

## Overview

This document provides campus guidelines to administer the misconduct disclosure and background check requirements per SB 791 and AB 810 **for all academic hires or recruitments effective January 01, 2025**. The purpose of the misconduct disclosure and background check is to ascertain the applicant has engaged in any substantiated misconduct at their previous institution. The background check does not include criminal background checks. These guidelines are in addition to current recruitment processes the colleges or schools may have established and yet provide more restrictive background clearance checks. The misconduct and background checks requirements per SB 791 and AB 810 below must be followed by all colleges and schools.

## Policy Requirement/Definition/Links

All applicants applying for an open recruitment or proposed hire will be advised that as a condition of employment, they will be required to disclose if they are subject to any final administrative or judicial decisions within the last seven years determining that they committed any type of misconduct, or are currently being investigated for misconduct, or left a position during an investigation for alleged misconduct, or have filed an appeal concerning employee misconduct with a previous employer.

1. **Definition:** “Misconduct” means any violation of the policies or laws governing conduct at the applicant’s previous place of employment, including, but not limited to, violations of policies or laws prohibiting sexual harassment, sexual assault, or other forms of harassment, discrimination, dishonesty, or unethical conduct, as defined by the employer.
2. **UC Policy Reference Links:**
  - *UC Sexual Violence and Sexual Harassment Policy*
  - *UC Anti-Discrimination Policy for Employees, Students and Third Parties*
  - *APM - 035: Affirmative Action and Nondiscrimination in Employment*
3. **California Law Bills Links:**
  - *SB-791 Postsecondary education: academic and administrative employees: disclosure of sexual harassment*
  - *AB-810 Postsecondary education: hiring practices: academic, athletic, and administrative positions*

## Process Guide Requirements

1. **Initial Notification for Academic Personnel Applicants**
  - a. Tenure-track/tenure faculty (Professor series) and potential security of employment/security of employment faculty (Professor of Teaching series): Immediately effective January 1, 2025 all applicants applying in UC Recruit for Senate faculty positions will be notified as a condition of employment, they will be required to disclose prior misconduct.
    - i. UC locations are required to insert the following statement, definitions, and links in UC Recruit:

*As a condition of employment, the finalist will be required to disclose if they are subject to any final administrative or judicial decisions within the last seven years determining that they committed any misconduct, are currently being investigated for misconduct, left a position during an investigation for alleged misconduct, or have filed an appeal with a previous employer.*

- *“Misconduct” means any violation of the policies or laws governing conduct at the applicant’s previous place of employment, including, but not limited to, violations of policies or laws prohibiting sexual harassment, sexual assault, or other forms of harassment, discrimination, dishonesty, or unethical conduct, as defined by the employer.*
- [UC Sexual Violence and Sexual Harassment Policy](#)
- [UC Anti-Discrimination Policy for Employees, Students and Third Parties](#)
- [APM - 035: Affirmative Action and Nondiscrimination in Employment](#)

- b. Graduate Student Employees (ASEs, Graduate Student Researchers and Postdocs): Proposed employment by the hiring department will advise the following:

*Offers of employment are dependent on completing a misconduct disclosure and potential background check.*

- This language will also be posted in the Graduate Division site for advertising employment opportunity.
- This language may be inserted in the employment letter and separate from a graduate student support funding award letter.

- c. All other Academic hire (e.g., Unit 18 lecturers, including With Out Salary, Volunteers and Contingent Workers): Applicants applying in UC Recruit for these positions will be notified as a condition of employment, they will be required to disclose prior misconduct. If the position is not a recruitment in UC Recruit, the hiring department will advise the following to the applicant:

*Offers of employment are dependent on completing a misconduct disclosure and potential background check.*

- This language may be posted to the departmental or organization site.
- This language may be inserted in the application form.
- This language may be inserted in the employment or service agreement letter.

2. **Notification in Conditional Employment Offer/Proposed Hire**

- a. When the decision of the first-choice Senate faculty candidate has been made by the hiring department, they will insert the following language to the candidate through a start-up offer letter and prior to their final appointment letter.

*This offer is contingent upon you clearing an Employment Misconduct Disclosure review where you will be required to disclose any final administrative or judicial decisions within the last seven years determining that you committed any misconduct and provide information related to investigations and appeals.*

- b. All other non-senate academic hires (including Graduate Student Employees), for which an offer will be extended will ensure the following language is in their offer letter or service agreement letter.

*This offer is contingent upon you clearing an Employment Misconduct Disclosure review where you will be required to disclose any final administrative or judicial decisions within the last seven years determining that you committed any misconduct and provide information related to investigations and appeals.*

3. **Misconduct Disclosure Questionnaire and Employer Authorization Release Form**

This section describes the steps for when the hiring department initiates the Misconduct Disclosure Questionnaire and Employer Authorization Release Form concurrently while the start-up or employment offer letter is being processed.

