

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

October 26, 2017

The Honorable France A. Córdova
Director
National Science Foundation
2415 Eisenhower Avenue
Alexandria, VA 22314

Dear Dr. Córdova,

The Committee on Science, Space, and Technology is investigating reports that a National Science Foundation (NSF), National Aeronautics and Space Administration (NASA), and National Oceanic and Atmospheric Administration (NOAA) grant recipient employed by Boston University (“the University”) has been accused of sexually harassing and assaulting female researchers. According to *Science* and the *Washington Post*, two former graduate students at the University allege Professor David Marchant repeatedly assaulted and sexually harassed them while on isolated research trips in Antarctica, as part of his NSF and NASA funded research.¹ The Committee is sending similar letters to the University and other grant-making agencies involved. The Committee is interested in understanding all the facts surrounding this case, what steps NSF has undertaken to uncover the extent of the allegations and investigate their validity, any repercussions related to the allegations, and what safeguards NSF has in place to address sexual assault and harassment cases.

In October 2016 and May 2017, two separate Title IX complaints were filed with the University by former graduate students who had participated in Antarctica research trips with Professor Marchant.² These allegations involved direct physical and verbal attacks on the female students, including threats from Professor Marchant to utilize his prominent standing and sizeable funding to prevent their advancement in the field of Antarctic research and block their access to future NSF research funding.³

¹ Meredith Wadman, *Disturbing allegations of sexual harassment in Antarctica leveled at noted scientist*, SCIENCE (Oct. 6, 2017), <http://www.sciencemag.org/news/2017/10/disturbing-allegations-sexual-harassment-antarctica-leveled-noted-scientist>; Ben Guarino, *Antarctic geologist accused of sexually harassing, assaulting female researchers*, WASH. POST (Oct. 10, 2017), https://www.washingtonpost.com/news/science/wp/2017/10/10/antarctic-geologist-accused-of-sexually-harassing-assaulting-female-researchers/?utm_term=.378cee341442&wpisrc=nl_science&wpmm=1.

² *Id.*

³ *Id.*

Since the late 1990s, Professor Marchant has been the recipient of over \$5.4 million in awards from NSF and NASA, ranging from projects including Antarctic and Mars research, to K-12 STEM Education.⁴ Professor Marchant allegedly used derogatory terms to describe his female graduate students—terms too crude to be written in this letter.⁵ In addition, there is at least one claim of physical battery. A current professor at Scripps told *Science* that Professor Marchant “repeatedly shoved her down a steep slope, pelted her with rocks[, and] . . . blew [volcanic] ash [containing tiny shards of glass] into her eyes.”⁶ The abuse appears to have been psychological as well. One former researcher who traveled with Professor Marchant to Antarctica alleges that not only did he call her vulgar terms, “he promised to block her access to [NSF] research funding should she earn a Ph.D.”⁷ One complainant, a female high school teacher, who encountered Professor Marchant through his work in K-12 STEM education wrote: “[Professor Marchant’s] taunts, degrading comments about my body, brain, and general inadequacies never ended.”⁸ She says this treatment was a daily occurrence.⁹

Professor Marchant’s alleged actions, if true, are an example of behavior that is not acceptable in the academic scientific community or in any professional environment. The Committee has a responsibility to ensure that recipients of federal dollars are worthy of the taxpayer’s trust. Any behavior that stymies the advancement and support of women in science should not be tolerated and this Committee will seek all surrounding facts. The Committee’s investigation is consistent with its broader goal of ensuring the effective management and stewardship of taxpayer dollars allocated through NSF, NASA, and NOAA grants and funding.

To appropriately inform the Committee on the circumstances of these allegations, we request that NSF provide the Committee with documents and information. Please produce the following documents and information, in electronic format, for the time period January 1, 1997, to the present:

1. All documents and communications referring or relating to federal grants or monetary awards to Professor Marchant.
2. All documents and communications referring or relating to any complaint(s) or investigation(s) of alleged sexual or physical harassment, assault, or battery by Professor Marchant.
3. All documents and communications referring or relating to actions NSF has taken in response to the alleged activity by Professor Marchant.

The Committee on Science, Space, and Technology has sole legislative jurisdiction over NSF and “shall review and study on a continuing basis laws, programs, and Governmental

⁴ *Id.*; Boston University, *Professor Profile: David R. Marchant* (last visited Nov. 16, 2017), <http://www.bu.edu/earth/people/faculty/david-r-marchant/>.

⁵ Wadman, *supra* note 1.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

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activities” as set forth in House Rule X. This request and any documents created as a result of this request will be deemed congressional documents and property of the House Science Committee. An attachment to this letter provides additional information about responding to the Committee’s request.

We request that you provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on November 9, 2017. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Travis Voyles of the Committee’s Majority staff at 202-225-6371 or Douglas Pasternak of the Committee’s Minority staff at 202-225-6375. Thank you for your attention to this matter.

Sincerely,


Lamar Smith
Chairman


Eddie Bernice Johnson
Ranking Member

Encl.

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents, in unredacted form, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committees.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), or PDF files.
 - (b) Document numbers in the load file should match document Bates numbers and TIF or PDF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production. Failure to provide an explanation constitutes a waiver of any objections to the subpoena.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. In complying with this request, be apprised that the U.S. House of Representatives and the Committee on Science, Space, and Technology do not recognize: any of the purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges such as privileges over law-enforcement sensitive disclosures; or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
14. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
15. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. Unless otherwise specified, the time period covered by this request is from January 1, 1997 to the present.
17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee on Science, Space, and Technology, production sets shall be delivered to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House Office Building. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been

completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees.

20. When representing a witness or entity before the Committee in response to a document request, request for transcribed interview, or subpoena from the Committee, or in connection with testimony before the Committee at a hearing, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

Schedule Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.