

Misconduct Questionnaire Frequently Asked Questions

1. What is Senate Bill 791?

On October 7, 2023, Governor Newsom signed Senate Bill (SB) 791 into law, which requests the University to:

- A. Require applicants to disclose any final administrative or judicial decisions issued within the last seven years from the date of submission of an employment application determining that the applicant committed sexual harassment.
- B. Permit applicants to disclose if they have filed an appeal with the previous employer, administrative agency, or court, if applicable.

The University intends to apply the requirements of SB 791 to all final candidates for staff positions, including student employees, who accept a conditional offer of employment.

2. What is Assembly Bill 810?

On September 27, 2024, Governor Newsom signed Assembly Bill (AB) 810 into law, which expands SB 791 with the following requirements for Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, or Supervising Athletic Trainer positions, and volunteers in an athletic department:

- 1. Require the final candidate to sign a release form that authorizes the release of information by the applicant's previous employers to the UC location concerning any allegations of misconduct, as defined in the statute.
- 2. Make a reasonable attempt, using the signed release form, to obtain information from the previous employer concerning any allegations of misconduct. This authorization will permit the UC location to request the release of information, which will then be evaluated to determine the candidate's ability to perform the job duties of the position.

The University intends to apply the process outlined in AB 810 for any final candidates who accept a conditional offer of employment for the following roles: Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, or Supervising Athletic Trainer positions, and volunteers in an athletic department. AB 810 also applies to tenure-track/tenured faculty appointments.

3. When does the University of California's implementation of SB 791 and AB 810 take effect?

- Effective December 1, 2024, the Notification of Employment Misconduct Disclosure is required for all new staff job postings.
- Effective January 1, 2025:
 - Employment Misconduct Disclosure collection is required for final candidates for staff positions who accept a conditional offer of employment for any job posted for recruitment on or after December 1, 2024.
 - All final candidates for staff positions must sign a release form if either of the following applies:
 - They disclose any final administrative or judicial decision(s) determining that they committed misconduct; received notice of any allegations or are currently the subject of any administrative or disciplinary proceedings involving misconduct; have left a position after receiving notice of allegations or while under investigation in an administrative or disciplinary proceeding involving misconduct; or have filed an appeal of a finding of misconduct with a previous employer. Locations may use the signed release form, if needed, to obtain information from previous employers.
 - They accept a conditional offer of employment for Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, Supervising Athletic Trainer staff positions, and Volunteers in an athletic department.

4. What populations of staff must comply with SB 791 and AB 810?

For SB 791: All staff, including student workers.

For AB 810: Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, Supervising Athletic Trainer roles, and Volunteers in an athletic department.