees to share HR information about safety-related misconduct like sexual harassment? Does NSF plan to explore that option?**

NSF has modified the current contract language to allow for better reporting from the contractor to get more granular information, including the requirement to provide a quarterly summary of all reports of sexual assault and harassment involving ASC contractors and subcontractors along with relevant details of the follow-up. NSF is working with the current contractor to explore what

information can be requested and provided under the current contractual arrangement. Looking forward, NSF is exploring options to receive information under the current contract and any future contract.

**(Johnson) The SAHPR report indicates that the military was not fully cooperative in providing access to military members for their assessment. What does NSF need from the military to get a fuller picture of the experiences and perceptions of on-ice military members and ensure they are an active partner in finding solutions?**

During the initial SAHPR needs assessment (e.g., the activity that preceded the release of the report), NSF did engage the Department of Defense to request their participation. Because the Department of Defense data collection approval process is separate and extensive, service members were unable to participate during the time frame the focus groups were convened and did not receive the online survey until much later in the data collection process, making their responses unable to be included in this report. Members of the Department of Defense have been invited to all the community engagement opportunities convened by NSF after the release of the report, and they do have access to all the on-ice resources.

The Department of Defense has been asked to take the new training NSF has implemented. They expressed concerns about the redundancy of NSF's sexual assault/sexual harassment (SA/SH) prevention and response training with existing Department of Defense training. NSF is working with our Department of Defense partners to assess where such a redundancy exists; if not, we will continue to advocate that service members participate in the training provided by NSF prior to deployment.

**(Johnson) The SAHPR report recommended NSF establish a confidential ombudsperson position to respond to community members' questions, concerns, and complaints of sexual harassment and assault. In your testimony you discuss the deployment of a confidential on-ice advocate at McMurdo station. Does NSF plan to deploy an on-ice advocate at all three stations going forward? What about the research ships serving the USAP?**

Feedback from community members at McMurdo Station has been positive about the benefits the on-ice advocate has brought to the community so far this season. As a result, we are evaluating options for extending and expanding that service – either in-person or remotely – across all stations and vessels, as well as throughout the year rather than just during the peak summer research season. NSF is also supplementing the on-ice resources by establishing (through a contract) an additional 24/7 telephone/text/online chat service to ensure that deployed personnel have multiple avenues for crisis support and assistance.

- **Are there avenues for the on-ice advocate to share information with NSF to help inform its prevention and response efforts?**

Yes, there are multiple avenues. First, the advocate has worked effectively with targets of harassment and assault to identify immediate steps NSF station leaders could take to help them feel safe and supported. Second, through direct engagement with the deployed community, the advocate has garnered and been able to share with the Office of Polar Programs (OPP) information about the community's perceptions and concerns that can then

be used to inform prevention efforts, like training content for example. Third, with permission from affected individuals, the advocate communicates directly with NSF's Office of Equity and Civil Rights to share community member perspectives and facilitate reports of sexual harassment. At all times, the advocate's first priority is the wellbeing and confidentiality of the people they serve.

**(Bonamici) Thank you Chair Johnson and Ranking Member Lucas for holding this important hearing, and thank you to the witnesses. I want to begin by commending our colleague, Chairwoman Eddie Bernice Johnson, for her leadership as the first African American and woman to serve as the Chair of the Science, Space, and Technology Committee and for her decades of public service. We will work hard to carry on your legacy, and I welcome the opportunity to work with my colleagues across the aisle next Congress to advance this Committee's crucial priorities.**

**The Sexual Assault and Harassment Prevention and Response (SAHPR) report indicated that many United States Arctic Program (USAP) members, especially women, younger individuals, and individuals with lower incomes and employment status, viewed sexual assault, sexual harassment, and stalking as widespread problems. It also found that the current prevention and response systems at NSF are inadequate.**

**The issue of sexual harassment on remote NOAA research ships came to my attention several years ago, and I've worked on addressing it since. Dr. Kathryn Sullivan was particularly helpful; the acting administrators during the previous administration were committed to addressing the issue, and so is current NOAA administrator Dr. Spinrad.**

**I introduced the bipartisan NOAA Sexual Harassment and Assault Prevention Improvements Act to strengthen NOAA's sexual assault and sexual harassment prevention and response program, coordinate claims, strengthen reporting, and support survivors. A major provision in the bill expands coverage to include all personnel, including employees, contractors, and employees of contractors.**

- **How does the NSF Action Plan address the conflict of multi-jurisdictional enforcement mechanisms, which create gaps and hinder efficient oversight of sexual assault and harassment claims, and does the Plan include different ways to address sexual assault and harassment in remote research settings versus more public lab or field settings?**

