

# **2024 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education**

## **Michigan State University**

### **“Preventing Pass the Harasser”: Professional Misconduct Hiring Review**

#### **Relevant Rubric Area(s):**

1. Prevention: Embedding the Values of Diversity, Inclusion, and Respect into Recruitment, Hiring, Admissions, Retention, Promotion, and Advancement.
2. Response: Improved Communication and Increased Transparency
3. Response: Addressing Gender Harassment and Other Harmful Behaviors

#### **Description of Work**

##### **Purpose and Goals:**

Michigan State University continues to cultivate a respectful and safe working and educational environment. To continue to improve the working and educational environment at MSU, the President and the Provost charged a Preventing Pass the Harasser Policy Workgroup (PPTH Workgroup) with the following:

##### **Charge:**

To foster culture change and continue the broad-based systemic improvements to create a safe and respectful working and learning environment, the Interim President and Interim Provost charge the workgroup to apply best practices to screen potential employees for previous misconduct in the hiring process and reference checks to recommend a new policy and implementation process to continue improving the working and educational environment of MSU.

This charge is in alignment with the Relationship Violence and Sexual Misconduct (RVSM) Strategic Plan and the Staff and Faculty Success objectives of the MSU Strategic Plan. MSU is a founding member of the National Academies of Science, Engineering, and Medicine Action Collaborative on Preventing Sexual Harassment in Higher Education. MSU is committed to continuous improvement of policies, practices, and expectations for consistent accountability for our current and future employees.

##### **Commitment:**

The University leadership has a fidelity to the highest standards of employee behavior, the enablement of a culture and climate that is respectful of all individuals and takes personal responsibility for behavior and the associated climate that it creates. We must strive to create

transformative policies and practices that ensure that our campus is a sanctuary of learning, growth and inclusivity for everyone.

## Process

### Who:

The University gathered a cross-campus collaboration of stakeholders to review the current hiring practices including the criminal background check for [faculty and academic staff and executive managers](#) and [support staff](#) policies and the [misconduct disclosure requirements](#). The workgroup was chaired by Stephanie Anthony, Presidential Advisor, and Melissa Sortman, Assistant Provost, and included stakeholders from the following offices: Office of the President; Office of the Provost; Academic Governance; Associated Students of Michigan State University; Athletics; Coalition of Labor Organization; Council of Deans; Council of Diversity Deans; Council of Faculty Affairs Deans; Council of Graduate Students; Council of Research Deans; Faculty Excellence Advocates; Human Resources; Office of Employee Relations; Office of Civil Rights; Office of General Counsel; Office of Health Sciences; Student Life and Engagement; and University Committee on Faculty Affairs.

### When:

The PPTH Workgroup met November 2023-April 2024 on the following planned timeline:

December	Review and institutional approaches across the country
January	Assess our current hiring practices
February	Discussion of decision-making points
March	Review of DRAFT policy and waiver release
March	Recommendation process and implementation timeline
April	Stakeholder meetings for input and feedback
May	Final recommendations to leadership
Beyond	Implementation and training for campus

The workgroup met to discuss current hiring practices on criminal background checks and misconduct review in tandem with the publication of the National Academy of Sciences, Engineering and Medicine Action Collaborative on Preventing Sexual Harassment in Higher Education’ research [report](#) and issue paper, [Exploring Policies to Prevent “Passing the Harasser in Higher Education”](#). The workgroup met November 15, 2023, December 6, 2023, February 21, 2024, March 6, 2024 and April 4, 2024.

