

Board Meeting
January 21, 2016

REVISE UNIVERSITY POLICY ON BACKGROUND CHECKS

Action: Revise University Policy on Background Checks

Funding: Nominal background check fees will be incurred by the hiring unit and/or campus/central human resources office

The University of Illinois Board of Trustees approved the Policy on Background Checks at their September 10, 2015 meeting. The Policy was designed to help ensure the provision of a safe and secure environment for all students and employees of the University. The Policy called for the University to implement background checks beginning October 5, 2015. Following resolutions passed by each Campus Faculty Senate on the postponement of the implementation of the Policy, the President of the University asked that the Policy be fully implemented by November 1, 2015, in order to ensure that any additional faculty input had been taken into account. The President also asked the Vice President for Academic Affairs to convene an ad-hoc Working Group in order to consider possible revisions to the Policy in response to any specific concerns and input from the faculty and from administrators. The Working Group was charged with recommending possible revisions to the Board of Trustees at the January 21, 2016 meeting.

The Working Group included representatives from the three Campus Faculty Senates, Campus Provost offices, University and Campus Human Resources, and Office of the Vice President for Academic Affairs, and was advised by the Office of University Counsel. The Working Group was tasked with considering revisions to the University-wide Policy only; each campus, University Administration (UA), and the University of Illinois Hospital & Health Sciences System (UIHHSS) are and will remain responsible for the development and implementation of the guidelines and/or procedures, which must comply and be consistent with the Policy, for conducting background checks for their respective employees.

The Working Group met frequently during the Fall 2015 semester and consulted extensively during this period with appropriate governance bodies and with the leadership of the UIUC Chapter of the AAUP. The Working Group developed a draft Revised Policy that was communicated to the University Senates Conference and to the three Campus Faculty Senates and their committees, for their review and feedback. The draft Revised Policy was further revised according to the comments and concerns expressed by these governance bodies. The final outcome of this elaborate process is the proposed Revised University Policy on Background Checks, set forth in the attached document and recommended for approval to the Board of Trustees.

While the tenets of the Revised Policy remain the same as those of the original Policy, including the individuals (new hires and current employees) who are covered under the Policy, a number of changes were made. Specifically, the language was made more precise and clearer throughout the document, in order to remove, as

much as possible, any possible ambiguity or misinterpretation of the Policy and of its effects. For instance, the Revised Policy highlights that implementation will be consistent with the University's mission and vision, and that it will be guided by principles supporting its workforce diversity and international reputation. The Revised Policy also makes a crisp distinction, and uses consistent language throughout, between the criminal background checks (for which each campus, UA, and UIHHSS have the obligation to set guidelines and/or procedures) and other pre-employment background checks (for which University units already have in place best practices and/or guidelines). Furthermore, the Revised Policy clarifies the categories of individuals who are subject to the background checks (e.g., post-doctoral research associates) versus those who may not be (e.g., post-doctoral fellows). Another important addition to the Policy is a provision for periodic assessment of the Policy and any impact, at least every three years. Finally, the Revised Policy spells out that future modifications of it will be made in consultation with the appropriate governance bodies, and that the results of the periodic assessments will be shared with these bodies. A number of additional revisions can be found in the redline version of the Revised Policy, which is also attached.

The Revised Policy is a mandate by the Board of Trustees for the University to conduct background checks, and thus delegates authority to the University to do so. While the Policy does not dictate the outcome of any particular background assessment, it enumerates the factors that University units are required to consider in making those assessments. As such, each campus, UA, and UIHHSS are responsible for implementing the Policy, and in each case they must conform their judgments to the

parameters established in the Policy. Additionally, the Board of Trustees remains free to revise the Policy if, in its judgment, the aggregate results of the implementation are unsatisfactory or suggest ways in which the Policy and its implementation might be improved.

In summary, the Working Group believes that the proposed Revised Policy, together with the implementation guidelines and/or procedures that have been developed by each campus, UA, and UIHHSS, is considerably stronger than its original version. The Revised Policy is expected to contribute to the safety of the students and employees of the University, while its implementation will be aligned with the University's mission and vision and guided by principles supporting workforce diversity and international reputation.

The Board action recommended in this item complies in all material respects with applicable State and federal laws, University of Illinois *Statutes, The General Rules Concerning University Organization and Procedure*, and Board of Trustees policies and directives.

The Vice President for Academic Affairs recommends approval of the Revised University Policy on Background Checks set forth in the attached document.

The President of the University concurs with this recommendation.