Working Collectively to Tackle the "Pass the Harasser" Problem

National Academies of Sciences, Engineering and Medicine Action Collaborative on Preventing Sexual Harassment in Higher Education

First Annual Public Summit - November 19, 2019

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Issues at UW System

The Milwaukee Journal Sentinel published an article examining the all of the complaints of employee sexual misconduct — either harassment and/or assault —formally investigated since 2014.

In 2018, it was reported that two UW System employees known to have sexually harassed women got jobs at other educational institutions.

"UW students accuse teachers of sexual harassment in more than half of all campus cases"

Milwaukee Journal Sentinel, January 29, 2018

UW Board of Regents Response

On June 7, 2018, the Board adopted Resolution 11038 on employee personnel files and reference checks, which required the development or modification of certain human resource policies for all UW institutions regarding:

i.   documenting sexual harassment allegations and investigations;

ii.   maintaining personnel files and conducting reference checks;

iii.   exchanging personnel files between all UW institutions and State of Wisconsin agencies.

Work Group

- A work group was created to research the identified issues and to draft policies to be presented at the August 2018 Board meeting.

- The work group included members from:

  - multiple UW System institutions
  - multiple subject areas (HR, Title IX, Administration, Legal)

Current State Assessment

- All UW System institutions

- All Big Ten institutions

- Other large systems: SUNY, Texas, California, California State

- Additional universities: Georgia, North Carolina, Virginia,

- Dept. of Administration (DPM)

- K12

Findings

- Most of the universities did not have policies which covered:

    1. Sharing/transferring of p-files between institutions
    2. Appropriately documenting sexual harassment allegations/investigations **within** personnel files
    3. Conducting reference checks regarding allegations/investigations of sexual harassment

- However, multiple universities were in the process of reviewing and/or updating their sexual harassment, personnel file, or reference check policies

Policy Content: Personnel File

- **What it does:**

  - Standardizes content of personnel files

  - Defines when and with whom personnel files are shared

  - Ensures appropriate documentation of sexual violence and sexual harassment in personnel files

- **What it <u>doesn't</u> do:**

  - Doesn't prejudice hiring decisions by providing access to personnel file before hire

  - Doesn't include investigative materials in personnel file

  - Doesn't change who has access to the personnel file

  - Doesn't include documentation of unsubstantiated allegations of sexual violence and sexual harassment

Policy Content: Reference Check

- **What it does:**

  - Ensures consistent **disclosure** of violations of sexual violence and sexual harassment policies **to hiring institutions**

  - Ensures institutions **ask** about sexual violence and sexual harassment **during the hiring process**

- **What it <u>doesn't</u> do:**

  - Not an automatic disqualifier
    - Any disclosures will be weighed as part of the evidence-based hiring process

  - Doesn't disclose or ask for unsubstantiated allegations of sexual violence or sexual harassment

  - Doesn't prevent or limit institutions from responding to reference checks

Work Group Recommendations

1. Electronic records for personnel files

2. Consistent documentation and procedures

3. Research and develop system for employee categories not covered by these policies (grad students, student hourlies, etc.)

4. Develop implementation guides and provide training to supervisors

5. Complete all investigations of sexual violence and sexual harassment

   a) Even if employee leaves during an active investigation

6. Consult policy stakeholders (including governance)

7. Regular assessment of policy and best practices during implementation

Online Comment Period (3 weeks)

