

2024 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education

Argonne National Laboratory

New Hire Certification and Verification

Relevant Rubric Area(s):

1. Prevention: Embedding the Values of Diversity, Inclusion and Respect into Hiring
2. Response: Improved Policies

Description of Work:

As a member of the [NASEM Action Collaborative](#), Argonne National Laboratory (“Argonne”) is committed to adopting evidence-based policies and practices for addressing and preventing all forms of sexual harassment and promoting a culture and climate of civility and respect. The “Response Working Group” of the NASEM Action Collaborative has been actively engaged in reviewing the phenomenon known as “pass the harasser,” a term that denotes a known harasser transitioning from one institution to another without: (1) the new employer’s knowledge of previous violations of sexual harassment policy or ongoing investigations of such violations, and/or (2) facing disciplinary action.

As a mechanism to address this potential problem, in fall 2023 Argonne initiated a new policy and procedure requiring job candidates for positions at certain levels to certify that the following statements are true:

1. None of their prior employers suspended or terminated their employment for violation of any policies within the last seven years; and
2. None of their prior employers conducted an investigation that resulted in a finding that they violated any policies related to research misconduct or harassment; and
3. They did not leave any prior employment within the last seven years before the completion of an investigation in which they were accused of violating the employer’s policies.

As part of this certification, the job candidate is also required to sign a consent and waiver allowing Argonne to contact the candidate’s prior employers to verify the accuracy of the provided information and waiving any potential legal liability for Argonne and prior employers related to the sharing of any such information.

If a job candidate is unable to truthfully attest to the accuracy of the required certifications, Argonne provides the job candidate with the opportunity to provide a written narrative explaining the related circumstances to Argonne. Additionally, in cases when Argonne contacts any of the candidate’s prior employers and the prior employers release any derogatory information about the candidate, Argonne will inform the candidate and provide the candidate the opportunity to respond to that disclosure.

In cases where a candidate cannot truthfully sign the certification and provides a written explanation of the circumstances, or in cases where a former employer discloses derogatory information, the candidate

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is not automatically disqualified from consideration. In those cases, a cross-functional team comprising Argonne human resources, legal, and senior management will review the individualized relevant circumstances and make a fair and equitable decision with respect to the candidacy. However, a failure or refusal to complete the certification and/or make a written statement of the relevant circumstances would disqualify the candidate from further consideration.

As a matter of process, the certification and verification procedure is administered through Argonne's talent acquisition function in human resources. Talent acquisition professionals provide the certification document to candidates who are finalists and ask them to complete it. After the talent acquisition professionals receive the completed certification, they contact prior employers of the candidate to verify the accuracy of the provided information. If the candidate is unable to truthfully complete the certification or if a prior employer provides derogatory information, the talent acquisition professional notifies relevant representatives from the legal and management functions to perform a further review. All information collected as part of this process is maintained confidentially and shared only with those who have a need to know.

Argonne executed this project by first engaging with the human resources function, which is the function primarily responsible for implementing the procedure. From the start of discussions about the proposal, it was conceived and discussed as a way to incorporate best practices for the prevention of harassment as modeled by other members of the Action Collaborative. After obtaining buy-in and concurrence from human resources, the human resources and legal functions presented the proposal to the senior leadership team. In presenting the proposal to the senior leadership team, the link to the Action Collaborative was made explicit. Following discussion, the leadership team unanimously agreed to the proposal.

Next steps with regard to the certification and verification procedure are to continue to evaluate progress through Argonne's processes of continuous improvement and to evaluate expanding the requirement to a larger number of positions. Other follow-on work includes sharing the certification and verification procedure with other institutions (particularly United States Department of Energy Laboratories) as an inclusive best practice to prevent harassment.

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