The PPTH completed the recommendations in April, 2024. The recommendation and draft policies went to the larger stakeholders’ representative groups to review, including:

- Academic Governance
- Academic Specialist Advisory Committee
- Associated Students of Michigan State University (ASMSU)
- Athletics Human Resources and Leadership
- Coalition of Labor (including GEU)
- Council of Diversity Deans
- Council of Faculty Affairs Deans
- Council of Graduate Students (COGs)
- Council of Research Deans
- Faculty Excellence Advocates
- Council of Graduate Studies Assistant and Associate Deans (GAAD)
- Graduate School
- Human Resources
- Infrastructure and Plant Facilities
- Institutional Diversity and Inclusion
- Office of Employee Relations
- President's Council/Deans
- Residence Education and Housing Services
- Relationship Violence and Sexual Misconduct (RVSM) President Advisors
- Relationship Violence and Sexual Misconduct (RVSM) RVSM Workgroup
- Student Life and Engagement
- Title IX Coordinator/Office of Civil Rights
- Council of Deans
- Major Administrative Unit HR Representatives

**Preventing Pass the Harasser Policy Workgroup (PPTH Workgroup) recommendation:**

In an effort to create a safe, supportive work environment in alignment with the [MSU 2030 Strategic Plan](#) and [Relationship Violence and Sexual Misconduct Strategic Plan](#), the Preventing Pass the Harasser Policy Workgroup (PPTH Workgroup) recommends that the University institute a policy and process to review candidates for professional misconduct, including sexual harassment and sexual misconduct, prior to finalizing the hiring process.<sup>1</sup> This policy and

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<sup>1</sup> Professional misconduct includes misconduct related to a person's employment, including, but not limited to, theft, embezzlement, research integrity, discrimination or harassment under civil rights laws and policies, including protected identity harassment, sexual harassment, sexual misconduct (sexual assault, rape, sexual exploitation, dating violence, domestic violence, stalking, etc.), and retaliation.

process will continue our efforts at broad-based systemic improvements to create a safe and respectful working and learning environment.

The PPTH Workgroup recommends a change in the existing hiring processes to include notice of the University's commitment to a safe and respectful working and learning environment in job postings and offer letters. The process also would include the following: professional misconduct questions that are answered by candidates prior to moving to a finalist stage of candidacy; an authorization signed by the candidate for current and former employers to disclose information regarding professional misconduct occurring within the last seven years; and a release of liability by the candidate in favor of the University and current and former employers related to furnishing and inspection of information. There would be an adjudicative process implemented to review this information as well as any additional information provided by the candidate related to the circumstances surrounding the professional misconduct.

The PPTH Workgroup recommends that all employees<sup>2</sup> be screened for professional misconduct. Because of the current differences in hiring policies and practices among faculty, academic staff, executive managers, and support staff, the workgroup recognizes a potential need for differing policies, phased-in approaches for implementation among the various employee groups, and formation of a sub-committee for support staff policy development. Currently, faculty, academic staff, and executive managers must disclose certain misconduct via "[Attachment A](#)"; therefore, a review of potential misconduct is already part of the hiring process. Accordingly, this group of employees may be best suited for the first phase of implementation of the proposed revised professional misconduct review process.

### **New Work**

This work is new for our organization and will expand the screening for professional misconduct for faculty and academic staff along with executive management. The Criminal Background Check Policy will include professional misconduct and will be implemented along with an enhanced hiring process.

### **Current Status of Work**

The University is working with Central Human Resources on an implementation plan. Central HR is reviewing vendors and the current systems for the most effective process for implementation.

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<sup>2</sup> All regular full and part-time employees including faculty, academic staff, executive managers, and support staff.

Due to the differing support staff hiring practices and policies, there will be a phased-in approach. Additional sub-committee work will be done to address the issues specific to support staff hiring.

### **Evaluation**

The Office of Faculty and Academic Staff Affairs will work with the Office of General Counsel and the Office of Institutional Diversity and Inclusion and central Human Resources to create an annual review of the process and policy to assess impact on the pool of applicants and any potential for disparate treatment. The evaluation will be formalized and shared with the Chief Human Resource Officer (CHRO) and Vice Provost of Faculty and Academic Staff Affairs.

**Website for further information (if applicable):** <https://ofasd.msu.edu/creating-and-sustaining-a-respectful-work-environment-series-resources-from-past-sessions/>

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