Posted draft policies on System website and collected comments
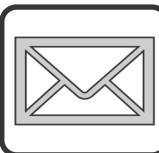
Accessible by anyone with a UW email
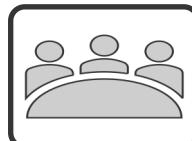
- Shared Governance
- Title IX Coordinators
- CBOs
- HR directors
- Chancellors and Provosts
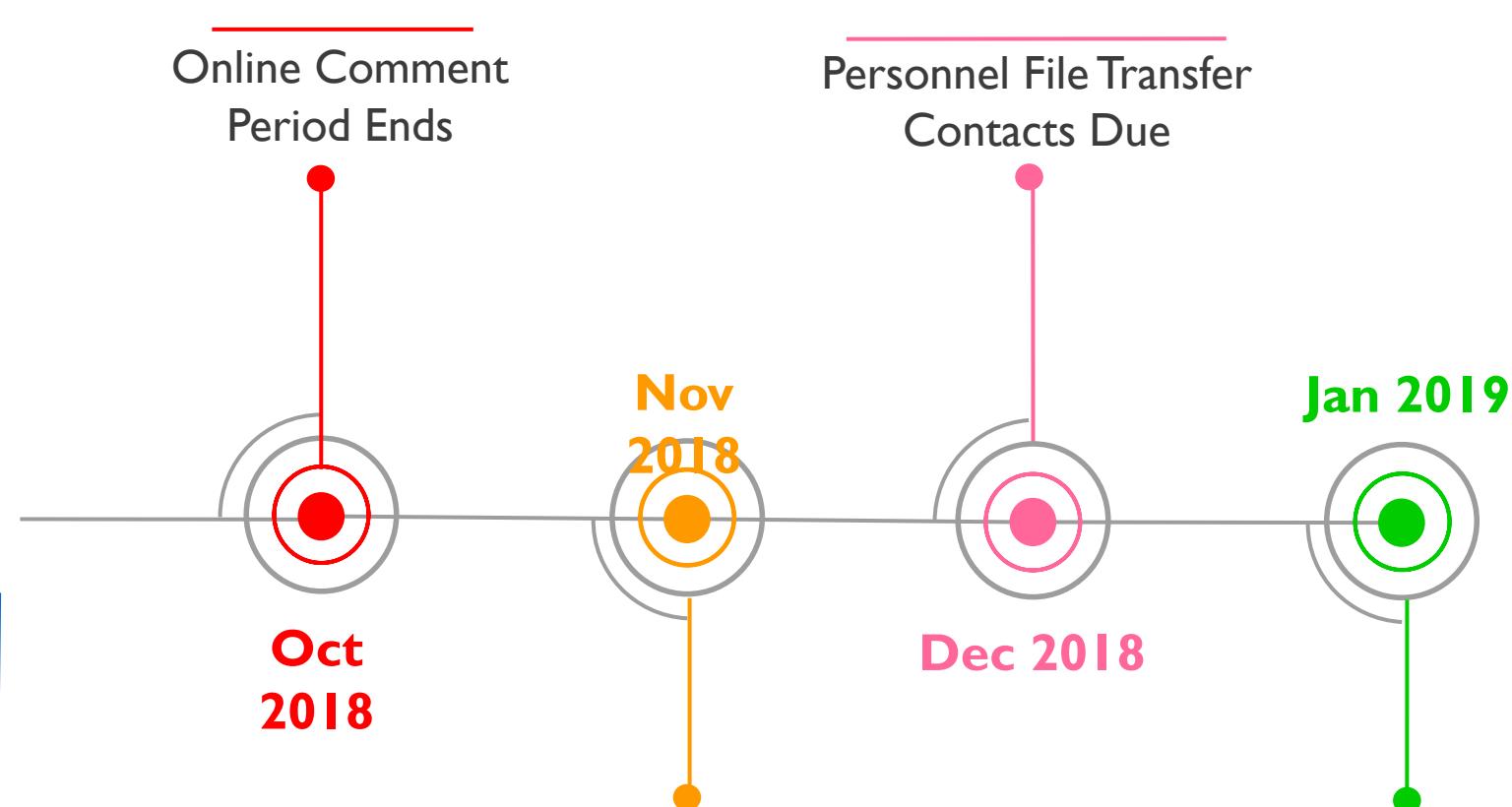
For More Information

UW System Personnel File and Reference Checks

https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/personnel-files/

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