



Employment Disclosure Requirement Process

SB 791 and AB810 Disclosure Agreements effective January 1, 2025

MISCONDUCT DISCLOSURE

Presented by Academic Personnel

February 18, 2025

Employment Disclosure Requirements Definitions

Misconduct is defined as:

- Any violation of the policies or laws governing conduct at a candidate'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 previous employer.

Decisions include:

- **Final Administrative Decisions:** A written determination by a previous employer as to whether a candidate committed Misconduct. Examples of a final administration decision include but are not limited to a determination by a decisionmaker (employer or state or federal agency) following a final investigative report and the subsequent hearing, or the imposition of employment discipline or corrective action related to the candidate's Misconduct; OR
- **Final Judicial Decisions:** A final determination of a matter submitted to a court regarding the candidate's Misconduct that is recorded in a judgment or order of that court.

Appeal is defined as:

- A request for a review of a Decision, as defined above. This could be through any previous employer's applicable appeal process or an appeal of a Judicial Decision through the applicable appeals process. Examples include filing a grievance, using an appeal process defined by policy, or filing an appeal with the appropriate judicial body or agency.

Who Needs to Comply with this Requirement?

Required	Recommended	Excluded
Faculty	Joint appointment	Recall
Professor of Teaching	MSP with Volunteer Academic Title	Reappointment
Change in Title (case-by-case)		Administrative Title
Professional Researcher		TA, GSR new appointment within same Department
Project Scientist		
Specialist		
Junior Specialist		
Postdoc		
Students (TA, GSR)		
Contingent Worker		
Volunteers		
Visitors		

All proposed candidates from Recruitments and Direct Hires for paid and unpaid positions initiated January 2025 or after.

**If the academic appointee in the WOS position was not previously required to complete the Employment Misconduct Disclosure Questionnaire at the time of appointment in a paid title.*

Required Language for Proposed Candidates

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*

To implement this process, UC Davis requires all applicants for any open search to complete, sign, and upload the form entitled, "Authorization to Release Information" into UC RECRUIT as part of their application. If an applicant does not include the signed authorization with the application materials, the application will be considered incomplete, and as with any incomplete application, will not receive further consideration.

**This language has been added to UC RECRUIT so that it will be included in all new recruitments.*

For Direct Hires, send this language and the [Authorization to Release Information](#) to the candidate before submitting the search waiver or exemption.

Recruitment & Hiring Process (Effective January 1, 2025)

1. Requirements

- All recruitments and direct hires (waivers, exemptions, postdocs, students, volunteers) must include required language either in the job description or at the start of direct hire discussions.

2. Candidate Awareness & Authorization

- Candidates will be informed of the process through recruitment language or via email for direct hires.
- Each candidate must sign an **Authorization to Release Information** as part of their application materials.

3. Hiring Dean's Office Survey

- **Academic Personnel** initiates the hiring department survey for the **proposed candidate**.
- The **Recruitment Team Analyst** or **Non-Faculty Analyst** hand will submit the Hiring Survey.

4. Candidate Disclosure

- **Academic Affairs** will contact the candidate and request completion of the **Employment Disclosure Questionnaire**.

5. Clearance Notification

- **Academic Affairs** will notify the **Recruitment Team or Non-Faculty Team** once clearance is determined.
- A team member will inform the **Department** of the clearance status within **72 hours**.

6. Job Offer & Appointment

- If the candidate is **cleared**, proceed with a TOL.
- Upon acceptance of the TOL:
 - The **Department** proceeds with the appointment.
 - Attach the clearance email to the Department letter for routing in MIV.
 - For non-MIV appointments, attach the approval email to the Aggie Service Case onboarding case.

Candidate Process

- These bills mandate that applicants for academic or administrative positions are to disclose any final administrative or judicial decisions issued within the **last seven years** determining that they committed sexual harassment.
- Below is the email going to the candidate with questionnaire survey:

Dear \${e://Field/RecipientFirstName} \${e://Field/RecipientLastName},

Thank you for applying to a position at UC Davis, recruitment number **\${e://Field/RecruitNumb}**. We require that you take this questionnaire below in order to continue in this recruitment.

\${l://SurveyLink?d=Take the Survey}

In accordance to California State Law (**SB 791** and **AB 810**), the UC has pre-employment processes that gather information about previous misconduct that may impact the workplace.

