FACULTY COUNCIL MEETING

**3:00 p.m., Tuesday, January 16, 2018**

# Board of Regents Room, 412 Student Union

**AGENDA:**

1. Roll Call

2. Approval of the December 12, 2017 Minutes

3. Approval of Agenda

4. Special Report:

A. VP for Research – Dr. Kenneth Sewell

5. President Hargis – Remarks and Comments

6. Report of Status of Faculty Council Recommendations:

President Hargis, Joe Weaver for Provost Sandefur, and/or Vice Presidents

7. Reports of Liaison Representatives –

1. Wellness Center – Kim Beard



8. Reports of Standing Committees:

a. Academic Standards and Policies: Scott Johnson – No Report

b. Athletics: Terry Collins – No Report

c. Budget: David Oberhelman – No Report

d. Campus Facilities, Safety, and Security: Erik Ekman – No Report

e. Diversity: Justin Moss – No Report

f. Faculty: Chris Richards – Update

g. Long-Range Planning and Information Technology: Nathan Walker – No Report

h. Research: Andrew Doust – No Report

i. Retirement & Fringe Benefits: Bobbikay Lewis – No Report

j. Rules and Procedures: Pamela Lovern – Update

k. Student Affairs and Learning Resources: Gina Peek – No Report

9. Old Business – Joe Weaver/Jamie Payne – Background check policy - attached

10. New Business

11. Adjournment

*Refreshments will be served at 2:45 p.m.*

**Amended by Passed Failed**

**Recommendation No.** 18-01-01-Exec Comm. 1.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

**Moved by:**  Executive Committee   2.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

**Seconded by:**  3.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

**Passed**         **Tabled**         **Failed**  4.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

**Title:**   Criminal Background check for all incoming Faculty members and Graduate Assistants (teaching and research)

**The Faculty Council Recommends to President Hargis that:**

Effective March 1, 2018, all new tenure-track and non-tenure track faculty and incoming graduate and professional students with assistantship responsibilities, will be required to undergo a criminal background check. This practice would provide the university with decreased liability. As stated by the HR department,

*”Oklahoma State University (OSU) strives to provide a safe study, work, and living environment for its faculty, staff, volunteers and students. To support this environment and comply with applicable laws and regulations, OSU conducts pre-employment background checks on final candidates. Offers of employment are contingent upon the successful completion of a background check. The type of background check conducted varies by position and can include, but is not limited to, criminal (felony and misdemeanor) history, sex offender registry, motor vehicle history, financial history, and/or education verification. Background checks will be conducted when required by law or contract and when, in the discretion of the university, it is reasonable and prudent to do so.”*

**Rationale:**

Background checks are standard for many employment opportunities. For positions with duties that include interactions with students, these checks are a critical part of due diligence. Many faculty are under the impression that these are already being performed. We feel the university needs to perform background checks for faculty and graduate assistants to decrease the university’s liability. A recent incident with a graduate assistant brought to light that these background checks were not standard procedure for graduate assistants. To this end, the graduate college has recently included background checks as part of their Best Practices, but perhaps a more comprehensive “standard practice” would be preferable. It is our understanding that this cost will be absorbed by central administration and not passed on to the individual units.

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| **FACULTY BACKGROUND CHECK POLICY** | **X-XXXX**  **ADMINISTRATION & FINANCE**  **MARCH 2018** |

**Purpose and Scope**

* 1. Oklahoma State University is committed to providing a safe and secure

environment for the University community in support of its overall mission. In particular, this policy is intended to help OSU achieve its goal of providing a safe and secure environment, especially for children, vulnerable members of the population, and those likely to be in subordinate positions, by requiring the use of Background Checks in the hiring process for all Faculty members.

1.02 This policy applies to all final candidates after March 1, 2018 for faculty positions including full time or part-time, adjunct, and faculty with more than a one-year break in service.

