McCann called the meeting to order with the following members present: Belmonte, Borland, Champlin, Collins, Depperschmidt, Doust, Ekman, Emerson, Grubgeld, Hurst, Johnson, Jones, Kak, Khojasteh, Moss, Lewis, Lovern, Lacombe for McFarlane, Oberhelman, Pivateau, Peek, Ramsey, Royer for Rebek, Richards, Sheehan, Tenorio, Royer for Walker, Wanger and Zhang.

Also present: Beard, K., Bird, L., Clark G., Hartman, J., Henneberry, S., Johnson, K., Lacy, J., Miller, B., Payne, J., Ramsey, J., Sandefur, G., Schnaiter, J., Sewell, K., Shutt, G., Smith, B., Taber, C., Weaver, J. and Zhu, L.

Absent: Ware.

**HIGHLIGHTS**

Special Report – Jamie Payne/Justin Lacy – HR – Background………………………….…..

Remarks and Comments – Gary Clark for President Hargis…………………………….........

Report of Status of Faculty Council Recommendations and other Vice Presidents…….…….

Reports of Liaison Representatives …………………………………………………….……..

Graduate Faculty………..…………………………………………………….………..

Women’s Faculty Council……………………………………………………………..

Emeriti………………………………………………………………………………….

Wellness………………………………………………………………………………..

Reports of Standing Committees ………………………………………………….…………..

Academic Standards and Policies ……………………………………….…………….

Athletics ………………………………………………………………….……………

Budget …………………………………………………………………….…………...

Campus Facilities, Safety and Security ………………………………….……………

Diversity………………………………………………………………….……………

Faculty ………………………………………………………………….……………..

Long-Range Planning and Information Technology ………………….………………

Research ……………………………………………………………….………………

Retirement and Fringe Benefits ……………………………………….………………

Rules and Procedures ………………………………………………….………………

Student Affairs and Learning Resources …………………………….………………..

McCann called the meeting to order and asked everyone present to sign the roll call as it is circulating the room and if you are a proxy for someone please sign your name as well as that of the council member whom you are representing. McCann asked if there was any discussion regarding the November 14th minutes that were sent out to everyone. Seeing none, asked for a motion to approve. Jones moved, Champlin second. Motion passed. McCann asked for approval of the December meeting agenda. Jones moved, Richards second. Motion passed. McCann stated that there was lively discussion about the background checks at the last meeting so Jamie Payne and Justin Lacy are here to give us the information about how HR handles them.

**Special Report – Jamie Payne/Justin Lacy – Background checks**

Payne presented the following PowerPoint to the council:



Payne stated that background checking has been a “hot topic” in our field for about the last 6 months or so.

* In April of 2016 Governor Fallin passed the “Ban the Box” order, which most states also have. This order bans the question asking applicants if they have been convicted of a felony on their applications. Consequently, OSU has removed that question from all our applications. Therefore, OSU does not know what someone’s record is when they are applying to OSU. Payne stated that it has become more important for OSU to “vet” these applicants before making the hire.
* Disclosure/Consent. HR screens finalists for positions. These finalists have to sign a consent form in order for HR to perform the background check, which is done electronically.
* Pre-adverse action notification. If HR determines that the applicant has a criminal history that would forbid OSU from extending an offer, the applicant is notified that there was a problem with their background check.
* 60-day dispute and/or correction. Payne stated that the applicant then has 60 days to dispute what HR is reviewing. Payne stated that HR does not have many of these, but when one does occur the applicant can provide additional information to help understand what’s coming up on the background check.

Payne reviewed the Oklahoma Statute that prohibits OSU from maintaining employment for any state employee who has been convicted of a felony. OSU by law has to terminate anyone who is convicted of a felony. This does not apply to people with previous felony convictions. Payne stated that they look at all background screening on a case by case basis. This is the best practice and recommended by the EEOC. OSU also involves OSU Legal Counsel anytime they deny a hire.

