

SENATE BILL REPORT

2SHB 1522

As of March 14, 2023

Title: An act relating to addressing sexual misconduct at scholarly or professional associations.

Brief Description: Addressing sexual misconduct at scholarly or professional associations.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Pollet, Leavitt, Berry and Macri).

Brief History: Passed House: 3/8/23, 94-0.

Committee Activity: Higher Education & Workforce Development: 3/15/23.

Brief Summary of Bill

- Requires institutions to ask and require applicants to sign statements regarding substantiated findings of sexual misconduct at scholarly or professional associations before an official offer of employment.
- Requires institutions to request in writing that relevant scholarly or professional associations disclose information about substantiated findings of sexual misconduct declared by the applicant before an official offer of employment.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Staff: Alicia Kinne-Clawson (786-7407)

Background: In 2020, the Legislature enacted a series of requirements relating to sexual misconduct allegations and investigations that must be followed by institutions of higher education during the hiring process.

Before an official offer of employment, a postsecondary educational institution (institution)

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must request an applicant to sign a statement with three items:

- a declaration of 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 left a position during an investigation into, a violation of sexual misconduct, and if so, an explanation of the situation;
- an authorization to permit the applicant's current and past employers to disclose to the hiring institution any sexual misconduct committed by the applicant and to make copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct by the applicant available to the hiring institution; and
- a release from liability for the applicant's current and past employers, and employees acting on behalf of the employer, for providing the information in items one and two.

Before an official offer of employment, the institution must request the applicant's current and past employers provide copies of all documents, if any, related to sexual misconduct in an employee's personnel file. The request must include a copy of the applicant's declaration and signed statement. The institution must also ask the applicant if they are the subject of any substantiated findings of, is currently being investigated for, or has left a position during an investigation into, sexual misconduct, and if so, an explanation of the situation. The institution may only use the information received for the purpose of evaluating the applicant's qualifications for the position for which the person applied.

An institution that receives a request to disclose information about substantiated findings or investigations into sexual misconduct about a current or previous employee must provide the information requested and make copies of documents related to substantiated sexual misconduct in the applicant's personnel file available to the requesting institution. In addition, an institution must disclose information about substantiated findings of sexual misconduct to any employer conducting reference or background checks on a current or former employee, even if the employer conducting the reference check does not specifically ask for such information.

An institution may not hire an applicant who does not sign the statement attesting to any sexual misconduct findings or investigations.

Summary of Bill: The official statement an applicant must sign prior to an official offer of employment must include:

- declaration of whether the applicant is a subject of any substantiated findings of sexual misconduct by a professional association;
- authorization for the applicant's current and past relevant associations to disclose sexual misconduct; and
- release of the applicants current and past relevant association from liability for providing disclosure of sexual misconduct.

Prior to an official offer of employment to an applicant, a postsecondary institution must

request in writing the applicant's current and past postsecondary educational institution employers or relevant associations, when a finding has been declared by the applicant, provide information about if the applicant is the subject of any substantiated findings of sexual misconduct, is currently being investigated for, or has left a position during an investigation into a violation of any sexual misconduct policy.

The student achievement council must convene a work group and report to the Legislature by November 30, 2024, regarding the ability of institutions to consider if applicants or current employees have committed sexual misconduct at meetings or conferences of academic and professional associations. The work group must consider how institutions and Washington agencies may encourage adoption of policies and procedures regarding sexual misconduct at association events.

"Association" means a scholarly or professional society with a code of conduct forbidding sexual misconduct at association activities or events and an established procedure for allegations the code of conduct has been violated.

"Investigation" and "substantiated findings" are defined to include processes and procedures provided for under Title IX.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.