

## Misconduct and Personnel File Guidelines

### Misconduct Checks

UW System institutions must ensure that finalist references are asked whether the candidate has been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of any employee misconduct, sexual violence, or sexual harassment.

The misconduct check must be completed using the centralized, automated reference checking system. An institution may select not to utilize the automated reference checking in limited circumstances as determined by the institutional Human Resources department.

To satisfy the above requirement, UW personnel conducting a reference check outside of the automated reference checking software must ask the following questions about a final candidate:

- To your knowledge, was the candidate ever found to have engaged in any employee misconduct (violations of law, company or university rule or policy, including sexual violence or sexual harassment, or conduct that adversely affected the performance of their job responsibilities)?
- (current employer) To your knowledge, is the candidate currently under investigation for accusations of employee misconduct, sexual violence or sexual harassment?
- (previous employer) To your knowledge, did the candidate leave your employment prior to the completion of an investigation in which they were accused of employee misconduct, sexual violence or sexual harassment?

### Disclosure Requirements when serving as a Reference

A UW System institution contacted by a potential employer for a reference check regarding a current or former employee must notify the potential employer if they have knowledge of employee misconduct (including any violation of sexual violence or sexual harassment policies), even if the potential employer does not specifically ask. The reference must disclose whether the employee has ever been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of employee misconduct, sexual violence or sexual harassment.

To satisfy this requirement, a UW System institution must mandate the use of a disclaimer by the supervisor or designated individual responding to a reference check regarding a current or former employee. The disclaimer could be disclosed either at the beginning or the end of the reference check, as long as the potential employer has been notified of the option to obtain information regarding any misconduct.

A UW System institution may use the following sample disclaimer:

To my knowledge, this employee (has or has not) ever been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of any employee misconduct, sexual violence or sexual harassment.

For further information you may reach out to our human resources department, which can be contacted [by email] at [insert contact information].

When an institutional Human Resources department is contacted by the potential employer, the appropriate

UW System institution contact will review the current or former employee's personnel file and disclose to the potential employer if the employee has ever been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of any employee misconduct, sexual violence or sexual harassment.

### **Announcing a Vacancy**

All vacancy announcements (including advertisements) should contain the statement:

Employment will require a criminal background check, and if you have prior work history within the last 7 years with Universities of Wisconsin, a personnel file review check for employee misconduct. It will also require your references to answer questions regarding employee misconduct, sexual violence and sexual harassment.

### **Appointment Letters**

If a check cannot be completed before an offer is made, the appointment letter must state that the offer will be withdrawn, or the employment terminated if the individual's criminal background check or the reference check process results are unacceptable. The following statement must be used in the appointment letter:

This offer of employment is conditional pending the results of a criminal background check and a reference check process that includes questions regarding employee misconduct, sexual violence and sexual harassment. If you have prior work history within the past 7 years with Universities of Wisconsin, your personnel file will also be reviewed for employee misconduct. If the results are unacceptable, the offer will be withdrawn or, if you have started employment, your employment will be terminated.

### **Review of Personnel Files**

UW institutional Human Resources Office staff should review finalist candidate work history, prior to hire, to determine whether they have worked at another UW institution within the past 7 years. If there is a prior work history at another UW institution within the designated time frame, the personnel file must be reviewed prior to hire. Request of personnel files to another UW institution shall be made, and the results reviewed, by the Human Resources Office.

UW institutional Human Resources Office staff should take care in identifying their disclosure of the personnel file is to another authorized UW institutional Human Resources staff member.

In cases of a rehire, if the finalist worked at another UW institution during a break in service for the hiring institution, then the personnel file of the UW institution where the individual worked during the break in service must be checked, prior to hire.

### **Degree Confirmation**

One of the most common résumé deceptions is claiming to hold a degree that was never conferred or a license that was never issued. If a license or degree is important to the position, verify it's been conferred. Verification of degree confirmation through the Universities of Wisconsin criminal background check vendor is recommended. However, as an alternative, institutions may verify this information through alternative forms such as a photocopy of a transcript or degree certificate, or by a letter from the authorized university official that the degree requirements were met by the candidate.