NSF created a SAHPR office within the NSF Office of Equity and Civil Rights (OECR) to act as the single communication point for the US Antarctic Program (USAP), and to properly refer all sexual assault/harassment matters to the appropriate authority with jurisdiction for follow-up. NSF is in the process of identifying specific points of contact among the USAP partners to ensure clear lines of communication for referrals from NSF. NSF's SAHPR office provides a safety net for ensuring access to resource materials and services, preventing miscommunication regarding reporting lines, and building trust in leadership and management structures. NSF will coordinate with our USAP partners (which includes the Department of Defense, our contractors, other federal agencies, and academic institutions) and other entities for any criminal or administrative matters that require other action. NSF is currently in the process of building the administrative and cross-jurisdictional framework to support effective reporting and follow-up across

jurisdictions. It is our overall goal to provide immediate support to survivors, provide swift assessment of a complaint or report, and ensure thorough follow-up until the situation is resolved.

In addition to enhanced vetting of deployed individuals and improved security measures at USAP stations, NSF is engaging prevention experts, federal partners, and other industry stakeholders to identify best practices for the prevention of sexual assault and harassment in all research environments, particularly in remote field settings. For example, NSF has been in contact with NOAA leadership, who have been highly supportive of our efforts. Administrator Spinrad and RADM Hann provided excellent suggestions when we were first formulating the overall response. In some cases, we are leveraging some of the work done by NOAA and there has been excellent sharing and cooperation across both agencies. NSF's OECR had a very productive meeting with NOAA's Workplace Violence Prevention & Response Office, and we look forward to continuing the dialogue with our NOAA colleagues on prevention, training, and crisis response as well as opportunities for enhanced coordination on these critical issues.

- **Do you plan to implement training and programs early on in STEAM careers, such as through apprenticeships or student programs, to instill guidance regarding sexual assault and harassment in individuals from the start of their careers?**

In 2018, NSF issued an "Important Notice" to the U.S. research community with three components: (1) the issuance of a change in NSF award conditions to include a term and condition to combat all forms of harassment; (2) a statement on our expectations for harassment-free workplaces; and (3) the initiation of enhanced web resources for easy access to all NSF policies, resources, and communications for the community on harassment. In January 2023, we established new requirements for funding of off-campus or off-site activities requiring certification on how harassment or other abusive or unwelcome behavior will be addressed.

Many NSF research programs provide educational institutions with opportunities to develop or implement training or professional development activities to support researcher development, including the enhancement of safe and inclusive research environments. Additionally, some programs that engage students (for example, the NSF Research Experiences for Undergraduates - REU) requires proposers to have in place a policy or code of conduct that addresses harassment. Additionally, proposers for REU should provide an orientation to cover expectations of behavior. These examples are some of the ways in which we have encouraged appropriate training in the research community. NSF is also engaging prevention experts, federal partners, and other industry stakeholders to identify best practices for the prevention of sexual assault and harassment at all stages of STEM careers.

**(Lucas) One troubling finding in the report was concerns about physical safety due to rundown and failing facilities. With the Antarctic Modernization project underway, what is NSF's vision for how the new facilities can help make staff and scientists on the ice feel safe? How have the findings of the report shaped the way NSF is prioritizing updating facilities at other sites? What does NSF anticipate would be the cost of updating facilities to ensure researchers on the ice feel safe and secure?**

The SAHPR report indicated several structural features that would increase safety. We will revisit the master plans that drive our modernization efforts with an eye toward prioritizing these safety measures. Suggestions have also emerged from the community listening sessions, and we will

continue to solicit ideas from our stakeholders to maximize the possibility of positive culture and the creation of safe spaces. The relationship between the culture we want to create and maintain in Antarctica with the physical environment at the stations is significant, and those considerations will be included in every project. The overall modernization program (of which safety is a component), is largely implemented through the Antarctic Infrastructure Recapitalization program; the overall estimated budgeted total for modernization is \$60 million in FY 2023. NSF will always prioritize all our facility updates (including those outside of Antarctica) to ensure safe working environments. We are currently in the process of evaluating the safety and inclusivity of research environments at all our major facilities.

**(Lucas) The report found that victims of sexual harassment or assault in Antarctica often faced barriers to reporting due to confusing structures and procedures. Can you describe any potential complications NSF may face in addressing this due to jurisdictional issues? How does NSF plan to address this? Does NSF need any new authorities to improve its ability to respond, address, and hold violators accountable? If so, what would those be?**

Differing rules and requirements among stakeholders created confusing reporting structures for victims of SA/SH and means that putting robust coordination mechanisms in place is a priority for NSF. As such, NSF is establishing the SAHPR office within OECR to serve as a single point of contact among all USAP partners (e.g., the Department of Defense, contractor, other federal agencies) for collaboration purposes. Individuals may report via as many channels as they would like, however, the NSF SAHPR Office serves to simplify the process by acting as a centralized, single point of contact that accepts SAHPR related complaints/reports and then manages any necessary referrals as appropriate (as opposed to individuals having to determine which channel or channels are best suited to their situation). Reporting via the NSF SAHPR Office also alleviates barriers associated with reticence to report via supervisor chains or employer organizations.

