

Higher Education and Employment Advancement Committee

February 11, 2015

Re: Senate Bill 861, *An Act Concerning Criminal History Record Checks and Discipline for Faculty Members of Institutions of Higher Education*

Testimony of
Michael Bailey, Executive Director
University of Connecticut – American Association of University Professors
(UConn-AAUP)

Senator Bartolomeo, Representative Willis, and members of the Higher Education and Employment Advancement Committee, my name is Michael Bailey and I am the Executive Director of the UConn-AAUP. UConn-AAUP is the bargaining representative for the 2500 faculty and unit members at the Storrs and regional campuses of the University of Connecticut (UCONN).

I am submitting testimony in opposition of SB 861 An Act Concerning Criminal History Records Checks and Discipline of Faculty Members of Institutions of Higher Education.

Currently, UCONN utilizes a criminal background check in the hire of new full and part-time faculty, consistent with, but not limited to, the State Fair Employment Practices Act and federal laws prohibiting employment discrimination. It is in the best interest of UCONN and UConn-AAUP to continue this practice to provide a safe environment for our students to learn and for our faculty to teach and conduct research.

UCONN and the UConn-AAUP have engaged in a collective bargaining agreement that governs the terms and conditions of employment, which permits disciplinary action up to and including dismissal of a tenured or non-tenured faculty member for serious misconduct. Criminal convictions may rise to the level of serious misconduct, but factors such as the nature of the offense, how the offense relates to the faculty members employment, and prior disciplinary action of the faculty member must be taken into account. UCONN has recently enforced this provision of the contract.

The promotion, tenure and reappointment (PTR) process for faculty is defined in the University By-Laws. The procedures for PTR require a faculty member to meet a defined set of criteria with several levels of review by colleagues and administrators. The insertion of a criminal background check in this process is inappropriate. In fact, the collective bargaining agreement explicitly states, “The parties agree that the PTR procedures should not deal with issues of misconduct, which are more appropriately dealt with under the disciplinary procedures.”

Finally, many faculty are credentialed with licenses and security clearance’s that go beyond the background checks required for employment at the University.

Thank you for giving me the opportunity to submit written testimony on SB 861. I would be happy to answer any questions you may have on this proposed legislation.