Lacy discussed why OSU screens potential new hires. Lacy discussed the current screening procedures at OSU. Lacy stated that most colleges have begun conducting background screening on faculty positions. Lacy reviewed procedures which are done on a case by case basis. He used the example that if OSU was hiring someone to drive a bus, someone with five DUI convictions would not be the best applicant. HR would consider this information relevant to the job. If the applicant was being hired to work in the bookstore, this would not be as relevant. Lacy stated the type of offense, frequency and time lapse all come into play when things come up on the screening. Lacy stated that HR looks at criminal, social security and sex offender registries as well as the national criminal database in all screenings. Lacy stated that only high profile financial positions are screened for credit history. Credit screenings are not done on faculty members. Details of convictions are not provided unless it is absolutely necessary. When providing information to departments, HR will say “this person does not meet our qualifications on the background check. Here’s what we are going to do to figure out why.” They do not provide details in order to protect the hiring managers from potential lawsuits down the road. Lacy stated they will discuss the issues with the Vice President, Dean or key Department Head if necessary. Lacy stated that background checks are done on initial hire and when someone is being transferred or promoted to a new position if it’s been more than six months since their last screening. Lacy said most of the records are maintained online in HR in a password protected area. If they have a paper copy, they are kept in a locked area and kept for three years. These are then shredded. Lacy reviewed the slide with primary screening areas. Everything listed below the top three (social security, criminal and sex offender) OSU has the ability to do checks from these but these are not a part of the standard package. These are done on a case by case basis when necessary.

Payne discussed the slide of peer institutions who are currently screening faculty members. Payne stated that back in 2013 she provided this exact same list to Faculty Council (with the exception of TCC, UCO and OCCC) and at that time only 4 or 5 of them only screened staff. Now, all staff, faculty and students hired for all positions are screened. OSU is now an anomaly since we do not require all employees of the university to have a background screen. Nebraska is the only exception – they only screen nonacademic employees. All Oklahoma schools, with the exception of OSU, screen all employees. A third party vendor (Truescreen) is used for the screenings. HR has been using this company for about 5 years. This is a web-based organization that is completely confidential and very fast. Information is usually returned within 72 hours. Payne stated that the standard cost for a normal background check is $28 per screening. Payne stated that thanks to Joe Weaver, we have centralized this budget and HR is now paying for all screenings. These will not hit any college or department budgets. HR talked to the Deans about a year ago and they were all very pleased with this information and are more open to the idea of background screening. Payne introduced Kathy Johnson who is an HR technician that does all the screenings. She manages the process and is a resource for everyone who may have questions. Payne stated that one person is doing all the screenings so it’s very standardized, consistent and non-discriminatory. Payne stated that when the results come back there is a team that reviews the results. If there is a questionable screen, HR will have a team review it to determine the outcome.

Payne did state that the graduate college did just recently put a “best practices” document out for screening GTAs and GRAs. They are in line with starting to screen graduate students.