Additionally, we will be using our existing relationships with academic institutions as appropriate. After NSF has completed its initial assessment of an incident or report, we will immediately refer the report or complaint to the appropriate authority. This may be a law enforcement office, the contractor, another federal agency, or an academic institution. It is our intent to use our existing partnership mechanisms to assess the follow-up across these jurisdictional boundaries.

**(Garcia) Please provide for the record any data you have on sexual harassment and assault reporting in Antarctica from the past 5 years. How does NSF plan to improve data collection and address any data gaps that currently exist?**

The multi-jurisdictional nature of activities in Antarctica necessitated the development of multiple reporting mechanisms for both individuals and organizations on safety and behavioral issues. There is both direct and indirect reporting to NSF, as detailed below. It is possible that some of these reporting mechanisms overlap, or that the same complaint may be pursued through multiple channels.

#### Direct Reporting to NSF

- 1) Polar Code of Conduct

Since 2013, every individual who is deployed to Antarctica through the USAP program must sign the Polar Code of Conduct, which requires them to abide by a series of safety and behavioral rules. NSF monitors and tabulates those Code of Conduct violations that are directly reported to the agency. Additionally, the Department of Defense and NSF's prime contractor are asked to submit an annual report to NSF that compiles all Polar Code of Conduct violations that constitute significant misconduct among individuals within their jurisdiction over the prior year. The reports received from our partners are limited in detail and cover all behavioral breaches including sexual assault and harassment.

Over the past five years, there have been eight total harassment and sexual assault incidents reported to NSF. The incidents occurred randomly in that time frame. The reports included violations by individuals employed by contractors, foreign program members, and U.S. military service members. All reported incidents were investigated by the organizations with managerial oversight of the victims and accused. The investigation outcomes varied with the circumstances, from formal apology to a range of employment consequences (including at least three separations) and removal from Antarctica in five cases. All incidents involving allegations of criminal wrongdoing were referred to the Department of Justice. None of the referrals resulted in criminal charges.

## 2) Reports to NSF's Office of Equity and Civil Rights (OECR)

Since 2018, OECR has received nine complaints or communications on inappropriate sexual behavior or actions in the USAP program. OECR conducted follow-up on all the reports, which included investigations within its jurisdiction, or reporting to the appropriate authority with jurisdiction.

### Reporting to Other Appropriate Authorities

Individuals or organizations may use the following channels for reporting that are not directly through NSF. These other entities have specific processes for follow-up, only some of which may involve direct liaison with NSF.

- 1) Each employer that is a USAP partner has established procedures for employee reporting (typically through HR processes) – this includes NSF, other federal agencies, the Department of Defense, contractor, and academic institutions.
- 2) Contractors and contract employees may report complaints to the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) or to the Equal Employment Opportunity Commission (EEOC), if applicable.
- 3) Individuals may report complaints directly to law enforcement officials (such as the Special Deputy Marshall) or confidential support personnel (e.g., on-ice counselor, chaplain, or advocate).
- 4) Academic employees may report complaints to their institution's Title IX offices.

One of the goals of the newly established SAHPR program office in OECR is to build a data and reporting framework around these existing mechanisms to allow for timely and aggregate monitoring and reporting of complaints and their resolution.

NSF has taken steps to improve data collection. First, NSF's contractor is now required to provide a quarterly (instead of annual) Sexual Harassment and Assault report; this will expedite reporting to NSF for awareness and intervention as appropriate. As the new support resources for



the USAP community are rolled out (e.g., the on-ice advocate, the crisis hotline), we are also embedding in those contract requirements additional avenues to collect aggregate data on all reports or complaints to allow us to develop a baseline for assessment on an annual basis. Finally, NSF will be implementing a periodic climate assessment survey of the community to allow the agency to monitor the research environment.

**(Bice) You mentioned in a previous statement, you were looking at adding language to future contracts that would address some of these issues, when it comes to sexual assault cases. Why do you think that wasn't added to contracts prior? Or why would we not add this language? Can you modify an existing contract with an addendum to be able to add language to it, to address these issues?**

This contract was originally awarded in 2011 and did not include specific language on reporting of sexual harassment or assault because prospective contractors are required to have internal policies in place to address these issues. After NSF issued the Polar Code of Conduct in 2013, the contractor was required to provide an annual report on violations. In 2022, the contract was again modified to make this a quarterly reporting requirement and to address reporting and resolution of those reports. NSF may issue additional contract modifications, as necessary, to add contractual language to address these specific issues.