**Policy**

* 1. Oklahoma State University requires background checks for all newly hired faculty members, including full-time, part-time, adjunct, and temporary faculty members. Background checks shall be required prior to employment (post-offer, pre-employment).
  2. Offers of employment for new faculty members will be made contingent upon completion of the background check process and a determination that the results of that check are satisfactory to OSU. Faculty members who have a break in employment (or interruption in service for volunteer faculty) of more than twelve (12) months must have a background check when they return under the same conditions as new faculty members.
  3. A background check may be required for internal/current faculty members changing positions/departments due to a transfer, reassignment or change in status (i.e part-time to full-time), unless the person has already had a background check which is specific to the newly assumed position.
  4. The background check includes: address verification; social security number check; military history; a county, statewide and federal criminal records search; search of sex offender registries; and examination of state and federal debarment lists.
  5. A more comprehensive background check may be required pursuant to a University administrative decision, local, state or federal law, or for certain sensitive positions.

**Confidentiality**

* 1. All background check results and records are reviewed and handled in a confidential manner and in compliance with all applicable federal, state, and local laws, including the Fair Credit Reporting Act (FCRA). The background check results will be confidentially kept within OSU Human Resources. As needed, this information will only be shared with the Office of the Provost, the Dean of the College in which the candidate is to be working, or other authorized individuals upon a determination that they need to know the information in order to perform their official duties.

**Background Check Review**

4.01 OSU Human Resources will establish guidelines consistent with this policy for the administration of these checks and the review of criminal background check results. If no adverse information is reported in a background check, satisfactory completion will be recorded by Human Resources.

4.02 However, if adverse information is reported, further review will be conducted. Human Resources will notify the applicant of the adverse information and the applicant will have five (5) business days to contact the third party vendor to correct or update the information if he or she feels the information is inaccurate. Upon completion of this, Human Resources, will share with the Office of the Provost and the appropriate Dean the background check results for a final determination of employment eligibility. The Office of the General Counsel and/or the OSU Police Department will provide advice and consultation as requested.

* 1. A previous conviction will not automatically disqualify a prospective or current faculty member from employment with the University. The persons listed above will review factors including but not limited to: failure to self-disclose the criminal history, inconsistency of self-reported information as compared to the criminal records/background report, the nature and seriousness of the offense, the circumstances under which the offense occurred, relationship between the duties to be performed and the offense committed, the age of the person when the offense was committed, whether the offense was an isolated or repeated incident, the length of time that has passed since the offense, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, whether there is a statutory prohibition related to the offense, and the accuracy of any information provided.
  2. If there is a recommendation to withdraw a conditional offer of employment, or if there is other adverse action recommended, the Provost, as appropriate, will make the final decision. In compliance with the Fair Credit Reporting Act (FCRA), the Provost or their designees will notify the prospective or current faculty member if information obtained from the background check may be used, in whole or in part, in the decision to deny employment or as the basis for any adverse employment action.
  3. Any disciplinary action involving a current faculty member would proceed pursuant to the Faculty Handbook. Prospective and current faculty members who fail to disclose criminal convictions, misrepresent or fail to provide accurate details regarding criminal convictions, and/or fail to cooperate in the background check process may have their conditional offer of employment withdrawn and/or may be subject to disciplinary action under the Faculty Handbook and applicable local, state or federal statute.

**Subsequent Verifications**

5.01 A background check may be requested or performed after the initial check covered by this policy in accordance with applicable policies, procedures or practices of the University. OSU reserves the right, at its sole discretion, to amend, replace, and/or terminate this Policy at any time.

**Oklahoma State University Faculty Background Check Policy**

**Frequently Asked Questions**

**Q 1: Why is OSU implementing background checks?**

**A:** OSU is committed to providing a safe and secure environment for the University community in support of its overall mission. This procedure is intended to help OSU achieve its goal of providing a safe and secure environment, especially for children, vulnerable members of the population, and those likely to be in subordinate positions, by requiring the use of Background Checks in the hiring process for all Faculty members.

**Q 2: Who must complete a background check?**

A: All final candidates for full-time or part-time, including adjunct, faculty positions or faculty with more than a one year break in service.

**Q 3: Do new faculty members who are supported by a grant need to complete the background check?**

A: Background checks are required of all final candidates for full-time or part-time faculty positions, and this includes all faculty supported by a grant.

