

**Year 2 Public Description of Work for
Action Collaborative on Preventing Sexual Harassment in Higher Education**

Los Angeles Community College District

**Initiative 2: Exploration of Reference Check Transparency Related to
Concluded or Ongoing Investigations Involving Employees**

Relevant Rubric Area(s):

Addressing Gender Harassment and Other Harmful Behaviors; Improved Communication and Increased Transparency

Description of Work:

The District will engage in efforts to explore the viability of establishing as a standard practice requiring new employees to sign a consent waiver that gives the District prospective permission, both internally and externally, to share with any institutions who may seek out reference information on them from LACCD for the purposes of evaluating an employee's potential as a job candidate, to disclose the results of any past investigations into complaints against them alleging discrimination or harassment, including sexual misconduct, or circumstances related to any resignation or other type of separation from employment while such a review was pending. This work is still considered novel in higher education at large and has been utilized successfully at other institutions, including perhaps most notably, the University of Wisconsin system, to address what is commonly referred to within the Action Collaborative as the "pass the harasser" problem.

The work in Year 2 on this initiative will be principally exploratory in nature, with the goal to design an appropriate, legally defensible mechanism that will provide the District with the flexibility needed to address problematic sex-based behavior that may persist at other institutions when the level of vetting that would ordinarily be required of a candidate for an interested employer to learn about investigation results and/or associated discipline is unavailable, or cannot otherwise reasonably occur through the traditional reference or background check process. The District aims to establish this transparency mechanism by end of June 2022, assuming it is determined to be a viable option to legally do so.

From August until approximately November 2021, the District, through its Offices of Diversity, Equity & Inclusion, Employee & Labor Relations, General Counsel will engage in research and inquiry of sister institutions who are employing these practices, with focus on determining what promising programs may already exist in the public community college sector, or at other public institutions in the state. A standard questionnaire or other inquiry toolkit will be created to allow the offices to obtain information systematically from the Human Resources departments at other institutions who have already adopted the practice.

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Once the District has evaluated existing programs, contingent on ensuring all concerns about legal enforceability have been wholly addressed, it will commence a small drafting workgroup to determine (1) language proposed for the consent waiver; and (2) the impact and/or need for notification of any planned waiver within the context of existing LACCD policies. Currently, impacted policies are expected, separate and apart from this initiative, to be reviewed and, as needed, revised as part of ongoing accreditation efforts. Therefore, review of the need and placement of language related to any such waiver, should take place by December 2021.

Once the impacted policies and procedures have been identified, the Division of Human Resources, in close consultation with legal counsel, will draft the waiver. The Human Resources Council, a District-level consultation body inclusive of administration from across the District's nine colleges and relevant subject matter experts at the District's headquarters will further review and, with the Office of Employee and Labor Relations, determine a schedule to confer with bargaining units on the plan. Any contemplated consent waivers will be prospective for new employees only. This process should conclude by April 2021.

Following sunshine efforts and consultation, the Division of Human Resources will work with the Office for Diversity, Equity and Inclusion on an implementation plan to include the consent waiver as a part of standard District onboarding for all new hires, aligning it with dissemination of mandatory training on the prevention of harassment and discrimination in LACCD educational programs and activities. Steps will be taken to ensure these new electronic records are secured and maintained in accordance with District recordkeeping policies.

Finally, the Division of Human Resources and the District's Personnel Commission will provide appropriate notice to prospective job candidates regarding the program beginning fiscal year 2023.

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