

# Institutional Reference Checks for Appointments Conferring Tenure: An Overview for HR Professionals

The Institutional Reference Check pilot program, effective July 1, 2023, allows the UW–Madison Office of Human Resources (OHR) to conduct Institutional Reference Checks on the final candidate in a given search for academic appointments conferring tenure. The program will enable UW–Madison to gather information about candidates’ conduct in their previous appointments that may be important to appointment decisions. Specifically, the purpose of the Institutional Reference Check (IRC) is to ascertain whether the candidate has engaged in any misconduct, or whether the candidate left employment during an active investigation into allegations that the candidate engaged in misconduct, at their current or most recent employer.

In addition to the IRC, a criminal background check and sexual harassment/sexual violence reference check must be conducted on any final candidates, consistent with UW–Madison policy.

## Definition of Misconduct

For the purposes of this program, “misconduct” is defined as any violation of employer policy addressing misconduct. Such policies may address, but are not limited to, discrimination, harassment, assault, bullying, inappropriate relationships with subordinates or students, violation of ethical duties, theft, financial mismanagement, research misconduct, insubordination, or absenteeism not protected by laws relating to medical leave or disability accommodations.

## Candidate Authorization to Release Information

UW–Madison will include a statement in the job ad posting for all academic positions conferring tenure, providing notice to applicants that UW–Madison will conduct Institutional Reference Checks on the final candidate in a given search prior to hiring.

Applicants for academic appointments conferring tenure are required to upload a signed “Authorization to Release Information” form as part of the online application process in TREMS. If the candidate does not include the signed authorization as part of their application, the application will be deemed incomplete and will not receive further consideration.

## Initiating the Institutional Reference Check

When the decision of the final candidate has been made by the department and Dean, Division HR will notify the candidate of the selection and inform the candidate that the IRC will be initiated. The candidate will be given an opportunity to self-disclose misconduct or may choose to withdraw their application, in which case the candidate will be removed from consideration.

OHR will contact the academic personnel office (or equivalent) of the candidate's current or most recent employer. This may occur concurrently with department negotiations with the candidate or after initial appointment terms have been determined. OHR will not contact the candidate's current or previous academic department unless there is no other office of record for faculty misconduct at the employer and only after notifying the UW–Madison department chair.

### **Assembling and Sharing the Institutional Reference Check Dossier**

OHR will assemble an individualized IRC dossier of all information received. OHR 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 the candidate will be removed from consideration.

The full IRC dossier, including any explanation offered by the candidate, will be forwarded to the Vice Provost for Faculty and Staff Affairs. The VPFSA will consult with the Provost, Dean, department chair and others as appropriate, to determine whether the candidate is still eligible for consideration for the position.

If there is no positive finding, the department will assemble an appointment file for consideration by campus reviewers. The IRC dossier will not be added to the appointment file or shared with campus reviewers.

### **In the Event of a Positive Finding of Misconduct**

If there is a positive finding, the department chair will notify the candidate. A second-choice candidate may be considered, subject to the IRC process. However, a positive finding does not necessarily make a candidate ineligible. If a Department and Dean wish to pursue the hiring of a candidate with a positive finding, the department chair and Dean must discuss the candidate and the finding with the Vice Provost for Faculty and Staff Affairs and the Provost, who will make the final determination if the hire can proceed.

### **Candidate Privacy**

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 UW–Madison policy but may be subject to disclosure pursuant to applicable state and federal law. Should the candidate be offered and accept a position, any IRC information received will be securely maintained and held by OHR.

### **Questions**

Any questions regarding this pilot program may be directed to the Administrative Services Unit (ASU) within OHR at [irc@ohr.wisc.edu](mailto:irc@ohr.wisc.edu).

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