**Please Note:** To protect the candidate’s privacy, all information received through Truescreen will be treated as confidential and retained in accordance with UC policy. Should the candidate be offered and accept a position, any information received will be securely maintained and held in Truescreen and campus Academic Personnel Office (APO).

**Truescreen-Internal Steps**

- a. Hiring department may request Truescreen access by sending an email to: [academicpersonnel@ucr.edu](mailto:academicpersonnel@ucr.edu)
- b. The hiring department or Dean’s Office will initiate a request through Truescreen. Please ensure the appropriate request, package and billing is selected.
  - i. *Request Client:*
    - Academic or Staff with the ORG Number (e.g., Academic-ORG-School of Education).
    - Ensure you select the Academic Request Client for an academic candidate. Please don’t use the Staff option for those who have access to both.
  - ii. *Report Level* (a.k.a. Package):
    - Staff & Academic Misconduct Disclosure (SB791 Compliant)-**all academic final candidates** except Senate Faculty candidates.
    - Senate Faculty & Athletic Coach, Volunteer Misconduct Disclosure

(AB810 Compliant)-**only Senate Faculty**

- iii. Org #-Department: For billing purposes please select the appropriate department.
- c. The final candidate will complete the Misconduct Disclosure Questionnaire **within 5 business days** as they are prompted through an email notification from Truescreen.
- d. The final candidate will receive daily email reminders (up to 3 days) until they complete the Misconduct Disclosure Questionnaire Form.
- e. The candidate may choose to withdraw from the recruitment process, in which case no further action will be taken.
- f. Truescreen will send an email notification to the hiring department or Dean’s Office when the final candidate completes the Misconduct Disclosure Questionnaire and is pending Truescreen review.
- g. The hiring department or Dean’s Office may check the Truescreen dashboard for candidate’s progress and status of completing the Misconduct Disclosure Questionnaire.
- h. Truescreen will send an email notification to the hiring department or Dean’s Office when the Misconduct Disclosure Questionnaire responses have been reviewed by Truescreen and/or the Employer Background check has been completed. See below Truescreen Status Reference.

| Process Description  | Email sent to Requestor                          | Status Field | Pass/Review Field |
|--|--|--------------|-------------------|
| AB791 or AB810 Compliant-Candidate Completed<br>Misconduct Disclosure-Pending<br>Truescreen Review                                     | Yes  | In Process   | Pending           |
| AB791 or AB810 Compliant-Candidate Completed<br>Misconduct Disclosure- <b>Pending Employer Background Check to be completed by APO</b> | No<br><i>(APO will receive escalation email)</i> | In Process   | Review            |
| AB791 or AB810 Compliant-Candidate Completed<br>Misconduct Disclosure and is cleared for hire  | Yes  | Complete     | Pass              |
| AB791 or AB810 Compliant-Candidate Completed<br>Misconduct Disclosure and is <b>not</b> cleared for hire                               | Yes  | Complete     | Fail              |

4. **Review Disclosure Questionnaire Responses**

- a. Senate Faculty finalist candidate responses:
  - i. Regardless of the Misconduct Disclosure Questionnaire responses, APO Analyst will proceed with following up with the previous employer to perform background check.
  - ii. The APO Analyst will then proceed with the background check of misconduct and findings section (see #5. Background check of Misconduct and Findings)
- b. Non-Senate Academic Finalist Candidate responses:
  - i. If all Misconduct Questionnaire responses are “No” then the APO Analyst will update the candidate’s record in Truescreen from “In Process” and “Review” to

“Complete” and “Pass.” An email notification from Truescreen will be sent to the hiring department or Dean’s office to continue the recruitment and/or onboarding process.

- ii. If any Misconduct Questionnaire response is “Yes,” then the APO Analyst will proceed with following up with the previous employer to perform background check.
- iii. The APO Analyst will then proceed with background check of misconduct and findings section (see #5. Background check of Misconduct and Findings)

