

Year 1 Public Description of Work for
Action Collaborative on Preventing Sexual Harassment in Higher Education

University of Wisconsin System

Stop “Passing the Harasser” Policy Adoption

This Action Applies to Rubric Item(s):

1, 8, 9, 10, and 15

Description of Work:

The UW System Board of Regents passed resolution 11038, which required the adoption of new policies on documenting and disclosing sexual misconduct in the hiring process. This action was prompted after national headlines exposed two UW System employees were hired at other universities after having sexually harassed women. The UW System Board of Regents modified two policies: UPS Operational Policy HR 13: Personnel Files (HR 13) and UPS Operational Policy TC 1: Recruitment (TC1).

HR 13 provides guidance on the information that is required to be included in each employee’s personnel file, when it is required that personnel files must be shared with other state employers, and retention and disposition of personnel records. In relation to sexual harassment, HR 13 requires that an employee personnel file contain any relevant negotiated resolutions or settlements or reference to those records identify and describing the resolution or agreement and where the resolution or agreement can be found. In addition, HR 13 requires that the personnel file contains “notices of active investigation and administrative appeal.” HR 13 outlines that the notice serves as placeholder in the personnel file until the investigation or appeal is completed. Once the investigation or appeal is completed, then the notice will be removed. If the employee has been found to violate a policy, then documentation of the final determination and notice of finding must be included in the personnel file. HR 13 also requires that as part of the hiring process UW institutions must request the personnel file of any current or former UW System Institution, UW-Madison, or other state agency. Upon that request, the personnel file must be shared a complete copy of any current or former UW System institution employee upon hire. The benefits of HR 13 are that it standardizes content of personnel files, defines when and with whom personnel files will be shared, and ensures appropriate documentation of sexual violence and sexual harassment within personnel files.

TC1 provides guidance regarding UW System’s recruitment policies. In relation to stop “passing the harasser”, TC1 outlines that final candidates for positions must be asked whether they: were ever found to have engaged in any sexual violence or sexual harassment; and are currently under investigation or have ever left employment during an active investigation in

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which they were accused of sexual violence or harassment. Regarding reference checks, TC1 requires that when doing reference checks for final candidates those same two questions that are required to be asked of final candidates regarding sexual violence and sexual harassment are asked of their references. The benefits of TC1 is that it ensures consistent disclosure of violations of sexual violence and sexual harassment policies to hiring institutions and ensures that institutions ask about sexual violence and sexual harassment during the hiring process.

The purpose and goal of modifying these policies was to address the issue of “passing the harasser.” The modifications to the policies took approximately a year. In January 2018, the Milwaukee Journal Sentinel began a series of articles on UW System complaints of employee sexual misconduct. In March 2018, the Beitz story broke. In April 2018, the Wilson story broke. The UW System and UW System Board of Regents acted quickly and adopted Board of Regents Resolution 11038 in June of 2018. The modifications to the policies were implemented in January 2019.

These types of policies are new for the higher education space and in employment in general. Currently, there are only a few systems or institutions of higher education that have implemented similar policies. At this time, there is only one state, Washington, that has passed related legislation. The UW System identified the 2018 NASEM Report in their supporting materials for implementing this policy. The UW System policy modifications to stop “passing the harasser” are consistent with the findings and recommendations of the 2018 NASEM report in relation to hiring strategies, reinforcing community values, efforts to address and prevent sexual harassment, improvement of policies to address and prevent sexual harassment, and improved communication systemwide as well as increased transparency regarding issues of sexual violence and sexual harassment.

The next step is to develop and execute a plan to evaluate the effectiveness of the policies. There are several difficulties in this, especially since we cannot assess how many individuals on the job market do not apply due to the policies that we have in place.

Website for further information (if applicable):

<https://www.wisconsin.edu/compliance/rethinking-the-hiring-process/>

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