

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

University of Tennessee, Knoxville

Applicant Sexual Misconduct Attestation (SMA) Protocol

Relevant Rubric Area(s):

DEI In Hiring, Promotion, Advancement, and Admissions, Improved Policies, Transparency and Communication

Description of Work:

The UTK Action Collaborative identified and supported the implementation of a certification process that ensures applicants for hire (1) are not the current subject of an ongoing investigation of sexual misconduct, (2) were not previously found in violation of sexual misconduct-related policies, (3) did not resign while under investigation for sexual misconduct, and/or (4) did not resign (independently or through agreement) in lieu of a finding that they were in violation of sexual misconduct-related policies.

Overarching Goals

- To communicate University community expectations to all applicants
- To provide a procedure for evaluating applicant history with regard to sexual misconduct
- To establish a structure that ensures:
 - 1) applicants have an obligation to notify the University of any previous violation(s) of a sexual harassment policy, any current or ongoing investigation of alleged violations and/or any resignation (including by agreement) in lieu of a finding of responsibility for alleged violations; and
 - 2) the University can review any previous violation of a sexual harassment policy, any current or ongoing investigation of alleged violations, and/or any resignation (including by agreement) in lieu of a finding of responsibility for alleged violations; and,
 - 3) the University facilitates a dedicated reference check.

The Sexual Misconduct Attestation (SMA) Protocol has been developed over the last two years and will be implemented on November 1, 2022.

The process will be evaluated by the following:

- (1) Documentation of number of types of process engagements;
- (2) Brief random survey to applicants after 1 year of launch; and
- (3) Monitoring affirmative responses and process execution annually.

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The Sexual Misconduct Attestation (SMA) Protocol entails a four-step process:

Step One

All applicants receive relevant initial screening questions as part of their online application (Taleo (staff/executive search), Interfolio (faculty), and supplemental paper form for other hires). In addition to the questions, all applicants are asked to sign a release of records from prior employers. If the release is not signed or if questions are left unanswered, the application is considered incomplete.

Sexual Misconduct Questions

The following questions address investigations and findings related to sexual misconduct including sexual harassment, sexual assault, dating/domestic violence, and stalking during your current or previous employment. If you answer “yes” to one of the following questions and are considered as a finalist for a position, the University may seek further information.

An answer of “yes” does not preemptively disqualify you from consideration.

- *Are you currently being criminally investigated for alleged violation of any sexual misconduct related policy (sexual harassment, sexual assault, dating/domestic violence, or stalking)?*
- *Are you currently being investigated for alleged violation of any sexual misconduct (related policy (sexual harassment, sexual assault, dating/domestic violence, or stalking)?*
- *Have you ever been found to have violated any sexual misconduct related policy (sexual harassment, sexual assault, dating/domestic violence, or stalking)?*
- *Have you ever resigned any position while under investigation (or as a result of an investigation) for alleged violation of any sexual misconduct related policy (sexual harassment, sexual assault, dating/domestic violence, or stalking)?*

Sexual Misconduct Attestation and Authorization to Release Information

I hereby attest that my responses to the questions above are true, complete, and accurate to the best of my knowledge. I understand that failure to provide complete and accurate information in response to the above questions may result in disqualification from employment, withdrawal of any offer of employment, and constitutes “adequate cause” for termination of employment.

By submitting my application for employment, I attest that I provided a complete and accurate list of my former and current employers to the University of Tennessee, and I authorize all current and former employers to disclose information to the University of Tennessee, if any, regarding sexual misconduct, and to make available all documents and information relating to any sexual misconduct, including sexual harassment, allegedly committed by me. I agree to execute any additional forms required by my current or former

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employer to release such information to the University of Tennessee. By my signature, I hereby release all current and former employers, and employees acting on behalf of those employers, from any and all claims or liability arising from the disclosure of the information described in this paragraph.

I further authorize the University of Tennessee to contact my current or former employer(s) to verify the information I have disclosed.

Electronic Signature (Type your name to acknowledge/ Type the date to acknowledge)

Step Two

Standard search process takes place: search committee charged, candidate pools established, and interviews take place. Finalist is identified for hire.

Step Three

The hiring manager notifies Human Resources (exempt staff/ executive search) or the Provost Office (faculty).

- Human Resources (exempt staff/ administrative positions) - Hiring manager notifies Human Resources when reference checks are taking place. Human Resources launches background, reviews answers in Taleo, and facilitates previous employer contact. Final offer letter will include a contingency reference to the SMC and background check.
- Provost Office (faculty)- Once the Request for Faculty Appointment (RFA) is submitted to the Provost Office, the Provost office launches background, reviews answers in Interfolio, and facilitates previous employer contact. Final offer letter will include a contingency reference to the SMC and background check.

Step Four

If there is an affirmative response in the application and/ or from the previous employer, the reviewing office will refer the finalist applicant materials to the SMC committee. The committee may also request additional information from the applicant and any other available resource (e.g., public records). The committee will review the totality of the available information and provide a recommendation to the relevant decisionmaker for employment (e.g., Department Head).

- If the most recent previous employer is not responsive to the SMC request, the finalist will be asked to assist the University in making conduct.

The standing SMC Committee is comprised of the following members:

Title IX Coordinator
Director of the Office of Equity & Diversity

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Vice Provost for Faculty Affairs
Associate Vice Chancellor for Human Resources
Office of the General Counsel (advisory)

SMC related documents for individuals hired and not hired will be retained.

Website for further information (if applicable): n/a

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