#### **5. Background Check of Misconduct and Findings**

- a. The APO Analyst shall use the finalist’s completed Employer Authorization Release Form to obtain information from the previous employer related to the misconduct disclosed. The initial request to the previous employer will be emailed with the request to have the information provided to the APO Analyst within 5 business days. Thereafter, the APO Analyst will continuously follow up with previous employer until a response is provided or 10 days have elapsed with no response. Once a response is received by the APO Analyst the following will steps will occur.
  - i. For Senate Faculty finalist, if information received from the previous employer indicate no substantiated misconduct findings, then the APO Analyst will update the candidate’s record in Truescreen from “In Process” and “Review” to “Complete” and “Pass.” An email notification from Truescreen will be sent to the hiring department or Dean’s office to continue the recruitment and/or onboarding process.
  - ii. If the Information received from the previous employer indicates substantiated misconduct findings, it will be shared with the applicant who will be given an opportunity to provide a response within 5 business days.
  - iii. The appropriate reviewing committee will review, as applicable, the misconduct disclosure questionnaire responses, employer’s response, the applicant’s response and consider additional factors (but not limited to) for further evaluation.
    - The nature and severity of the misconduct at issue, including if would it have violated UC policy had it occurred in the UC community.
    - When and under what circumstances the misconduct occurred;
    - Whether the misconduct involved an abuse of power or authority, such as involvement of subordinate employees, students, or minors;
    - The nature of the position for which the candidate is being considered;
    - The candidate’s subsequent conduct and work history; and,

- Evidence of rehabilitation.
- iv. After the review and assessment, the reviewing committee will make final determination if the candidate is still eligible to hold the position.
- If decision is “Yes,” then the APO Analyst will update the candidate’s record in Truescreen from “In Process” and “Review” to “Complete” and “Pass.” An email notification from Truescreen will be sent to the hiring department or Dean’s office to continue the recruitment and/or onboarding process.
  - If decision is “No,” then the APO Analyst will update the candidate’s record in Truescreen from “In Process” and “Review” to “Complete” and “Fail”. An email notification from Truescreen will be sent to the hiring department or Dean’s office to continue the recruitment and/or onboarding process.
    - At this time the second-choice candidate may be considered and will need to complete the Misconduct Disclosure Questionnaire and Authorization Form (see #3 Misconduct Disclosure Questionnaire and Authorization Form).
- b. Reviewing committee as shown below.

| Senate Faculty Finalist Candidate<br>(1st Reviewing Committee) | Non-Senate Academic Finalist Candidate<br>(2nd Reviewing Committee) |
|--|---|
| VPAR   | VPAP  |
| Chief Compliance Officer                                       | AP Policy and Employee<br>Relations Director                        |
| Assistant VPAP   | Assistant VPAP  |

### Roles and Responsibilities

| ACADEMIC FINALIST   | HIRING DEPT AND DEAN'S OFFICE   | APO   | REVIEWING COMMITTEE   | VENDOR  |
|---|---|---|---|---|
| <ul style="list-style-type: none"> <li>• Completes Misconduct Disclosure and Authorization form via Truescreen</li> </ul> | <ul style="list-style-type: none"> <li>• Insert Misconduct Disclosure language to job posting</li> <li>• Insert Misconduct Disclosure language to conditional employment offer letter/service agreement</li> <li>• Initiates Misconduct and Employer Authorization Release Form.</li> </ul> | <ul style="list-style-type: none"> <li>• Reviews Misconduct Questionnaire form responses</li> <li>• Coordinates responses with appropriate Reviewing Committee</li> <li>• Follows up with Previous Employer</li> <li>• Communicates eligibility decision to hiring dept/Dean's office</li> <li>• Securely stores all Misconduct Questionnaire responses and previous employer findings</li> </ul> | <ul style="list-style-type: none"> <li>• Reviews Misconduct Questionnaire responses</li> <li>• Determines if finalist candidate is eligible for hire</li> <li>• Reviews previous employer findings</li> <li>• Makes final decision of finalist candidate hire</li> <li>• <i>May bring in Campus Counsel for further review</i></li> </ul> | <ul style="list-style-type: none"> <li>• Administers Misconduct Questionnaire and Employer Authorization Release Form with Academic Finalist</li> <li>• Collects responses and signed Employer Authorization Release form</li> <li>• Retains securely all completed Misconduct Questionnaire responses and signed Employer Authorization Release Forms</li> </ul> |

### Additional Resources

**1. SB 791 & AB 810**

- a. **FAQs: Misconduct Disclosure Requirements for Proposed Hires Under California SB 791 and AB 810**

<https://academicpersonnel.ucr.edu/recruitment-and-appointment#misconduct-and-background-check>

**2. Recruitment and Appointment Resources**

site:<https://academicpersonnel.ucr.edu/recruitment-and-appointment>

- a. [2024-2025 AY Academic Hiring Toolkit](#)  
b. [AP Recruit Online System](#)  
c. [Best Practices in Hiring](#)

### Contact

If you have questions or cannot find the information you need regarding Misconduct and Background Guidelines, please send an email to [academicpersonnel@ucr.edu](mailto:academicpersonnel@ucr.edu)