

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

The Ohio State University

Faculty Misconduct Reference Checks

Relevant Rubric Area(s):

Prevention: Strategies for hiring that take into account and gather information about harmful behavior by an applicant at prior institutions

Description of Work:

1. What are the purposes, goals, and strategies used for your work?

Based on work presented by the University of California, Davis and the University of Wisconsin at the November 2019 public meeting of the Action Collaborative, we set out to develop a system to prevent the hiring of faculty who have engaged in misconduct at previous institutions. Often referred to as not “passing the harasser,” we determined that we couldn’t necessarily prevent passing harassers on, but that we could take affirmative steps to prevent bringing them to Ohio State.

The purpose of this work was to develop a process whereby any faculty member being hired with tenure (Associate Professors and Professors) would undergo an additional reference check to determine if they had engaged in any misconduct at their previous institutions. The goal was to prevent the university from unknowingly hiring (and granting tenure to) faculty with records of misconduct.

A committee made up of the Vice Provost for Academic Policy and Faculty Resources, the Assistant Vice Provost most familiar with policy, Human Resources representatives from both the academic and medical campuses, and attorneys from the Office of Legal Affairs familiar with faculty matters and employment law, met to determine strategy. Members of the committee met with representatives from UC Davis and the University of Wisconsin to discuss their process. Both meetings provided significant information on how we could stand up a similar program at Ohio State.

Following those meetings, the committee revised language provided from UC Davis for an authorization form, which applicants will be expected to sign as part of the application process. If a candidate is not willing to complete an authorization, they will not be considered for a position. The authorization will allow us to contact current and past employers and to gather information on ANY misconduct (i.e., findings of misconduct, ongoing investigations into alleged misconduct, discipline as a result of misconduct). We will not seek information about alleged misconduct for which an investigation was conducted and no findings of misconduct were

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identified. We will only contact past and current employers for the finalist for a position. If there are any reports of misconduct, the Office of Academic Affairs will contact the dean of the college to determine if an offer will be made to the candidate.

In addition to the authorization, we have added language to ALL faculty offer letters. This language notes that the candidate agrees that they have disclosed all employment-related misconduct findings and pending disciplinary proceedings. It also indicates that if we discover that a candidate has failed to disclose information prior to beginning their position at OSU, that the offer can be revoked, or if we discover a failure to disclose after beginning their position, they may be subject to discipline, up to and including termination.

2. How is the work consistent with the findings and recommendations of the 2018 NASEM report and/or an area of the Rubric?

This work aligns with the area of Prevention, specifically with embedding the values of diversity, inclusion, and respect into recruitment, hiring, admissions, retention, promotion, and advancement. More specifically, this work relates to strategies for hiring that take into account and gather information about harmful behavior by an applicant at prior institutions.

3. What is the current status of the work?

The authorization to conduct a reference check for misconduct and the language to be added to ALL offer letters for any faculty position have been developed, finalized, and shared with Human Resources representatives. This additional reference check process has been shared with the deans of all colleges, associate deans for faculty affairs, and department chairs.

Although we began using Workday in January 2021, this piece of the application process is not yet embedded in the system. Until that work is completed, applications for tenured faculty positions will have to have an additional layer of administration to ensure applicants have the opportunity to sign the authorization. We expect to have the entire process managed within Workday by the end of the 2021–2022 academic year.

4. How is this work new for your organization and new or uncommon in higher education?

We started this work at OSU in mid-2020 and will continue to update and refine the process over the next couple of years. In a recent survey of other Big Ten Institutions, although many are discussing this type of work, it appears to still be rare that institutions of higher education are requesting information about previous misconduct from past institutions.

5. How you plan to evaluate the success, effectiveness, and/or impact of the work? (i.e. evaluation plans; results from evaluation research; or information on the impacts of the work)

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As this work is largely preventative in nature, it will be difficult for us to determine, for example, how many people do not apply for a particular position because they will have to provide authorization for the reference check. However, there are two pieces of information we do plan to collect. First, we will track the number of people we do not offer a position to because of a previous finding of misconduct. Based on information from UC Davis and the University of Wisconsin, we anticipate this number to be low. Second, we will track our efficacy in conducting these reference checks by cross-checking the number of reference checks conducted by the number of tenured faculty we hire. If these numbers do not match, we will know that we missed someone, and we will make adjustments to our process to ensure completeness.

6. How did you involve stakeholders in the plans and work?

Although a core group of people revised, and ultimately approved, the documentation provided by UC Davis to meet OSU's needs, we did have conversations with deans, associate deans for faculty affairs, and department chairs to discuss considerations that needed to be taken as we implemented this new process. The key concern raised was related to how efficiently we could conduct the reference check, as it will only be done for the finalists. Although we cannot control the time it may take for a current or former employer to respond to a request for information, we used the information about this concern to ensure timeliness in the rest of the process. After the first year of implementation, we will connect again with the deans, associate deans for faculty affairs, and department chairs to identify any additional challenges and build solutions to address them.

7. What do you envision to be the next steps for this work?

Although the deans, associate deans, and chairs are supportive of this additional reference check, we may consider how to better publicize this process. When we are able to use Workday for the entire process, we may want to link out to additional information on the rationale and process for these reference checks. Additionally, depending on workload, we may expand to other faculty (e.g., assistant professors on the tenure track, contracted faculty).

Website for further information (if applicable): [none at this time](#)

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