



Sexual Harassment/Sexual Violence Reference Check Policy FAQ

When did the sexual harassment/sexual violence (SH/SV) reference check requirement become effective?	January 1, 2019
What is the SH/SV reference check requirement?	<p>Final candidate(s) and their reference(s) must be asked questions regarding SH/SV prior to employment.</p> <p>Final candidates must be asked the following:</p> <ul style="list-style-type: none">• In any previous employment, have you ever been found to have engaged in any sexual violence or sexual harassment?• Are you currently under investigation for allegations of sexual violence or sexual harassment against you?• Have you ever left employment during an active investigation into allegations of sexual violence or sexual harassment that were made against you? <p>References must be asked the following:</p> <ul style="list-style-type: none">• Was the candidate ever found to have engaged in any sexual violence or sexual harassment?• (current employer) Is the candidate currently under investigation for allegations of sexual violence or sexual harassment that were made against the candidate?• (previous employer) Did the candidate leave employment during an active investigation into allegations of sexual violence or sexual harassment that were made against the candidate?
Why does UW-Madison have the SH/SV requirement now?	Following a June 2018 UW-Board of Regents (BoR) Resolution, UW-System institutions were required to update their policies to include the SH/SV reference check requirements. UW-Madison's Recruitment, Assessment and Selection (RAS) policy reflects the required SH/SV reference check requirement and additional updates.
What employment categories are covered by this policy?	Faculty (FA), Academic Staff (AS), Limited (LI), University Staff ongoing (CP) and fixed-term (CJ).
Are unpaid/zero-dollar appointments subject to the SH/SV requirement?	Yes, as long as the appointment is in one of the covered employment categories (FAASLI, CP, CJ).





Are current UW-Madison employees taking a new job on campus subject to this requirement?	Final candidate(s) hired into a position in the employment categories covered by this policy (FAASLI, CP, CJ) must be asked the mandatory SH/SV questions. If the final candidate is currently in a position covered by this policy, their most recent Division HR must be contacted as a mandatory reference. This is also true of UW-Madison employees who take a concurrent job on campus.
Who is responsible for ensuring final candidate(s) and their reference(s) are asked the SH/SV questions?	Division HR is responsible for ensuring the SH/SV questions are asked.
When are final candidate(s) asked the required SH/SV questions?	Final candidate(s) must be asked the required SH/SV questions prior to receiving a written offer of employment.
How are final candidate(s) asked the required SH/SV questions?	It is recommended that final candidate(s) are asked the SH/SV questions via the automated process in JEMS PVL or JEMS Hire. Division HR may ask the required SH/SV questions an alternate way (phone, email) as long as the responses are documented.
Who are mandatory references that must be asked the SH/SV questions?	<p>Mandatory references include:</p> <ul style="list-style-type: none">• Current OR most recent employer AND• All former UW-Madison, UW System institution and Wisconsin state agency employer(s) from the past seven years. <p>Final candidate(s) will typically have <u>ONE</u> mandatory reference. The only time there should be multiple references is if the final candidate has worked at multiple UW System Institutions or Wisconsin State agencies within the past seven years.</p>





Current Employment Status	Position Hired Into	Final candidate SH/SV check required?	Current OR most recent employer SH/SV check required?	Will there be multiple SH/SV references?
FAASLI, CP, CJ, private employer	FAASLI, CP, CJ	Yes	Yes	Only if final candidate has worked at multiple UW System Institutions or WI state agencies in the past seven years in a position covered by this policy
Self-employment	FAASLI, CP, CJ	Yes	No -unless final candidate has other outside employment within the past seven years	Only if final candidate has worked at multiple UW System Institutions or WI state agencies in the past seven years in a position covered by this policy
FAASLI, CP, CJ, private employer, TE, Student Hourly, Post-degree Training, Self-employment	TE, Student Hourly, Graduate Assistant, Post-degree Training	No	No	NA
TE, Student Hourly, Graduate Assistant, Post-degree Training	FAASLI, CP, CJ	Yes	No -unless final candidate also has a current position with a private employer	Only if final candidate has worked at multiple UW System Institutions or WI state agencies in the past seven years in a position covered by this policy
If the final candidate is a current UW-Madison employee, who do I contact on campus as a reference to ask the SH/SV questions?		For the purpose of this policy, UW-Madison is considered one employer. For internal movements within UW-Madison, it is best practice to contact the most recent Division HR.		
Who do I contact as a reference if the final candidate worked in multiple departments at another UW System institution?		For the purpose of this policy, a UW System institution is considered one employer. For example, employment with various departments at UW-Stout only requires one inquiry to UW-Stout.		