It is important for applicants to understand that UC treats all information submitted confidentially, only sharing it on a need-to-know basis. UC also commits to carefully and thoughtfully reviewing submissions to determine whether they impact an applicant's ability to perform the underlying duties associated with the posted position.

Thank you for your cooperation. If you have any questions or difficulties completing the disclosure please refer to our website at <https://academicaffairs.ucdavis.edu/employment-disclosure-requirements> and/or contact ucddisclosure@ucdavis.edu

Sincerely,
UC Davis Academic Affairs Office

- Once the department submits the search report, Academic Personnel will initiate the survey for the **final proposed candidates**. The survey only informs the candidate that they met the basic qualifications for the position. It does not identify them as a top candidate.
- The **Department** should email the candidate to let them know that survey is coming to avoid delays.

Ladder Rank Regular Series

New Disclosure procedures will supplement the current misconduct/reference check process. All ranks regardless of step are now included in this process.

After the Academic Personnel initiates the Disclosure survey, Academic Affairs sends the Disclosure Questionnaire to the candidate. Candidate completes the questionnaire and submits to Academic Affairs. The questionnaire is reviewed for clearance. Once cleared the usual **misconduct/reference check process picks up only for the final proposed candidate.**

We cannot move forward with an offer before receiving misconduct clearance from Academic Affairs.

Ladder Rank TOLs will not go out in writing until candidate is cleared.

Following our current practice, we must notify Academic Affairs of the proposed rank/step when the offer is drafted by emailing **ucddisclosure@ucdavis.edu**. Academic Affairs will notify the team performing misconduct checks for the ladder rank process.

Academic Personnel will be notified of all clearances directly from Academic Affairs

Approval Email

Subject FW: Employment Disclosure Process Completed – Approval to Proceed with Appointment Process for DEPARTMENT Recruitment

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

From: UC Davis - Academic Affairs [REDACTED]
Sent: Tuesday, February 11, 2025 [REDACTED]
To: [REDACTED]
Cc: ucddisclosure@ucdavis.edu [REDACTED]
Subject: Employment Disclosure Process Completed – Approval to Proceed with Appointment Process for Physiology & Membrane Biology Recruitment

Dear [REDACTED],

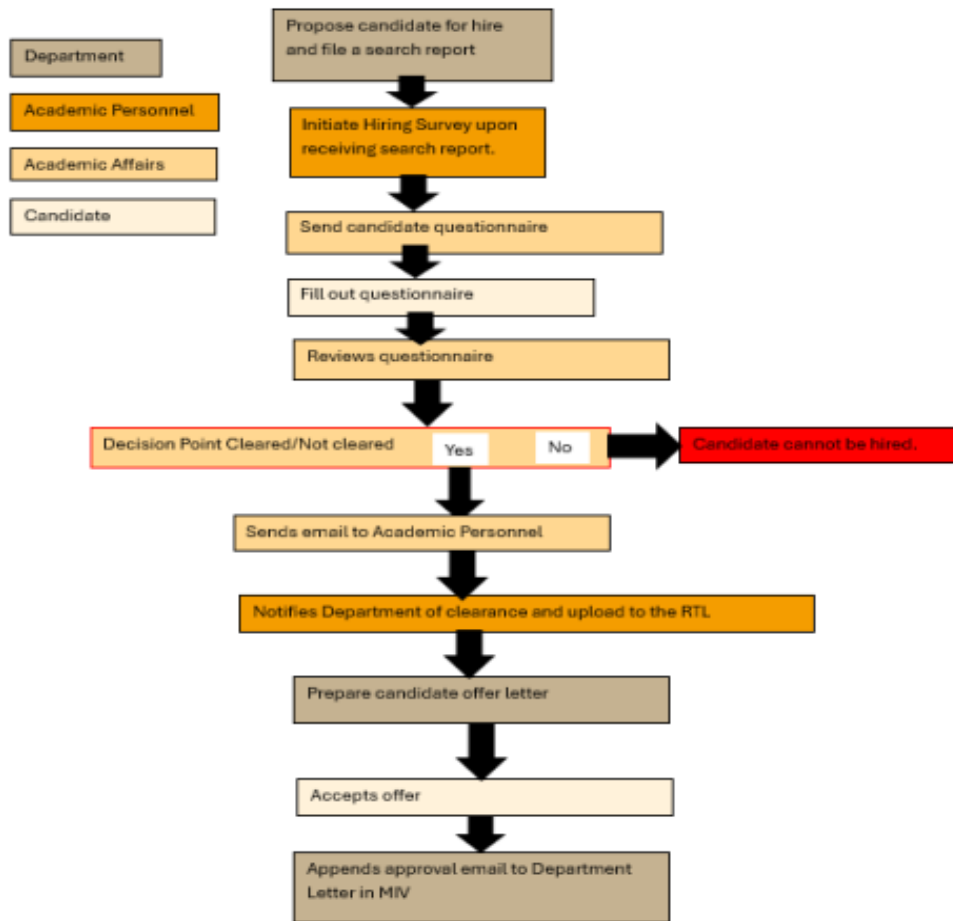
First Last Name, a finalist for a job search in **Department, SWR0###**, has completed the required SB791/AB810 disclosure form. This candidate is cleared and the Department/Hiring Unit may proceed with consideration of this candidate for this recruitment. If you have any questions, please contact ucddisclosure@ucdavis.edu.

