



[Confidential]

Date: November 20, 2023

To: Peter Barr-Gillespie, Ph.D.
Chief Research Officer and Executive Vice President
Oregon Health & Science University
gillespp@ohsu.edu

From: Michael S. Lauer, MD
NIH Deputy Director for Extramural Research
Director, NIH Office of Extramural Research

Re: Response to notification

Dear Dr. Barr-Gillespie:

Thank you for the notification (copied below) dated November 1, 2023, from your Oregon Health & Science University (“OHSU”) colleague, Kellie Guentert, regarding the findings that Dr. Daniel Marks, Professor in Pediatric Endocrinology, violated OHSU’s policies on discrimination, harassment, retaliation (sexual harassment), code of conduct, filming or recording on campus, and acceptable use of computing and telecommunications resources (Policy Sections 4.C, 1.1, 3.1, and 4.1; Policy 08-30-020, Section 14; Policy 11-20-010, Section 2.D.6). Specifically, OHSU found that on at least two occasions, Dr. Marks secretly photographed students without their consent. We understand that prior to termination charges being issued, Dr. Marks resigned from OHSU effective November 3, 2023. Dr. Marks is designated as the Program Director/Principal Investigator (PD/PI) of at least two active NIH grants issued to OHSU. Per your notification, we understand that a change of PI request has been submitted for both active awards and that you are working with Oregon State University regarding Dr. Marks’ role on a subaward.

The [NIH is deeply concerned about harassment](#) and [unsafe work environment](#)s in extramural science. NIH reminded the extramural research community of NIH’s expectation that all NIH-funded work will be conducted in an environment free of harassment, as noted in Guide Notice [NOT-OD-20-124](#).

We appreciate your notification in accordance with NIH Grants Policy Statement [8.1.2.6](#), by which NIH recipient institutions are required to notify NIH when individuals identified as PD/PI or other Senior/Key personnel in an NIH notice of award are removed from their position or are otherwise disciplined by the recipient institution due to concerns about harassment, bullying, retaliation or hostile working conditions. Notification must be provided by the Authorized Organization Representative within 30 days of the removal or disciplinary action and must be submitted to NIH through a [dedicated web form](#). All required notifications must include, at a minimum, the name of the Authorized Organization Representative submitting the notification,

the name of the individual of concern, a description of the concerns, the action(s) taken, and any anticipated impact on the NIH-funded award(s). If it is determined that the concerns shared with NIH will impact the PD/PI or senior key personnel's ability to continue as the scientific lead of the project, NIH will require prior approval for a replacement PD/PI or senior key official. This disclosure requirement does not replace the existing requirements to obtain prior approval for any significant change in the status of the PD/PI or other Senior/Key Personnel specifically named in the notice of award.

Given our understanding of previous concerns regarding Dr. Marks' ability to assure a safe environment conducive to high-quality research, please address the following:

- Provide a timeline and other details concerning any restrictions on Dr. Marks' activities prior to his resignation and specify how these restrictions impacted his participation on NIH grant awards.
- Provide a copy of your institutional policies that address harassment and fostering a safe and healthy working environment.

Please provide a response within thirty (30) days of receipt of this communication.

Sincerely,

Michael S Lauer, M.D.
Deputy Director for Extramural Research
Office of Extramural Research
National Institutes of Health

Allegation received on November 1, 2023

Daniel Marks, M.D., Ph.D., has resigned from Oregon Health & Science University (OHSU) effective November 3, 2023. This resignation comes after the Office of Civil Rights Investigation and Compliance (OCIC) at OHSU concluded that on at least two occasions in July of 2022, he surreptitiously, and without consent, used the camera on his phone to photograph several students (most, if not all, of whom identify as women) during sessions of MD/PHD Journal Club. Dr. Marks was removed from his role with the Journal Club and interactions with the students during the pendency of the investigation. Ultimately, that investigation substantiated those factual allegations and concluded that Dr. Marks violated OHSU's Section 4.C of the Discrimination, Harassment, and Retaliation Policy (Sexual Harassment); Sections 1.1, 3.1, and 4.1 of the OHSU Code of Conduct; Section 14 of Policy 08-30-020 (Filming or Recording on Campus or of OHSU-Related Activities); and Section 2.D.6 of Policy 11-20-010 (Acceptable Use of Computing and Telecommunications Resources). Prior to charges of termination being issued, Dr. Marks submitted his resignation, effective November 3, 2023. In parallel, as detailed in several requests, OHSU is replacing the principal investigators on grants that Dr. Marks is presently PI on with other faculty. Specifically, we are requesting that Dr. Marks be replaced by Dr. Aaron Grossberg on R01CA264133, and by Dr. Teresa Zimmers on R01CA257452. The change of PI requests have been submitted. In addition, Dr. Marks is PI on a subaward from Oregon State University (prime), R01CA0234006. We are working with the prime to determine if a change of PI is appropriate or if the remaining work can transition to the prime.