Should I ask the supervisor or human resources the required SH/SV questions?	It is recommended that the SH/SV questions are asked of Human Resources.
What if a final candidate's entire work history is all self-employment? Who is considered a mandatory reference?	In these situations of self-employment, there are no mandatory references to ask the required SH/SV questions. Please make a note of the self-employment history in the 'Comments' tab of the automated process to document why no references were asked the SH/SV questions.
When are reference(s) asked the required SH/SV questions?	References should be asked the SH/SV questions prior to a written offer of employment. However, the current employer can be asked the SH/SV questions after a written offer of employment but prior to the start date.
What if reference(s) cannot be asked the SH/SV questions prior to a written offer of employment?	<p>If reference(s) are not asked the SH/SV questions prior to a written offer of employment, it is important that the conditional language is included in the offer letter. The conditional language is in the template letters on the Recruitment Toolkit and states:</p> <p>"This offer of employment is conditional pending the results of a criminal background check and the reference check process that includes questions regarding sexual violence and sexual harassment. If the results are unacceptable, the offer will be withdrawn or, if you have started employment, your employment will be terminated."</p>
How are reference(s) asked the required SH/SV questions?	It is recommended that reference(s) are asked the SH/SV questions via the automated process in JEMS PVL or JEMS Hire. Division HR may ask the required SH/SV questions an alternate way (phone, email) as long as the responses are documented.
I don't know who to contact at UW-Madison or another UW System institution. Where can I find this information?	<p>This information can now be found a couple of places:</p> <ol style="list-style-type: none">1) Contact information can be found via the SH/SV Contacts lookup via the automated process in JEMS.2) Contact list uploaded to BOX (HR Reps > P-File and SH/SV Reference Check Information > SH/SV Contact List)3) Contact UW-Madison's Office of Human Resources at accesscenter@ohr.wisc.edu for assistance. Please note, the Access Center will not respond to SH/SV questions or contact other institutions on your behalf.





What if a reference does not respond to the SH/SV request?	UW-Madison cannot force references to respond to the SH/SV inquiry, however, it is our responsibility to ask the questions.
What if there is an affirmative response to any of the questions by either the final candidate or their references?	An affirmative response to any question is not an automatic disqualifier from consideration for employment. Contact UW-Madison's Office of Human Resources, Workforce Relations team before proceeding with an offer of employment.
How will the privacy of a victim of sexual harassment be protected when information about the harasser is disclosed by a reference?	Victim or complainant information in matter of or having to do with sexual harassment and/or sexual violence will not be disclosed.
Who is responsible for answering SH/SV questions as a reference for a current or former UW-Madison employee?	These questions should be directed to Division HR contacts.
What information should be shared when I'm contacted to answer the SH/SV questions?	Affirmative responses are required when UW-Madison's Title IX office has determined there is a violation of the campus SH/SV policy. If there are questions regarding the information that should be shared, please contact UW-Madison's Office of Human Resources, Workforce Relations team before responding.
What if I'm contacted to provide a reference for a current or former employee but am not asked about SH/SV?	UW-Madison must notify the potential employer, even if they do not ask, of the appropriate contact for any questions regarding employee misconduct (including any violation of sexual harassment or sexual violence policies). The following template language is recommended: "I am required by UW-Madison policy to let you know that if you have any questions related to any employee misconduct, including any violation(s) of the campus sexual violence or sexual harassment policy, you must direct those inquiries to (list Division/Department HR contact information). Otherwise, UW-Madison's Office of Human Resources can be contacted by email at accesscenter@ohr.wisc.edu to provide Division HR contact information. Please be advised, this required disclaimer does not mean that this candidate has been found to have engaged in misconduct, rather, I cannot answer any such questions if you have them."
I have questions about the SH/SV reference check policy that are not addressed here, in the step-by-step help document or automated process FAQs. Who can I contact?	Please contact your Division HR Office. For questions that cannot be answered by your Division HR, please contact Rachel Simonson at rachel.simonson@wisc.edu or (608) 262-5331.