# Academic Hires Misconduct Disclosure and Background Check Information and Q&A Sessions

January 14, 2024 1:15 P.M.- 2:00 P.M.

January 16, 2024 1:15 P.M.- 2:00 P.M.

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#### **AGENDA**

SB 791 and AB 810 Requirements for Academic Hires Academic Hires
Campus
Required
Process

Addtional Information

Roles and Responsibilities Chart

Q&A

Contact Information



### SB 791 and AB 810- Employer Requirements for Academic Hires Effective January 1, 2025

### **Employer Misconduct Disclosure and Background Check for Academic Hires Effective January 1, 2025**

In accordance with California SB 791 and AB 810, all colleges and schools must ensure the following disclosure is included to all new job postings effective 1/1/2025. Final- choice academic candidates including graduate students and academic volunteers must complete a misconduct disclosure questionnaire survey and sign an Authorization Form via Qualtrics Survey platform until a vendor is deployed. Once the academic candidate is cleared for hire, the hiring department will be notified to proceed with the hire.

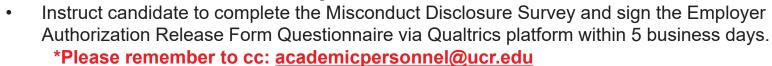
As a condition of employment, the finalist will be required to disclose if they are subject to any final administrative or judicial decisions within the last seven years determining that they committed any misconduct, are currently being investigated for misconduct, left a position during an investigation for alleged misconduct, or have filed an appeal with a previous employer.

- "Misconduct" means any violation of the policies or laws governing conduct at the applicant's previous place of employment, including, but not limited to, violations of policies or laws prohibiting sexual harassment, sexual assault, or other forms of harassment, discrimination, dishonesty, or unethical conduct, as defined by the employer.
- · UC Sexual Violence and Sexual Harassment Policy
- · UC Anti-Discrimination Policy for Employees, Students and Third Parties
- APM 035: Affirmative Action and Nondiscrimination in Employment



# Academic Hires Misconduct Disclosure and Background Check Required Campus Process Steps (1 of 3)

 Department and/Dean's Office will email final choice academic candidate employment offer letter with misconduct disclosure verbiage.



- Includes graduate student employees, volunteers, and contingent workers.
  - Graduate student employees are subject to the misconduct disclosure upon their employment at UCR. This would apply to new appointments for Spring or Fall Qtr of 2025.
  - Example: The Graduate student may have had an appointment in the Fall Quarter 2024, but no appointment in Winter 2025 and will have a new appointment for Spring Quarter 2025.
- 2. Once the candidate completes the survey, APO will automatically receive a notification from Qualtrics to coordinate review with the appropriate reviewing committee.
  - <u>Senate Faculty Finalist Candidate:</u> Senate Faculty candidate responses regardless of the responses, APO analyst will proceed with following up with previous employer to perform background check.
  - Non-Senate Academic Candidate Finalist: If all responses are "No" then the APO Analyst will follow up with hiring department or Dean's office to continue the recruitment and/or onboarding process. If any responses are "Yes," then the APO Analyst will proceed with following up with the previous employer to perform background check.





# Academic Hires Misconduct Disclosure and Background Check Required Campus Process Steps (2 of 3)

- 3. APO Analyst will use the Employer Authorization Release Form to obtain information from the previous employer within 5 business days.
  - Information received from previous employer will be shared with candidate to provide a response within 5 business days.
  - The appropriate reviewing committee will review as applicable the survey responses, employer's response and applicant's response for further evaluation.
  - After the review and assessment is complete, the reviewing committee will make final determination if the candidate is still eligible to hold the position.

Senate Faculty Finalist Candidate (1st Reviewing Committee)	Non-Senate Academic Finalist Candidate (2nd Reviewing Committee)
VPAR	VPAP
	AP Policy and Employee
Chief Compliance Officer	Relations Director
Assistant VPAP	Assistant VPAP



# Academic Hires Misconduct Disclosure and Background Check Required Campus Process Steps (3 of 3)

- 4. After the Reviewing Committee makes final determination, the APO Analyst will follow up with the hiring unit department/Dean's Office.
  - If decision is "Yes," then you may proceed with the employment offer letter and/or onboarding process.
  - If decision is "No," then please notify the candidate that they're not eligible.
     At this time the second-choice candidate may be considered and will need to complete the Misconduct Disclosure Questionnaire and Employer Authorization Release Form.



### Academic Hires Misconduct Disclosure and Background Check Additional Information

- Please refer to the <u>Misconduct and Background Check Guidelines For</u>
   <u>Academic Hires</u> and <u>FAQs</u> documents which provides complete details
   regarding this process.
- Academic Personnel Office website link to Misconduct and Background Check: <u>https://academicpersonnel.ucr.edu/recruitment-and-appointment#misconduct-and-background-chec</u>
- Forthcoming is information regarding the vendor process
  - Depts will be initiating the misconduct disclosure survey through the vendor's platform for the academic finalist to complete along with the Employer Authorization Release form.



### Academic Hires Misconduct Disclosure and Background Check Campus Roles/Responsibilities Chart

#### **Roles and Responsiblities**

#### ACADEMIC FINALIST

Completes
 Misconduct
 Disclosure and
 Authorization form

#### HIRING DEPT AND DEAN'S OFFICE

- Insert Misconduct
   Disclosure langauge
   to job posting
- Insert Misconduct
   Disclosure language
   to conditional
   employment offer
   letter/service
   agreement
- Initiates Misconduct and Authorization form.

#### APO

- Reviews
   Misconduct
   Questionnaire form responses
- Coordinates responses with appropriate Reviewing Committee
- Follows up with Previous Employer
- Communicates eligibility decision to hiring dept/Dean's office
- Securely stores all Misconduct Questionnaire responses and previous employer findings

#### REVIEWING COMMITTEE

- •Reviews Misconduct Questionnaire responses
- •Determines if finalist candidate is eligibile for hire
- Reviews previous employer findings
- Makes final decision of finalist candidate hire
- •May bring in Campus Counsel for further review

#### **VENDOR**

- Administers
   Misconduct
   Questionnaire and
   Authorization Form
   with Academic
   Finalist
- Collects responses and signed
   Authorization form
- Retains securely all completed Misconduct Questionnaire responses and signed Authorization Forms



#### **Please Ask Your Questions**



- In Zoom, please raise your hand if you have questions.
- If you prefer, you may use the Zoom Chat to insert your question(s).



#### Please reach out directly if you have questions

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