Payne opened the floor to questions. Miller asked if this is approved would a P&P be created so all academic units are on the same page. Payne stated HR can do this. Payne stated that HR does have a guideline for staff background screenings that they could very easily incorporate for faculty. Payne stated the most important component is that you don’t just pick who to screen but you pick segments of positions. So you are not discriminating. Pivateau asked if HR was making the decision on what is flagged and what is not flagged. Payne stated, yes they are. Pivateau then asked if this information is then presented back to the department who is extending the offer. HR will evaluate any red flags based on the type of offense, the frequency of the offense and the lapsed time since the last offense for the position. Payne stated that it is very infrequent that HR denies a hire, but there are cases where it is appropriate to deny. Payne stated that when denying a hire there is a combination of legal counsel, HR, the dean and the Provost involved in the decision. Pivateau asked if the department had any control over the hire. Payne stated that the hiring official does not typically have control for their own protection in case a discriminatory claim is filed they are protected. Lacy stated that it is very infrequent that this happens. Of the roughly 1,400 to 1,500 background checks that HR has done year to date, they have had less than 10 that they had to deny for immediate hire. This does not include those who have had convictions that they look at on a case by case basis. As far as someone who has a horrible background that we do not want on campus this has been less than 10 over 1,400 to 1,500. Lacy said this is not a major issue. Pivateau stated that he believes HR is taking away a very important function away from the department. They are charged with finding the best people and he feels like this is being taken away. Lewis stated that why would OSU want to hire someone who has a questionable background. Pivateau stated that HR may think something is a problem when the department may not. Khojasteh commented that this was an excellent presentation and according to Oklahoma law, if a current employee commits a felony we are terminated. To be honest, he doesn’t see why we would hold ourselves to a different standard than an incoming hire. Why would we not want to embrace this policy? If current employees are held to a standard why would we not hold that same standard to new hires? Weaver stated that a denial would be so clear cut that there was a violation of the law. HR is not going into grey areas to evaluate competencies. That is not what this is about. This is about looking for convictions that will protect everyone at OSU. Weaver stated that if the faculty practice needs to be slightly different than the staff, it could include the Provost or perhaps include the relevant dean. This can certainly be discussed. Weaver stated that there is some value in protecting the department from the actual screening. Sandefur stated that at Wisconsin, HR and the dean would talk about situations. This practice has been ongoing for 10 years. No applicants ever complained about signing the background check form. Payne stated that there is a sense of security knowing that you’re not working next to a murderer or child molester. Grubgeld stated that some concern might come up if the criminal conviction was associated with participation in a political demonstration. Grubgeld stated that she’s hearing that the focus would be primarily on very specific kinds of convictions. Payne stated that it would be very rare that someone would be denied based on a political issues of some kind. Payne stated that these are misdemeanors in most cases not felonies which would clear very easily. Grubgeld wanted to clarify that although the department head would not be involved in the rescinding of an offer, a dean may? Payne stated that potentially the dean and department head could be involved. The direct hiring official is a little dangerous to tell all the details and have those back and forth conversations between the applicant and the supervisor who is doing the hiring. Weaver stated to go back to the Big 12 slide and investigating who all is involved on each campus and see what their policies are like when formulating one for OSU. Weaver stated that since we do not currently screen faculty, we don’t have a practice. Payne stated that in 2016 most of the deans said that they wanted to start doing background checks on faculty members since the self-disclosure option of previous convictions has been taken away. Royer asked what happens if someone declines to give permission to do the background check. Payne stated that if they do not consent, OSU cannot do the screening. And if they are a staff member they cannot be hired here at OSU. Lacy stated that very few if any have said no to the background check. Payne stated that when she presented this information in 2013 Texas Tech, Oklahoma, Penn State and one more from the list did not do faculty background screenings. They have all changed their policies so they now require them because of the risk associated with the interaction that faculty have with students and sexual assault crimes that are so visibly apparent in the media these days. Johnson is still confused by the case by case basis. There is no documentation of what else might keep a person from being hired. It’s all opaque to faculty members. Payne stated that the legal is very gray. This is what makes Johnson nervous. Payne stated that the dean will be made aware that there is a problem with a background screen and according to the records this person did “whatever”, do you want to hire this person? A decision is made with HR, Legal Counsel and the dean. Payne stated that this is a subjective decision based on what the conviction was for. Court records are pretty transparent. Henneberry asked why OSU does not do these screenings already. Weaver stated that Faculty Council has been against it in the past and he was not willing to bring it up again. Payne stated that HR will create a policy and present it to Faculty Council for approval. Payne stated that Faculty Council is free to draft the policy and have HR review it if they would prefer. Payne stated that they have numerous examples from our peer institutions. Johnson stated that there will never be a policy about what exact things disqualify a person. Payne stated that by its nature, you can never have a black and white policy. As an example, if you have three DUI’s you will not be hired but if you have two you can be hired. But if you did something 20 or 30 years ago they will be weighed differently. Lacy stated that the majority of what they see in the screenings are drug related when the person was 18 or a DUI when they were 18. These types of things would fall into the case by case basis. Weaver stated that this is just a precautionary test that OSU can do to protect ourselves. OSU is not trying to keep you from hiring anyone. Payne stated they use a reasonable standard in the screenings.

McCann stated that we will continue this discussion when we get to Old Business.

**Remarks and Comments – Gary Clark for President Hargis:**

Clark stated that President Hargis had to be in Tulsa today. Clark stated that the Governor stated that the second special session will begin Monday. They are still negotiating. They are trying to reach long term solutions for funding in the state. Clark stated that cuts of 22% have occurred over the last three years. We are working with the Governor. There is an education task force looking at ways to be more efficient. They are talking about bringing some of the junior colleges’ Boards of Regents under the three major boards. This would result in some savings.

