

Minutes of the Professional Standards Committee

September 25, 2014

Members present: Kris Bartanen, Geoffrey Block, Doug Cannon, Betsy Kirkpatrick, Andreas Madlung, Tiffany MacBain (chair), Mark Reinitz, Amy Spivey

Visitors: Cindy Matern and Nancy Nieraeth, both from Human Resources

8:35 a.m. – MacBain called the meeting to order.

I. M/S/P to approve the minutes of the Sept. 18 meeting of the committee.

II. Background checks for faculty hiring – proposal from the Human Resources Department

Cindy Matern and Nancy Nieraeth from Human Resources presented the proposal for background checks for faculty hiring. (See Appendix A of these minutes for a letter from them to the PSC dated Sept. 22, 2014, and “Background check policy for hiring”, which was endorsed by the PSC in December 2013.)

Background information (per Nancy and Cindy) - Last year Human Resources did National Sex Offender Registry (NSOR) checks for staff and faculty, and it went smoothly (the candidate receives a contingent job offer and then is asked to consent to the background check). Human Resources uses an online third party vendor that performs the background checks, and they have had good experience with that company. The proposal for this year includes expanding the checks to include a Social Security number validation check, educational verification, and criminal background checks. This will likely push the time frame for a background check to 3-5 days, as estimated by the vendor. Findings from the background check go to Cindy Matern, and then Cindy works with Dean Bartanen to determine whether to speak with the candidate about the results of the check and whether or not to proceed with the hire.

Question from the PSC - Is there a process to ensure fairness if something turns up? How do you decide when you have to talk to the candidate and when it's okay?

Answer from Cindy and Dean Bartanen: A “hit” will come for anything in the last 7 years. For example, it can be even a speeding ticket, and the relevance of an infraction like that depends on what kind of job they are doing (such as serving as a van driver). They have tried to be consistent about their treatment of it. The fact that applicants have to sign a release for the check to be done tends to limit people who apply who have things that would show up. However, there have been a couple of times when Cindy (in consultation with the appropriate vice president) has denied an applicant the job because of the serious things that came up.

A discussion ensued, with PSC members asking questions about various details of the background checks and the policy, and Cindy and Nancy answering them. They noted that one benefit of the new background check policy is that it will treat faculty members and staff members equally, rather than requiring background checks of prospective staff members only.

Question from the PSC - What about hiring contingent on completing a degree? If the candidate hasn't completed the degree, the background check will say they haven't finished. Imagine that then they do finish. Is there a later check?

Answer, per Dean Bartanen, Cindy, and Nancy : A new contract is written if the degree is completed by September 1, with a change in pay. Degree completion also comes up in the first and second year

reviews at the departmental level, and during the Faculty Advancement Committee review in the third year.

The committee felt that it would be worthwhile for Human Resources to do this second check on a candidate's educational background to ensure that the candidate indeed did complete their degree. After the discussion concluded, Cindy and Nancy left the meeting.

M/S/P unanimously to approve the policy on background checks for faculty hiring.

III. Faculty reviews with open candidate files for candidates with a spouse or significant other who teaches in the same department

Kris Bartanen asked the PSC's counsel on an emergent question: This year, we have a number of people under review whose spouse or partner teaches in the same department. Consider the case where the file is "open", so the candidate can read colleagues' letters. The spouse or partner is not part of the evaluation, but a concern has been voiced that the evaluatee might describe to his/her spouse or partner the contents of the open file, including letters from colleagues, potentially impacting working relationships within the department. What guidance does the PSC have in this matter?

A discussion ensued. Some of the major points of the discussion were as follows:

- The deliberative department meeting in which a faculty member's review is discussed is generally treated as confidential, and spouses or partners of candidates recuse themselves from the entire evaluation process.
- An "open" file means that the colleague letters are available for viewing by the candidate, but they are not available for viewing by the other departmental colleagues.
- Letters sent directly to Dean Bartanen are summarized by the Faculty Advancement Committee (FAC), in accord with the Faculty Code. The names of authors are identified and the candidate receives a summary of the content of those letters from the FAC.
- After viewing the letters in their open file, the candidate is free to talk with whomever they want about the content of the letters. This could be a spouse, partner or a close friend in their department or another department. The issue raised is not limited to candidates and their spouses or partners.
- Professional behavioral standards might suggest that it is unwise for a candidate to share the contents of their colleague letters with other colleagues, but there is nothing in the Faculty Code that prevents them from doing so.
- There are provisions in the Faculty Code for addenda to be written after the deliberative meeting, for informal and formal challenge to the department review, and for any faculty member to file a grievance if they believe professional ethics have been breached in or beyond a review.

