

UNH FACULTY SENATE  
MOTION # XIV-M15

on background checks

1. Motion presenter: Ed Hinson
2. Date of Faculty Senate discussion: 4/19/2010
3. Rationale:

The Professional Standards Committee was charged to check on the administration's response to the 5/5/08 senate motion XII-M16 regarding the university policy on background checks. On 12/10/2009, the PSC met with Sharon Demers, who is the assistant vice president for human resources, to discuss questions pertaining to the faculty component of the UNH Background Check Policy, scheduled for implementation on 7/1/2010. Prior to the meeting, committee members had reviewed relevant Faculty Senate motions and other related documents, as well as Sharon Demers' "Faculty Senate Response -- Background Checks" document of 12/22/2008, which had been drafted to address concerns and questions contained in senate motion XII-M16.

Discussion centered on issues of privacy, due process, similar practices in other educational settings, potential liability to UNH, and fair treatment of effected individuals. Committee questions included the following, with the answers in parentheses. Can candidates see the report on which they are being judged? (A: It is available for purchase from the same firm generating the report for UNH, and UNH will provide a copy to the candidate upon request.) What constitutes "disqualifying information"? (A: a felony conviction.) Does the open-ended consent form, when signed, give UNH the right to conduct additional future checks? (A: technically yes, but UNH would notify the subject if this were to be done and request a new release.) Who has access to background check results when they are stored at UNH Human Resources? (A: Although these records are kept apart from the personnel files, the same human resources office staff can access each.) Will credit and financial checks be performed on faculty candidates? (A: "Credit checks have only been requested for those positions that have a primary responsibility for oversight of university funds including income and expenditures.") Does the proposed policy require or foresee changes to the UNH-AAUP contract? (A: No.) Will a hiring department always have a voice in any situation in which a check uncovers adverse information? (A: Yes, there will be consultation among UNH-HR, the Dean and the department chair).

Sharon Demers indicated instances where faculty concerns had been addressed through changes (or intended changes) to the policy. In particular this included the current automatic disqualification of candidates within five years of a felony or violent misdemeanor conviction (to be changed to possible disqualification). Overall, the PSC believes that, in the matter of background checks, the administration has in good faith taken the views of the faculty into account in the development of the policy and, when differences have remained, has given considered reasons for these differences. Analysis of the policy indicates, however, that it may be all too possible for those authorized to conduct such checks to do so randomly or otherwise, in order to try to uncover improprieties. The PSC therefore urges the senate to pass the motion.

The background checks should not be triggered by receiving a grant, becoming a department chair, or receiving routine academic promotions such as from associate professor to full professor, because the university's business service centers would provide a measure of security and accountability sufficient for expenditures in such instances. Sharon Demers has indicated that credit checks have only been requested for those positions that have a primary responsibility for oversight of university funds including income and expenditures. The wording in some grants requires a security check.

4. Motion:

The Faculty Senate acknowledges that the UNH administration wishes to employ background checks with the goal of protecting the integrity of the university and the well-being of its community. We urge the administration to apply these checks in a minimal and consistent fashion and to respect the full rights of all individuals subjected to such checks. In addition, as the policy applies to faculty, we expect the administration to adhere rigorously to its stated plan (to invoke checks only in (i) the process of hiring new faculty and (ii) changes of position in which new and significant financial responsibilities are assumed) and in every instance to give notice to and obtain consent from all individuals subjected to such checks. The senate understands that background checks would not be triggered by routine academic promotion, becoming department chair, or receiving a grant. Background checks would be triggered when required by law. Further, we request that the administration notify the chair of the Faculty Senate Professional Standards Committee of background checks for continuing tenure-track faculty with rationales for conducting each of the checks.

5. Senate action: passed with twenty-nine ayes, two nays, and three abstentions.

6. Senate chair's signature: 

Forwarded to: President Mark Huddleston, on May 4, 2010

Forwarded to: Provost John Aber, on May 4, 2010

Forwarded to: Sharon Demers, Assistant Vice President for Human Resources, on May 4, 2010