

WALLA WALLA COMMUNITY COLLEGE
EMPLOYMENT APPLICANT SEXUAL MISCONDUCT DISCLOSURE
ADMINISTRATIVE POLICY 5120

POLICY BACKGROUND/PURPOSE

State regulations require employment applicants declare whether they are the subject of any substantiated findings of sexual misconduct in any current or former employment or are currently being investigated for, or have left a position during an investigation into, a violation of any sexual misconduct policy at the applicants current or past employers. By law, post-secondary education institutions cannot hire an applicant who does not comply with disclosure requirements.

AUTHORITY

RCW 28B.112.080

SCOPE OF THE POLICY

This policy applies to all applicants of the college. This policy does not apply to students who apply for student-related employment with the college.

DEFINITIONS

Sexual Misconduct includes but is not limited to, unwelcome sexual contact, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal, nonverbal, electronic, and any misconduct that is in violation of that post-secondary institutions polices or has been determined to constitute sex discrimination pursuant to state or federal law. See RCW 28B.112.040(5).

POLICY

1. In compliance with state law, Walla Walla Community College cannot hire an applicant who does not sign the [Sexual Misconduct Declaration and Authorization to Release Information Form](#). In lieu of signing the form, applicants may electronically sign a declaration as part of the on-line application process.
2. It is the responsibility of the Human Resource Office, prior to an official offer of employment being made to an applicant, to request applicants sign a statement:
 - a. Declaring whether the applicant is the subject of any substantiated findings of sexual misconduct in any current or former employment or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation;
 - b. Authorizing the applicant's current and past employers to disclose to the hiring institution any sexual misconduct committed by the applicant and making available to the hiring institution copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct, including sexual harassment, by the applicant; and
 - c. Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (b) of this subsection.
3. It is also the responsibility of the Human Resource Office, prior to an official offer of employment to an applicant, to:
 - a. Request in writing, electronic or otherwise, that the applicant's current and past postsecondary educational institution employers provide the information, if any, described in subsection (1)(b) of this section ([Sexual Misconduct Inquiry Form](#)). The request must include a copy of the declaration and statement signed by the applicant under subsection (1) of this section.

4. Information received under this policy may be used by the college only for the purpose of evaluating an applicant's qualifications for employment in the position for which the person has applied.
5. The Human Resource Office is responsible for responding to all inquiries made to the college of current or former employees made by other institutions of higher education related to sexual misconduct.

<p>Policy Contact: <u>VP of Human Resources</u></p> <p>Approved by (Department/Body): <u>President</u></p> <p>Date Originally Approved: <u>June 28, 2021</u></p> <p>Last Reviewed/Revised on: _____</p>
