

Year 1 Public Description of Work for
Action Collaborative on Preventing Sexual Harassment in Higher Education

Vanderbilt University

**Screening Faculty Job Candidates for a History of Discrimination or
Harassment through Self-Reporting**

This Action Applies to Rubric Item(s): 1 - Embedding the Values of Diversity, Inclusion, and Respect into Hiring, Promotion, Advancement, and Admissions

Description of Work:

Vanderbilt University, like many universities, conducts background checks on all new faculty hires. While an important part of the hiring process, background checks have well-known limitations, including a lack of information about previous employer investigations or disciplinary actions unless they also result in an independent criminal inquiry. While universities do call former deans, department chairs, and/or colleagues to conduct reference checks, those individuals typically do not disclose the fact of such investigation or disciplinary action because of legal constraints or a lack of awareness of the investigation/discipline. Thus, reference-based system of screening faculty applicants may not uncover that a candidate had a history of discrimination or harassment even when supplemented by background checks.

In contrast to a relatively *ad hoc* approach to screening faculty applicants, universities commonly screen student applicants for the same type of misconduct through self-reporting requirements. At Vanderbilt, for example, all undergraduate and professional student applicants must report past findings of misconduct and disciplinary actions. If students fail to do so and we later learn the facts, the university can take appropriate disciplinary action for providing false or incomplete information on their applications.

At the direction of the Vanderbilt University Provost, the Office of Faculty Affairs developed clear and direct language to use in the faculty hiring process. In spring 2019, the Office of Faculty Affairs collaborated with academic deans, the Office of the General Counsel, the Equal Opportunity and Access Office, and the Title IX Office to craft language that requires self-reporting and explains the purpose for the requirement. Beginning with faculty hired for academic year 2019-2020, all faculty offer and appointment letters include the following language:

Vanderbilt is committed to an open, inclusive, and ethical work environment in which faculty, staff, and students treat one another with respect. By signing this offer letter, you are confirming that you have not been the subject of an investigation or action based on alleged workplace misconduct. If you have been or are currently the subject of an investigation or any administrative action based on an allegation of workplace misconduct, you must disclose that fact to either the dean of the college or school considering your appointment or the Provost of Vanderbilt prior to acceptance of this offer. Formal execution of the offer and a faculty appointment will not be completed until Vanderbilt can assess the information and make a determination of its effect.

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And, at the end of the offer letter above where the candidate signs, we include the following term:

I acknowledge that all representations and disclosures made during the application and interview processes are complete and accurate to the best of my knowledge and belief.

We also alert prospective candidates at the application phase that they will be required to disclose this information. The online application (Interfolio) includes the following language in the section that grants us permission to inquire about their backgrounds.

I understand that as part of the application and interview process that I will be expected to disclose whether I have ever been the subject of an investigation or administration action based on workplace misconduct including, but not limited to, sexual misconduct; discrimination or harassment based on race, sex, disability, or national origin; or research misconduct.

We appreciate that this requirement of self-disclosure is not alone sufficient to completely remove the pass-the-harasser risk because not every harasser will have been subject to investigation or administrative/disciplinary action. But it is an important part of a solution to that problem. Moreover, the language sends a strong signal to prospective hires that we prioritize mutual respect and ethical behavior.

Website for further information (if applicable):

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