

SCIENTIFIC WORKFORCE

Universities move to stop passing the harasser

Changes in hiring practices ask job candidates to allow employers to disclose findings

By Jeffrey Mervis

The #MeToo movement has shone a spotlight on an ugly tradition in higher education: allowing faculty members found guilty of bullying or sexual harassment to move to a new job without telling their new employer about their past conduct. The practice of “passing the harasser” is abetted by privacy and labor laws that limit how much a prospective employer can be told about a job applicant.

But major research universities are taking steps to penetrate that veil of silence. The Davis and San Diego campuses of the University of California (UC) system are conducting pilot programs that ask certain faculty candidates to waive some privacy protections, and earlier this month, the University of Illinois Board of Trustees adopted the recommendations of a faculty group to conduct a similar pilot.

Even as universities move to tackle the issue, however, a case in which the National Science Foundation (NSF) unwittingly hired an academic shortly before he was suspended for bullying highlights the lack of transparency in hiring practices. NSF didn't learn about the harasser's past until he had spent 18 months at the agency because the university ignored an NSF rule requiring immediate notification of any change in employment status. NSF also didn't take advantage of a new policy at the harasser's institution that would have given the agency access to its findings.

In July 2018, UC Davis officials started to ask finalists for tenured positions to waive privacy and allow their current employer—and sometimes previous employers—to share any past harassment findings. Such personnel records are typically kept confidential. Any candidate who doesn't agree to the waiver is considered to have an incomplete application and is excluded from further consideration.

The new policy is having its desired effect, says Philip Kass, UC Davis's vice provost for academic affairs. Every one of the

21 applicants investigated since the policy was implemented has come up clean, he says. His explanation is that those with a negative finding in their files don't apply, and he's not worried that such self-winning will limit the talent pool available to the university. “I'd rather err on the side of excluding someone with a history of harassment rather than allowing someone to sneak through,” Kass says.

Applicants with a harassment finding in their files aren't automatically rejected, Kass adds, because it's possible for a faculty member to learn from past mistakes. For similar reasons, he says, UC Davis only seeks records going back 8 to 10 years.

At UC San Diego (UCSD), a “false alarm” involving an allegation of past harassment by a new faculty member prompted it to

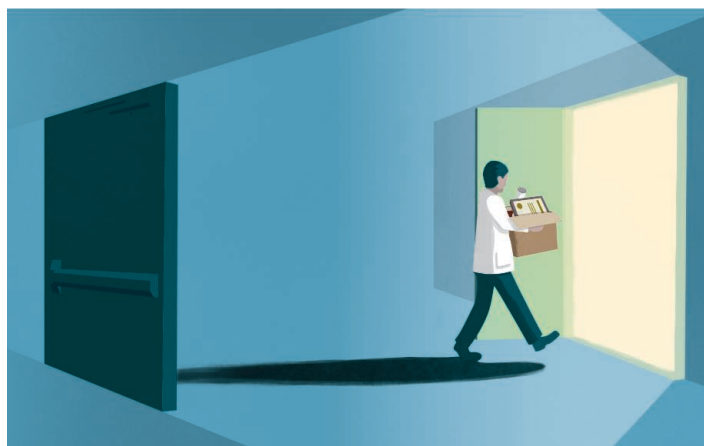
the University of Wisconsin (UW) in Madison concluded in May 2017 that engineering professor Akbar Sayeed had created a toxic environment in his laboratory through a barrage of epithets and intimidation tactics aimed at his students. The investigation was triggered by a query from the family of John Brady, a graduate student in Sayeed's lab who committed suicide in 2016 after enduring years of such abuse.

In November 2017, UW suspended Sayeed for 2 years without pay. The month before, Sayeed had started to work at NSF's headquarters in Alexandria, Virginia, as a temporary “rotator” overseeing grants in electrical, communications, and cyber-systems. Despite that suspension, NSF followed its normal practice of reimbursing the university for the rotator's salary.

Under NSF rules, UW should have immediately informed the agency of Sayeed's suspension, which would have disqualified him from serving as a rotator. (UW acknowledges it “failed to provide NSF with a timely update of his status.”) Instead, NSF didn't learn what had happened until April, after the university gave the details to a local newspaper reporter who requested public records on all UW investigations of alleged harassment. NSF promptly terminated Sayeed, and has since reminded universities of the reporting rule.

Jim Brady, John Brady's father, wonders why Sayeed was allowed to go to NSF. “Obviously, [UW] couldn't prevent him from finding work during his leave,” says Jim Brady, a Ph.D. chemist who works in industry. But, he says, “The timeline should make anyone queasy. ... Something is awry and needs a bit of attention.”

Ironically, last year the UW system adopted a first-in-the-nation policy requiring all of its institutions to share findings of harassment with any employer that asks. But it doesn't require the university to be proactive in passing along troubling information. And NSF never asked. Rotators undergo the same criminal background check given to any other federal job applicant, according to NSF, but are not asked about any findings of harassment. ■



launch a similar pilot this summer, says Robert Continetti, UCSD's senior associate vice chancellor for academic affairs. The policy applies only to tenured positions, Continetti says, because although it is relatively easy to oust an untenured professor found guilty of misdeeds, “it's a laborious process to remove someone with tenure.”

In Illinois, university trustees this month adopted a faculty report that recommends several steps for combatting sexual misconduct. One would reverse the university's current policy of not publicly sharing harassment findings, a practice that it says “can lead to poor hiring decisions.” The report also recommends that university officials stop signing nondisclosure agreements related to such incidents.

The NSF episode began after officials at

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