

Effective Date: January 16, 2023

POLICY

EMPLOYMENT

Policy on Responding to Employer Inquiries Regarding Sexual Misconduct

RESPONSIBLE OFFICES

Equal Opportunity Office, Human Resources

Purpose

Boston University is committed to providing an environment where all members of our community can work, study, and live, free from sexual misconduct, including but not limited to gender-based harassment and sexual harassment. Historically, the University has not responded in a consistent manner to questions from other institutions that seek to hire a current or former BU employee regarding that employee's history of sexual misconduct while employed at Boston University. Along with many of our peer institutions, including members of the Association of American Universities, BU has identified this as an area where we may play a role in reducing serial instances of sexual harassment and misconduct across higher education.

Toward that end, this policy would provide a mechanism for the University, acting through the BU Equal Opportunity Office, to respond in a consistent manner to questions from hiring

institutions as to whether a candidate for employment was found responsible for violating BU's policies prohibiting sexual misconduct. Requests not covered by this policy will be considered on a case-by-case basis.

Covered Parties

All past, current, and future employees of Boston University will be covered by this policy. However, the Equal Opportunity Office will only respond to inquiries if that office receives proof that the responsible employee has provided a written authorization to disclose information.

Definitions

For the purpose of this policy, the following definitions apply:

A. BU employee: any employee covered by the Faculty Handbook, the Employee Handbook, or any Collective Bargaining Agreement, as well as Postdoctoral Associates and temporary employees. Students, undergraduate and graduate, are specifically exempted from this definition.

B. Substantiated finding of sexual misconduct: A finding of responsibility for violating the University's Sexual Misconduct Policy (current or past), following an investigation (i) after the exhaustion of any appeal if the respondent chooses to appeal; (ii) if the appeal period expires and the respondent has not filed an appeal; or (iii) if the appeal filed by the respondent challenges only the sanction imposed by the relevant University official.

University Policy

A. Boston University will respond to inquiries from prospective employers seeking an answer to the question of whether a current or former BU employee ("responsible employee") was found responsible for sexual misconduct while that person was employed at Boston University.

B. All inquiries will be directed to the Equal Opportunity Office (EOO); the EOO will be the only office at the University authorized to respond to such inquiries.

C. Upon receiving an inquiry, the EOO will first ensure that the institution making the request

has provided a written authorization to disclose information signed by the responsible employee. If the institution does not provide a written authorization, the EOO will decline to respond to the inquiry.

D. Upon receipt of a written authorization, the EOO will check its files to determine whether the impacted employee was, at any time, found responsible for violating any BU policy prohibiting sexual misconduct.

E. If the responsible employee has no record of a substantiated finding of sexual misconduct, the EOO will communicate this information to the inquiring party.

F. If the responsible employee has a substantiated finding of sexual misconduct, the EOO will confer with the Office of the General Counsel to determine whether there is a non-disclosure agreement that prohibits the university from responding to the request and, if so, whether the employee has waived the protections of that agreement. In the absence of a non-disclosure agreement or with an appropriate waiver of such an agreement, the EOO would respond to the request in accordance with the authorization.

G. The EOO will retain a record of all inquiries and responses.

END OF POLICY TEXT

Additional Resources Regarding This Policy

Effective Date

The Policy on Responding to Employer Inquiries Regarding Sexual Misconduct takes effect beginning in the spring 2023 semester.

History

The Policy on Responding to Employer Inquiries Regarding Sexual Misconduct was drafted by the University Council Committee on Faculty Policies and approved by the [University Council on 12/13/22](#).

Categories: Employment, Sexual Misconduct