

**Year 3 Public Description of Work for  
Action Collaborative on Preventing Sexual Harassment in Higher Education**

**Purdue University**

**Operating Procedures for Misconduct Screenings**

**Relevant Rubric Area(s):**

- DEI in Hiring, Promotion, Advancement, and Admissions

**Description of Work:**

Over the past year, we have worked to create a set of Operating Procedures for Misconduct Screenings (“Procedures”) (effective August 1, 2022), which will supplement the policy on Background Checks. These Procedures support the University's efforts to minimize institutional risk and assist hiring authorities in making sound hiring decisions. All job postings will indicate that disclosure regarding Findings of Misconduct will be required for external applicants and will be considered in the selection of the successful candidate. Hiring units will consult with Human Resources prior to posting an open position to determine whether Employees who apply for the position also will be required to disclose Findings of Misconduct. If they are, the posting will indicate that the requirement applies to both internal and external applicants. All offers of employment to new hires to the University will be made contingent upon the results of a Misconduct Screening. Offers to an Employee will be contingent if the posting required Employees to disclose Findings of Misconduct. There are certain narrow exclusions from the Misconduct Screenings, outlined in the Procedures.

Operating Procedures for Misconduct Screenings

These procedures supplement the policy on [Background Checks \(VI.F.6\)](#). Refer to the policy for contact information and applicable definitions.

Effective Date: August 1, 2022

**INTRODUCTION**

Purdue University strives to provide the safest possible environment for its students, faculty, staff and visitors; to preserve university resources; and to uphold the reputation and integrity of the University. In order to support these goals, the University will consider whether a candidate for employment with the University has been found to have engaged in Discrimination or Harassment in the course of prior employment.

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**RESPONSIBILITIES**

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### Candidates

- Complete, sign, and submit the Disclosure and Authorization to Release Information form.
- Provide complete and accurate information relating to Findings of Misconduct in current and prior employment and during attendance at postsecondary education institutions.
- Satisfy any requirements current and previous employers and postsecondary education institutions may have for release of relevant information or documentation related to Findings of Misconduct.

### Human Resources

- Administer and manage these procedures.
- Communicate and provide necessary training regarding these procedures to all individuals responsible for compliance and implementation.

### EXCLUSIONS

The following groups are not required to undergo Misconduct Screenings in connection with these procedures:

- Individuals employed by outside staffing agencies
- Individuals appointed to positions not on university payroll, as defined in Classes of Purdue University Appointments for Personnel Not on the University Payroll (Executive Memorandum No. C-12), as amended or superseded

Notwithstanding the foregoing, these procedures do not prohibit departments from working with Human Resources to conduct Misconduct Screenings on current Employees in connection with specific job functions, including without limitation, those with direct responsibility for the care, safety and security of people (e.g., childcare workers, physicians, student affairs staff, residence and dining hall staff, coaches, transit drivers, etc.). Failure by an Employee to participate fully or provide accurate information in a Misconduct Screening may result in disciplinary action, up to and including termination of employment. In the event a Misconduct Screening results in an adverse finding, Human Resources will consult with the Senior Leader to determine whether the Employee will be allowed to remain with the University, and if so, under what conditions.

### DEFINITIONS

All defined terms are capitalized throughout the document. Refer to the central [Policy Glossary](#) for additional defined terms.

**Candidate:** See definition in [policy VI.F.6](#).

**Discrimination:** The process of illegally differentiating between people on the basis of group membership rather than individual merit. Discrimination may result when a person is subjected to unequal treatment on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression.

**Employee:** See definition in [policy VI.F.6](#).

**Finding/Finding of Misconduct:** A documented conclusion that an individual engaged in Misconduct, resulting from an official investigation, formal review, or adjudicative process and not subsequently reversed through a formal review process.

**Harassment:** Conduct towards another person or identifiable group of persons that is so severe, pervasive or

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objectively offensive that it has the purpose or effect of:

1. Creating an intimidating or hostile educational environment, work environment or environment for participation in a program or activity;
2. Unreasonably interfering with a person's educational environment, work environment or environment for participation in a program or activity; or
3. Unreasonably affecting a person's educational or work opportunities or participation in a program or activity.

Use of the term Harassment includes all forms of harassment, including sexual harassment, and harassment on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, marital status, parental status, sexual orientation, gender identity and expression, disability, or status as a veteran.

**Misconduct:** Conduct in violation of a law or any policy of a Candidate's current or prior employer or a postsecondary educational institution attended by the Candidate. Policies include but are not limited to those addressing Discrimination, Harassment, sexual violence, workplace violence, academic or research misconduct, or financial misconduct.

**Misconduct Screening:** A verification that a Candidate has not had a Finding of Misconduct by a current or prior employer or by a postsecondary educational institution where the Candidate attended. The appropriate method of conducting a Misconduct Screening is described in the next Section of these procedures.

**Senior Leader:** See definition in [policy VI.F.6](#).

### **DISCLOSURE, VERIFICATION AND CONSIDERATION**

Successful Candidates must complete and sign a Disclosure and Authorization to Release Information form prior to or upon accepting a contingent offer of employment (except for Employees who are a Candidate for a position that does not require disclosure by Employees). Candidates are further required to provide any additional information requested by Purdue to complete a Misconduct Screening and to sign any authorization required by a current or prior employer or postsecondary educational institution to allow them to respond to Purdue's request for information. Failure to do so or failure to provide accurate information at any point in the process will result in withdrawal of any contingent offer of employment made and removal of the Candidate from further consideration for the position.

Upon receipt of a signed Disclosure and Authorization to Release Information form, Human Resources will begin the Misconduct Screening process.

1. If the Candidate reports no Findings against them, Human Resources will contact appropriate current and former employers and postsecondary educational institutions for verification. If the contacted employer or institution declines to respond or does not do so in a timely manner, Human Resources will document its good faith efforts.
2. If the Candidate reports a Finding against them, Human Resources will contact appropriate current and former employers and postsecondary educational institutions to verify the information and to obtain a copy of the reported Finding. If the contacted employer or institution declines to provide the requested documentation or does not otherwise respond adequately, Human Resources will request that the Candidate obtain and provide a copy of the relevant documentation. If the Candidate is unable to do so despite documented good faith efforts, Human Resources may investigate the Finding, as deemed appropriate.

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3. Upon verifying a Finding of Misconduct or upon conclusion of Human Resources' investigation of a reported Finding, the Candidate will be permitted an opportunity to provide a written explanation for consideration prior to a final decision. Human Resources, in consultation with the Senior Leader and legal counsel, will evaluate the Finding, review the Candidate's explanation, and determine whether it is in the best interest of the University to allow the Candidate to continue to be considered or to withdraw any offer of employment made and remove the Candidate from further consideration for the position. Relevant factors to be considered 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; and
- Evidence of rehabilitation.

### RELATED DOCUMENTS, FORMS AND TOOLS

Disclosure and Authorization to Release Information form

### HISTORY AND UPDATES TO THESE PROCEDURES

June 1, 2022: Procedures established and effective in support of the University's policies on Background Checks (VI.F.6), Equal Opportunity, Equal Access and Affirmative Action (III.C.2), Anti-Harassment (III.C.1), and Title IX Harassment (III.C.4).

**Website for further information (if applicable):** The Operating Procedures for Misconduct Screenings (effective 8/1/22) will supplement the policy on Background Checks (VI.F.6), which can be found here: <https://www.purdue.edu/policies/human-resources/vif6.html>

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