



Personnel File and Reference Check Policy

Presented by:
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General Counsel

Background

- Emergent state and national issue
 - #metoo movement
 - [2017 WI Act 130 “Pass the Trash” \(K12\)](#)
 - [California AB 2770](#)
- Safety and welfare issue
 - [National Academy of Science, Engineering, & Medicine Report](#)

Work Group

A work group was created to research the issues identified in Board Resolution 11038 and draft policies to address those issues.

Group included:

- **UW-Eau Claire**
 - **Teresa O'Halloran**, Affirmative Action Director and Title IX Coordinator
- **UW-Madison**
 - **Megan Dzyuba**, Senior HR Specialist
 - **Lauren Hasselbacher**, Title IX Coordinator
- **UW-Milwaukee**
 - **Karen Massetti-Moran**, Associate Director, Human Resources
- **UW-Oshkosh**
 - **Kate McQuillan**, Chief of Staff
- **UW System Administration**
 - **Quinn Williams**, General Counsel
 - **Wade Harrison**, System Legal Counsel
 - **Andrew Preboski**, Program Assistant
 - **Neal Schlavensky**, Law Clerk
 - **Rich Thal**, Employment Relations Specialist

Policy Research

- Performed current state assessment of p-file and reference check policies at 37 different institutions including:
 - 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, p-file, or reference check policies
- Several universities expressed interest in reviewing our research and receiving a copy of the final policies we enact

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 doesn't 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

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 doesn't 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

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

Timeline

- **Review phase:**
 - August-November 2018
- **Implementation:**
 - January 2019