Clark stated that about 1,400 students will graduate on Saturday. Clark stated that OSU will be presenting the Henry Bennett Distinguished Service Award to former President Halligan and former First Lady Ann. Clark stated that Neal McCaleb will be receiving an honorary degree.

Clark said that OSU had a record number of applications last year and we are on track to have a comparable level of applications this year. Need to get them signed up but hopefully we will have continued strong growth in enrollment.

Clark updated the construction around campus:

* Business Building – ready for occupancy this spring.
* Central Plant will be up and running this spring. The power plant to the south will

continue to operate for a period of time. We are upgrading the electrical and this will take some time to complete.

* Ferguson Family Dairy Center – will open this spring.
* Endeavor Technology lab – will open next year.
* New Vet school classrooms
* New Animal Science and Animal Nutrition Physiology building to be built or renovated.
* McKnight Center for Performing Arts.
* Music Building – thanks to a substantial gift from Mike and Anne Greenwood, plans are being worked on for the new music building. This new building will be offset to the east and south of the McKnight Center along Hester.
* Beginning next week, Cordell Hall will be removed. This new space will be parking.

Clark stated that OSU has hired Dr. Carlos Risco as the new Dean for the Center for Veterinary Health Sciences. Clark also stated that Brad Williams is the new President of OSU/OKC effective January 1, 2018.

**Report of Status of Council Recommendations:**

**President Hargis, Provost Sandefur, and/or Vice Presidents**

**Provost Sandefur:**

Reviewed the pending recommendations:

17-03-01-FAC/ASP: Revisions to P&P 2-0905 “Nomination & Appointment Process for Regents

Professors”.

17-03-02-FAC-ASP: Guidelines for Search & Screen Committee Best Practices.

**Dr. Lee Bird –**

Dr. Bird stated that they are having pancakes for finals week. Bird stated that a student came forward and asked what type of training is there for faculty regarding medical emergencies in the classroom. Bird stated that a variety of training has been offered. She presented the following flyer to the council. Additional information will be forthcoming from Provost Sandefur’s office. Bird stated there would be two training dates offered. You can attend both or go to just one. The first session will be Wednesday, January 24th both am and pm sessions. The second date is Thursday, February 1st afternoon only. The first part will be medical and psychological emergencies in the classroom. The second part will be a training on an Active Shooter program. Each session will be one hour in length. McCann encouraged all those in attendance to announce these sessions to their constituents.



**Report of Liaison Representatives:**

1. Graduate Council – Brenda Smith

The Council met on Friday, December 1st.

*Federal Tax Proposal – Taxation of Graduate Tuition Waivers.* Dean Tucker raised awareness about the proposed federal tax on graduate tuition waivers and informed Council that many groups, including the Council on Graduate Schools, are involved in lobbying against this measure.

*Accelerated Bachelor-to-Master’s Degree Programs.*  Council discussed and voted to approve the policy allowing up to 30% of the total coursework required for the stand-alone undergraduate and master’s degrees.

*Best Practices for GRA/GTA Criminal Background Checks.*  The Council discussed and voted to endorse the best practices document.

*Academic Program Committee actions*. The following items were discussed and approved:

* New stand-alone Graduate Certificate in Biomedical Science
* Doctorate of Philosophy in Business Administration (Marketing)
* Certificate in Healthcare Administration
* Master’s in Hospitality and Tourism Management
* Human Sciences – Ph.D.
* Master’s in Mathematics
* Doctorate in Nutritional Sciences
* Doctorate in Physics
* Stand-alone Graduate Certificate in Medical Sciences

1. Women’s Faculty Council – Shida Henneberry

The WFC held their general meeting on November 16th. The WFC has taken important roles in bringing speakers in, hosting a book club, and sponsoring research awards. The WFC bylaws committee’s first meeting has taken place, with the leadership of Kim Loeffert ([kim.loeffert@okstate.edu)](mailto:kim.loeffert@okstate.edu)).

After the general meeting, Dr. Cynda Clary, Associate Dean, College of Agricultural Sciences and Natural Resources, discussed issues related to women tackling professional recognition.

Research Awards: We are currently seeking reviewers for the WFC undergraduate and graduate research awards. Please contact Dr. Marianna Patrauchan ([m.patrauchan@okstate.edu)](mailto:m.patrauchan@okstate.edu)) if you are interested.

