

# CONSIDERATION OF SEXUAL MISCONDUCT IN PRIOR EMPLOYMENT PROCEDURES

## UNIVERSITY OF ILLINOIS SPRINGFIELD

### **Purpose**

These procedures implement the [University of Illinois System Policy on Consideration of Sexual Misconduct in Prior Employment](#).

### **Applicability**

These Procedures outline implementation of the Policy for final candidates who have received a contingent offer of employment for a Faculty, Post-Doctoral Research Associates, Academic Professional, and Civil Service position at the University of Illinois Springfield (University). Extra Help positions are excluded from the Policy and these Procedures.

### **Contingent Offer of Employment**

Offers of employment made by a hiring unit shall include a statement that the offer is contingent on the University's evaluation of any documented findings of sexual misconduct or sexual harassment in prior employment.

### **Final Candidates Responsibility**

After a contingent offer of employment is made by the hiring unit and accepted by the final candidate, the final candidate will be asked to complete an Authorization and Release for Employment Records Form and respond to disclosure questions within five business days.

A final candidate who has received a contingent offer of employment must disclose any documented findings of sexual misconduct or sexual harassment in prior employment and authorize inquiries to current and former employers regarding a finding of sexual misconduct or sexual harassment.

A candidate's failure to complete the Authorization and Release for Employment Records, or failure to respond to an inquiry about Findings of Sexual Harassment or Sexual Misconduct, any dishonesty in response to inquiries about Sexual Harassment or Sexual Misconduct, or failure to consent to the release of Findings of Sexual Misconduct or Sexual Harassment will be grounds for removal of a candidate from further consideration, withdrawal of any offer of employment already extended to a candidate, or, if discovered after a candidate has begun employment with the University, discipline up to and including termination of employment, subject to disciplinary rules and procedures applicable to the employee.

### **Review Process**

All final candidate responses shall be reviewed by the Office of Human Resources.

The Office of Human Resources shall also check the data repository housed by the University of Illinois System for prior documentation of sexual misconduct in current or prior employment within the System.

### Tenured Faculty

Checks for prior sexual misconduct must be conducted with all previous post terminal degree higher education institutions and other professional employers in which the faculty member has worked.

If the candidate self-discloses prior sexual misconduct, the University must also contact the employer(s) involved in the self-disclosure if different from those already contacted.

### Tenure-Track Faculty, Non-Tenure Faculty, Academic Professional, Civil Service

If the candidate self-discloses prior sexual misconduct, the University must contact the employer(s) involved in the self-disclosure.

If adequate information is obtained to make a hiring decision, other employers may not need to be contacted.

If not enough information is obtained to make a hiring decision, other professional employers may need to be contacted.

Even if the candidate reports that there has never been a finding against them, Human Resources may contact appropriate current and former employer(s) for verification.

### **Good Faith Effort**

If the contacted current or former employer declines to respond or does not do within 10 business days, human resources will document their good faith efforts. However, in the event a final candidate reports there has been a finding against them and the contacted employer(s) decline to provide a copy of the findings or do not otherwise respond adequately, Human Resources will request that the candidate obtain and provide a copy of the finding or relevant documentation. If the candidate is unable to do so despite documented, good faith efforts, Human Resources may investigate the findings, as deemed appropriate. The results of this investigation may result in removal from consideration or withdrawal of a contingent offer of employment.

### **Consideration of Findings**

In the event a finding or documentation related to a finding has been obtained, the candidate shall be provided a copy of the information obtained and be given five business days to provide an explanation for consideration prior to the University making a final decision on employment.

Senior Director of Human Resources or her designee will evaluate the findings or documentation related to a finding and any additional explanation or information provided by the final candidate and make a recommendation to the Division Head on whether it is in the best interest of the University to withdraw a candidate from consideration or withdraw an offer of employment at any state of the application process. Relevant factors to be considered in this recommendation include but are not limited to:

- The nature and severity of the conduct at issue;
- When and under what circumstances the conduct occurred;

- Whether the conduct involved an abuse of power or authority, such as involvement of subordinate employees or students;
- The nature of the position for which the candidate is being considered;
- The candidate's subsequent conduct and work history;
- Evidence of rehabilitation

If the University concludes that it is in the best interest of the University to withdraw a candidate for consideration or withdraw an offer of employment, the candidate will be notified by email.

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