Thank you,
Academic Affairs

Recruitment Workflow

RECRUITMENT

Faculty, Professional Researcher, Project Scientist, Specialist, Junior Specialist



Recruitment Team: Faculty, Professional Researcher, Project Scientist, Specialist

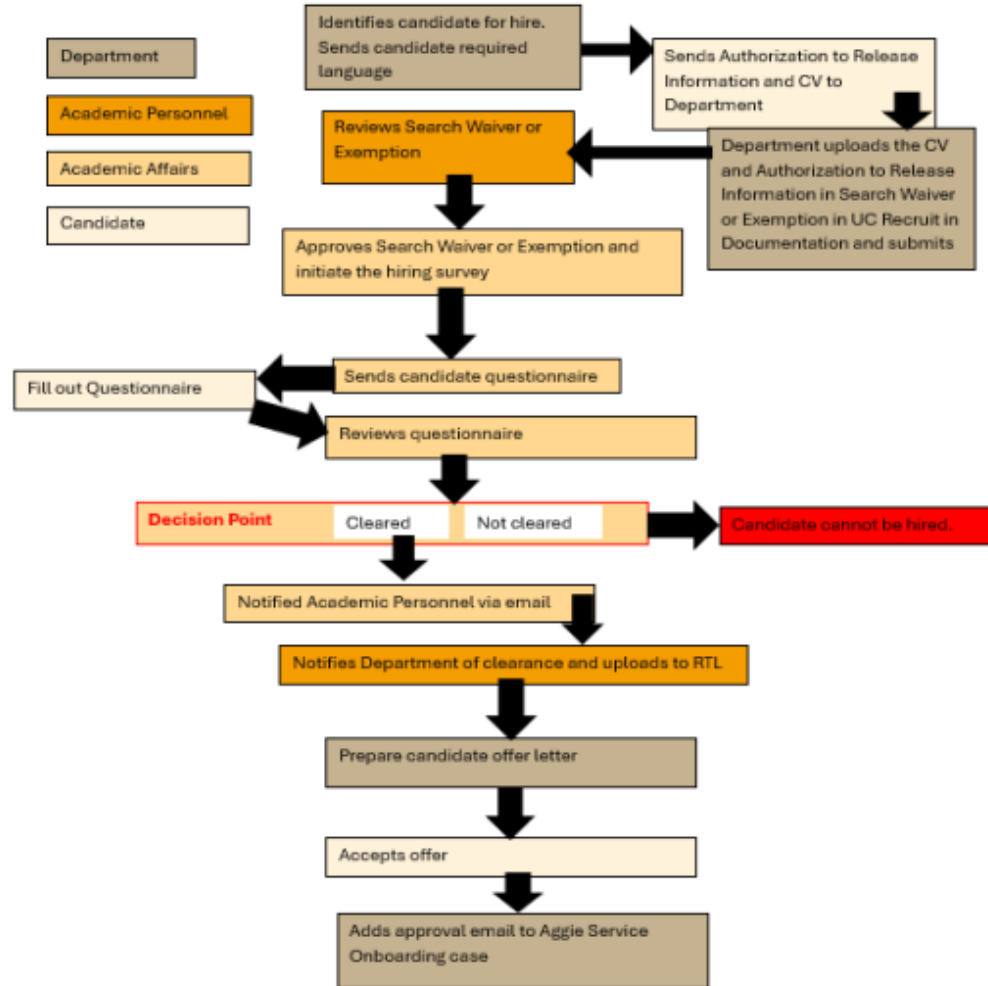
Non-faculty Team: Junior Specialists

Academic Affairs Disclosure website: <https://academicaffairs.ucdavis.edu/employment-disclosure-requirements>

Search Waiver and Exemption Workflow

Search Waivers and Exemptions

Volunteers, Visitors, Contingent Worker



Recruitment Team: Faculty, Professional Researcher, Project Scientist, Specialist
Non-Faculty Team: Junior Specialist, Postdoc, Students, Contingent Worker, Volunteer

Academic Affairs website: <https://academicaffairs.ucdavis.edu/employment-disclosure-requirements>

POSTDOCTORAL SCHOLARS Recruitments

Provided by Grad Studies

- The required language to provide to all applicants will be listed in the job posting and each candidate must complete and submit an authorization of release form along with their application.
- Once candidates have been reviewed and deemed qualified for the position being recruited, the hiring unit (department/dean) will determine how many of those qualified final candidates they want to further consideration, i.e., only the top candidate or all short list candidates.
- The hiring unit will then submit a Hiring Department/Dean's Office Survey (accessible on the [webpage](#) – under the Key Links section on the right side of the page – called “**Hiring Department/Dean's Office Survey Link**”) for each qualified candidate.
 - The completed survey will provide Academic Affairs with the necessary information regarding each candidate, i.e., name, email, type of recruitment, job, and CV/Resume (containing information on previous employers.)
 - Once Academic Affairs receives the survey(s) from the hiring unit, they will send a Disclosure Questionnaire Survey to each candidate.
 - If the candidate responds that they do not have any prior misconduct, Academic Affairs will notify the Dean's Office contact to share that the candidate is cleared. The department may then proceed with the regular appointment process.
 - If the candidate responds that there has been prior misconduct, Academic Affairs will contact the relevant previous employer(s) to seek additional information. Academic Affairs will review any information received and will then notify the Dean's Office contact that the candidate has either cleared or not cleared.
