

Pilot Program Description:
Institutional Reference Checks for Appointments Conferring Tenure or Security of Employment

The University of California is committed to creating and maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in a safe and secure environment, free of violence, harassment, discrimination, exploitation, or intimidation. To support this commitment, UC San Diego will commence a two-year pilot program effective July 1, 2019 to conduct Institutional Reference Checks (IRCs) on the final candidate in a given search for academic appointments conferring tenure or security of employment. At the end of the first pilot year, the Executive Vice Chancellor (EVC) will convene a Senate-Administration workgroup to examine the results of the pilot and consider converting the program into policy.

The current faculty hiring process already solicits information regarding candidates' academic and (if applicable) clinical qualifications through outside letters. The IRC pilot program is distinct from that solicitation.

The pilot program will enable UC San Diego to gather information about candidates' conduct in their previous appointments that may be important to UC San Diego appointment decisions. Specifically, the purpose of the IRC is to ascertain whether a candidate has engaged in any substantiated misconduct at their previous institution. For the purpose of this pilot, "substantiated misconduct" is defined as:

1. Formal findings by the Title IX office (based on a completed investigation and written report) of violations of the institution's Sexual Violence/Sexual Harassment Policy (SVSH) or Consensual Relationship policy;
2. Formal findings by the Research Integrity Office (based on a completed investigation and written report) of violations of the institution's policy on research integrity or misconduct (or equivalent);
3. Other formal findings (based on a completed investigation and written report) of violations of institutional policy related to clinical activity or violations of the Faculty Code of Conduct (or equivalent).

Institutional reference checks do not include criminal background checks.

The pilot program will follow these steps for all recruitments for academic appointments conferring tenure or security of employment at UC San Diego:

1. The campus shall include a statement in the job ad posting for all academic positions conferring tenure or security of employment, providing notice to applicants that UC San Diego will conduct institutional reference checks on the final candidate in a given search prior to hiring.
2. Applicants for academic appointments conferring tenure or security of employment will be required to upload a signed “Authorization to Release Information” form into UC Recruit. If the candidate does not include the signed authorization form in UC Recruit, the application will be incomplete, and, as with any incomplete application, will not receive further consideration.
3. Once a department has selected the first-choice candidate, the department chair will notify the candidate of the selection and shall inform the candidate that the IRC will be initiated. The candidate will communicate whether they wish to proceed, or may choose to withdraw their application, in which case no further action will be taken. If the candidate wishes to proceed, the department chair will submit the AP Recruit search report with the candidate identified as the selected applicant.
4. Academic Personnel Services (APS) shall contact the academic personnel office (or equivalent) at the candidate’s current institution and/or one or more of the previous institutions that employed the candidate. This may occur concurrently with department negotiations with the candidate or after initial appointment terms have been determined. When the institutional reference check is initiated, APS will provide the signed release form to the previous institution(s) and ask for information regarding any substantiated misconduct related to teaching, research, service, and (if applicable) clinical care. APS will not contact the candidate’s current or previous academic department unless there is no other office of record for faculty misconduct at the institution and only after notifying the department chair.
5. APS may ask follow-up questions (of the same office(s) originally contacted) relevant to information received. APS will limit its inquiry to substantiated findings of misconduct (see definition above) and associated discipline related to teaching, research, service and (if applicable) clinical care. In accordance with the signed authorization to release form, UC San Diego is entitled to request and receive this information, even if previously classified as confidential, including any materials that have been sealed or agreed to be withheld pursuant to a prior agreement or court proceeding.
6. Academic Personnel will assemble an individualized IRC dossier of all information received, including the nature and duration of the conduct, the length of time passed since the conduct occurred, and any corrective action taken. APS will share the information with the candidate and allow the candidate the opportunity to respond to the material. Alternatively, the candidate may choose to withdraw their application, in which case no further action will be taken. The full IRC dossier, including any explanation/s offered by the candidate will be forwarded to the Sr. Associate Vice Chancellor for Academic Affairs (Sr. AVC-AA). The Sr. AVC-

AA will consult with the EVC, divisional dean, and department chair to determine whether the candidate is still eligible for consideration for the position.

7. If it is determined that the candidate is still eligible, the department will proceed to assemble an appointment file for consideration by campus reviewers, including CAP. The IRC dossier information will not be added to the appointment file or shared with campus reviewers.
8. If it is determined that the candidate is not eligible, the department chair will notify the candidate and a second-choice candidate may be considered, subject to the IRC process.
9. This pilot program applies to final candidates selected for appointment, regardless of current or prior UC appointments. This program includes candidates for any appointment conferring tenure or security of employment, whether the candidate is being considered for appointment following an open recruitment or as the result of a search waiver.
10. In order to protect a candidate's privacy, all information received in connection with the IRC process will be treated as confidential and retained in accordance with UC policy. Should the candidate be offered and accept the position, any information received shall be securely maintained and held in the campus Academic Personnel Office.

IRC Statement in Recruitment Postings

The campus shall include the following statement in postings of Senate ladder rank faculty positions with tenure or lecturer/senior lecturer with security of employment providing notice to applicants that UC San Diego will conduct institutional reference checks on final candidates prior to hiring.

The University of California is committed to creating and maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in a safe and secure environment, free of violence, harassment, discrimination, exploitation, or intimidation. With this commitment, UC San Diego requires all candidates of ladder rank faculty tenured or security of employment searches to complete, sign, and upload the form entitled "Authorization to Release Information" into RECRUIT as part of their application. If the candidate does not include the signed authorization with the application materials, the application will be considered incomplete, and as with any incomplete application, will not receive further consideration. Although all applicants for faculty recruitments must complete the entire application, only finalists considered for positions with tenure or security of employment will be subject to institutional reference checks.

AUTHORIZATION TO RELEASE INFORMATION FORM

As an applicant for the position of _____ with the **University of California, San Diego** (the University), I am required to furnish information for use in determining my qualifications. For this purpose, I authorize the release of information (described below) requested by the University concerning any misconduct related to teaching, research and service (and clinical care if applicable). I understand the University will not request information authorized by this release unless I am a finalist for an academic appointment with tenure or security of employment.

If I have been found to have violated my current or previous institution's policies governing faculty conduct, including policies prohibiting sexual harassment, sexual assault, and/or other forms of harassment or discrimination, this signed form allows my current or prior institution to share that information.

The University considers sexual misconduct and other forms of harassment or discrimination¹ with students or trainees to be related to teaching; with staff or colleagues to be related to service; and (if applicable) with patients to be related to clinical care. This authorization includes release of information of a confidential or privileged nature, or any data or materials which have been sealed or agreed to be withheld pursuant to any prior agreement or court proceeding involving disciplinary matters. Should an institution provide information on a finding of misconduct, I will be informed and allowed to provide information in response.

I hereby release, discharge, and exonerate the University, its agents and representatives and any person furnishing information to the University, from any and all liability of every nature and kind arising out of the furnishing and inspection of such documents, records and other information. This release shall be binding on my legal representatives and successors.

This authorization is valid for 365 days from the date of signature. A photocopy of this release is to be considered as valid as an original.

Print Name

Signature

Date

¹ Sexual Misconduct includes conduct prohibited by the [University of California Sexual Violence and Sexual Harassment Policy](#) including sexual assault, domestic violence, dating violence, stalking and sexual harassment. In addition, the [UC Faculty Code of Conduct](#) prohibits entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory). The UC Faculty Code of Conduct also prohibits exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship. The UC Faculty Code of Conduct outlines in further detail the types of conduct unacceptable of its faculty and other academic appointees.