9:20 a.m. M/S/P to adjourn.

Respectfully submitted,
Amy Spivey

Appendix A - Letter from colleagues in Human Resources regarding their proposal for background checks for faculty hiring

September 22, 2014

TO: Tiffany Aldrich MacBain, Professional Standards Committee (PSC) of the Faculty Senate

FR: Cindy Matern and Nancy Nieraeth, Human Resources

RE: Proposal for Background Checks for Faculty Hiring

We write to propose an expansion of the background checks conducted for incoming faculty. In 2013-14, we implemented background checks for hiring under the attached “Background Checks for Hiring Policy” as approved by last year’s PSC.

New faculty hires for 2014-15 were checked against the National Sex Offender Registry (NSOR) only. In December 2013, the PSC endorsed exploring the expansion of background checks for new faculty to include criminal history and education verification, consistent with recommended best practices for hiring. This would also align our faculty background check practices with those for new staff, who undergo a 7-year criminal history check and Social Security number validation in addition to NSOR, and who may also undergo education and driving record verifications where appropriately job-related.

We propose expanding the scope of background checks for faculty entering for 2015-16. In order to accomplish the expansion, we request a decision on this proposal by **November 1, 2014**.

If adopted, expanded background checks would be conducted according to the following practices:

- We would not conduct checks on current faculty unless they apply for and are selected to fill new positions (e.g. current visiting faculty hired into a tenure-line position). We do not conduct any checks of credit histories.
- We would continue to use HireRight, a leading provider of pre-employment background checks, as our third-party vendor. Using HireRight’s online system, the invitation to complete a background check is delivered via email to the prospective hire following a contingent offer of employment and an email introduction from the Human Resources recruitment coordinator.
- The prospective hire provides identifying information (DOB, SSN, current address) within the secure HireRight system, then electronically signs a form authorizing the background check.
- Based on our experience since implementation, we estimate background check findings including criminal history, SSN validation, and education verification will normally be reported to the university within three to seven business days. This will depend on the number and location of previous addresses and location of education

institutions. International education verifications could take 3 weeks or more. During the typical hiring season, the hire could be finalized with reasonable turnaround under the contingent offer of employment and should not impact the delivery of contracts. If necessary, the offer letter could be issued with contingency language while the college awaits the background check results.

- A clear background check will result in our proceeding with the hire as usual. If the background check includes potentially adverse findings, Cindy Matern will consult with Dean Kris Bartanen, who makes the decision to proceed with the hire or withdraw the contingent offer of employment. This may entail meeting with the prospective hire regarding the findings.
- The prospective hire is notified of findings and rights prior to any adverse action being taken by the college.
- Records of background checks are maintained separate from personnel files in a secured space in Human Resources and in the HireRight system.

We appreciate your consideration of this practice change and are available to meet with you or the committee if you have any questions.

Background Check Policy for Hiring

Finalized December 2013

University of Puget Sound is committed to providing a safe and secure environment conducive to academic and professional excellence. To do so, it is the college's practice to hire well-qualified candidates for employment whose past behavior does not suggest a risk of future harm to the campus community.

Employment offers for regular full-time, part-time or temporary faculty and staff positions, whether to individuals new to university employment, individuals re-employed by the university, or individuals transferred to new positions, will be contingent upon the results of appropriate background checks. The nature of the position and the information disclosed during the application/interview process will determine the scope of the background checks applicable to the job. For faculty positions appropriate background checks will be determined by HR in consultation with the Professional Standards Committee. For staff positions, appropriate background checks will be determined by HR in consultation with the Staff Senate HR Policies and Practices Committee.

Relevant adverse information discovered through the background check process will be reviewed by a Human Resources representative and the applicable Vice President/Dean. Adverse information discovered in the background check will not automatically disqualify an individual from employment. Decisions concerning employment will be made on a case-by-case basis.

Information gained from any background checks process will only be shared on a need-to-know basis and in compliance with applicable laws and regulations.

Origination Date: Final December 2013

Owner: Human Resources

Contact: Associate Vice President for Human Resources/Career & Employment Services