- Once the clearance is obtained, the hiring unit can proceed with the appointment approval process in AggieService for postdoctoral scholars. For new appointments, there is a new attachment requirement for the employee disclosure clearance along with the appointment letter and CV.

POSTDOCTORAL SCHOLARS Direct Hire

Provided by Grad Studies

- If you have documentation that the PI had discussions with the candidate prior to 1/1/25, then the misconduct disclosure does not need to occur.
- If you do not, then the postdoctoral scholar needs to be provided the required language to provide to all applicants listed on this website as well as the "Authorization of Release" before they are provided an appointment letter.
- Once the authorization of release is obtained from the potential postdoctoral scholar, the hiring unit will then submit a Hiring Department/Dean's Office Survey (accessible on the [webpage](#) – under the Key Links section on the right side of the page – called "**Hiring Department/Dean's Office Survey Link**") for the requested direct hire.
 - The completed survey will provide Academic Affairs with the necessary information regarding each candidate, i.e., name, email, type of recruitment, job, and CV/Resume (containing information on previous employers.)
 - Once Academic Affairs receives the survey(s) from the hiring unit, they will send a Disclosure Questionnaire Survey to each candidate.
 - If the candidate responds that they do not have any prior misconduct, Academic Affairs will notify the Dean's Office contact to share that the candidate is cleared. The department may then proceed with the regular appointment process.
 - If the candidate responds that there has been prior misconduct, Academic Affairs will contact the relevant previous employer(s) to seek additional information. Academic Affairs will review any information received and will then notify the Dean's Office contact that the candidate has either cleared or not cleared.
- Once the clearance is obtained, the hiring unit can proceed with the appointment approval process in AggieService for postdoctoral scholars. For new appointments, there is a new attachment requirement for the employee disclosure clearance along with the appointment letter and CV.