WFC has sent out communication about the Research Award deadlines as well as the WFC undergraduate scholarship deadline. The deadline for 2018 WFC Student Research Awards are Thursday, March 1 and Ryder/Smith Scholarships February 15 (tentatively). Sponsorship list with pledges has been updated.

Updates on the WFC website, especially for applications for these awards, are underway. Record number of pledges have been received.

The WFC is sponsoring a session for Research Week:

**Mitigating Implicit Bias in Faculty Hiring and Evaluation Processes**

**Tuesday, February 20th, 12:30-1:30pm, 126 ITLE**

**Spring 2018 Women’s Faculty Council Events and Reminders:**

***Regular WFC meetings***

* 3rd Thursday of every month, 12:30-12:45, prior to any scheduled programming.

***Presumed Incompetent Book Club****(co-sponsored by ITLE)*

* Dec 6, 12:30-1:30, 126 ITLE
* Read or just join the discussion about:
  + Chapter 21: The Port Hueneme of My Mind: The Geography of Working Class Consciousness in One Academic Career (p. 300-312)
  + Chapter 30: Lessons from the Experiences of Women of Color Working in Academia (p. 446-500)

**Spring semester events, 12:30-1:30**

* Jan 18, SU Room 460, ADVANCE initiatives and COACHE group, Dr. Jean Van Delinder
* Feb 20, 126 ITLE, Research Week, Mitigating Implicit Bias in Faculty Hiring and Evaluation Process, Dr. Bret Danilowicz
* March 15, SU Room 460, A neutral party: Getting to know your ombudsperson, Ombuds Officer Kenneth Bartels
* (April), Date/Time/Location TBD, WFC Research Awards

1. Emeriti Association – Barbara Miller

Officers for 2018 were installed at the December meeting:

President Sharon Nivens

Vice President-Activities Dennis Berthof

President Elect Charles Leider

Past President Anne Matoy

Secretary Tana Rutan

Treasurer Ron Elliott

Councilors: Kay Keys, Kent Olson, Clem Ward, Jack Dillwith,

Dolores Willett, Althea Wright, Doug Aichele, Bob

Wettemann, Mike Lorenz

1. Wellness Center – Kim Beard



Dr. Bird stated that for the first time the Wellness Center will be open over the break. The Colvin

Center has too many moving parts and will remain closed. The Wellness Center will be open Tuesday through Friday 8 to 5.

**REPORTS OF STANDING COMMITTEES:**

**Academic Standards and Policies: Scott Johnson – No Report**

**Athletics: Terry Collins – No Report**

**Budget: David Oberhelman – No Report**

**Campus Facilities, Safety, and Security: Erik Ekman – Update**

The committee met on the 29th and had a wonderful discussion about parking during Thursday game days in response to an Arts and Sciences Council resolution. Ekman believes the issues has been resolved. The committee will talk to campus police about emergency action planning for the spring as well as security for academic buildings during games.

**Diversity: Justin Moss – No Report**

**Faculty: Chris Richards – No Report**

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

**Research: Andrew Doust – No Report**

**Retirement & Fringe Benefits: Bobbikay Lewis – No Report**

**Rules and Procedures: Pamela Lovern – No Report**

**Student Affairs and Learning Resources: Gina Peek – No Report**

**Old Business – Criminal Background Check recommendation**

Jon Ramsey moved that the tabled item from our previous meeting be moved forward for discussion. McCann asked for a second. Motion passed. Khojasteh moved to move forward with the amended recommendation that HR draft a policy for background checks for faculty. McCann asked for discussion. Ramsey asked for clarification of what the council members were voting on. McCann stated that the friendly amendment to the recommendation on the floor that council asks HR to draft a policy for background checks for faculty and to return this policy to Faculty Council for a vote. Seeing no discussion, McCann moved to a vote. Motion passed.

**New Business –** Reminder – January meeting has been moved from the 9th to the 16th. Please mark your calendars accordingly.

The meeting adjourned at 3:53 p.m. The next regular meeting of the Faculty Council is Tuesday, January 16, 2018 at 3:00 p.m. in **412 Student Union, Council Room.**

Respectfully submitted,

Pamela Lovern, Secretary