**Q 4: When does the background check take place?**

A: The background check takes place post-offer, pre-employment.

**Q 5: Are additional background checks required after the initial background check is completed on the new faculty member?**

A: In most cases, only those faculty members who have a break in employment of more than twelve (12) months will need an additional background check when they are rehired. Additionally, a background check may be required for faculty members changing positions/departments due to a promotion, reassignment, or change in status, unless the person has already had a background check within the previous year.

Please contact the Office of the Provost or Human Resources if there are questions relating to additional background checks.

**Q 6: Who conducts the background check?**

A: OSU has contracted with a third-party agency to conduct all background checks for all staff and faculty positions.

**Q 7: What steps must the candidate take to complete the background check, and what information will the candidate need to provide for the background check?**

A: The final candidate must complete the online form in its entirety and execute a signed consent and disclosure form. As part of the form, the candidate must provide his or her first and last names; current address with city, state, and zip code; date of birth; social security number; telephone number; and whether the candidate has any criminal records.

**Q 8: What does the background check include?**

A: The background check includes: address verification; social security number check (to verify the person is who they claim to be); a county, statewide and federal criminal records search; search of sex offender registries; driving records; and examination of state and federal debarment lists.

**Q 9: Does the background check include a credit history check?**

A: For the majority of positions, background checks do not include a check on credit. However, a more comprehensive background check, including credit, may be required pursuant to a University administrative decision, local, state or federal law, or for certain sensitive positions.

**Q 10: How does the university protect an individual’s right to privacy?**

A: OSU follows state and federal laws that ensure a candidate’s right to privacy, which prohibits employees and others from using or disclosing personal information except within the scope of their assigned duties.

**Q 11: Does a candidate have to give permission or consent for a check to be conducted?**

A: Yes. If a candidate does not give permission or neglects to give all of the information required to process a background investigation, the check will not be conducted. However, a person who does not give permission or does not provide all of the information needed cannot be employed by OSU.

**Q 12: If a candidate has adverse information reported in the background check, is that individual automatically disqualified from employment at OSU?**

A: No. Adverse information is not an automatic bar to employment. OSU will consider the passage of time and the severity, frequency, and nature of a conviction, as well as its relationship to the position in question. If the background check reveals information that affects the University’s decision to not offer employment, the candidate will be provided an opportunity to see the findings and provide an explanation.

**Q 13: Who makes the decision on what constitutes adverse information?**

A: OSU Human Resources receives the initial report and makes a decision based on factors listed in Question 12.

**Q 14: How will the hiring department be notified of the background check results?**

A: If the background check comes back with no adverse information, OSU Human Resources will notify the department that the final candidate may be employed with OSU. However, if the check reveals adverse information that would affect their employment status with the University, Human Resources will notify the department that the results of the background check make the candidate ineligible to be hired.

**Q 15: Will OSU Human Resources share the results of the background check with the hiring department?**

A: No. In order to protect the confidentiality of the information obtained, Human Resources will only share with the department whether or not the candidate is eligible to be employed.

**Q 16: If a department disagrees with OSU Human Resources recommendation that the candidate is not eligible, is there an appeal process for the department?**

A: If the department wishes to have Human Resources’ recommendation reviewed, HR will share the results of the background check with the Dean of the College in which the candidate was to be hired, as well as with the Office of the Provost. Those two offices will review the information and make a final determination whether or not the candidate may be employed.

**Q 17: How long does it take to get the results of a background check?**

A: Most background check results are made available within two (2) business days from submission, however it may take up to five (5) business days to process. Additional time is needed if the candidate has lived overseas or in multiple states.

**Q 18: Do candidates have the right to receive a copy of their background check?**

A: Yes. Candidates are given this right under the Fair Credit Reporting Act (FCRA). To receive a copy, the candidate will need to request one from the third part vendor.

**Q 19: Who may candidates contact if they have additional questions about the background check process?**

A: Candidates should contact the Background Check Representative within OSU Human Resources at 405-744-2909 or [osu-hr@okstate.edu](mailto:osu-hr@okstate.edu).