



**Higher Education and Employment Advancement Committee**

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**Testimony**

**By**

**Michael Eagen**

**Director**

**Office of Faculty & Staff Labor Relations**

**University of Connecticut, Storrs**

Co-Chairs, Ranking Members, and Members of the Higher Education and Employment Advancement Committee, thank you for allowing me to submit written testimony today on Senate Bill 861, *An Act Concerning Criminal History Record Checks and Discipline of Faculty Members of Institutions of Higher Education*.

As the Committee deliberates on this legislation, I thought it would be helpful to provide information on how the University of Connecticut utilizes criminal background checks currently and how we respond to criminal conduct by existing employees.

Pre-employment criminal background checks serve as an important element of UConn's ongoing efforts to ensure a safe and secure campus and workplace. Criminal history information can identify prospective employees who may be predisposed to engage in violence, sexual misconduct, misappropriation of resources, identity theft, data breaches and other misconduct. All offers of employment made by UConn, including those made to prospective faculty members, are subject to a pre-employment criminal background check. The use of criminal history information in the hiring process is fully compliant with all relevant laws including, but not limited to, the State Fair

Employment Practices Act and federal laws prohibiting employment discrimination.

([http://hr.uconn.edu/employment\\_services/cbc.html](http://hr.uconn.edu/employment_services/cbc.html)). Currently, UConn does not require faculty members to undergo an additional criminal background check as a condition of promotion, tenure or reappointment (“PTR”) as the legislation seems to require.

The collective bargaining agreement between UConn and the AAUP that governs the terms and conditions of employment for faculty members permits disciplinary action up to and including dismissal for a tenured or tenure-track faculty member for serious misconduct which would include certain criminal convictions. It is also a violation of UConn’s General Rules of Conduct for any employee to be convicted of a crime. State and federal discrimination laws including regulatory guidance issued by the EEOC, however, require an employer to conduct an individualized assessment and consider certain factors, including the nature of the offense and its relationship to the position, prior to disciplining or dismissing an employee due to a criminal conviction.

By way of example, UConn has recently terminated a tenured full professor, in part, for several misdemeanor criminal convictions and a tenured full professor for a felony conviction. In each case, the convictions were recent and the nature and severity of the offenses was determined to be sufficiently job connected to warrant dismissal.

To the extent that the proposed legislation would require an additional criminal background check, post-hire but prior to promotion, tenure or reappointment, UConn would normally address criminal conduct through the discipline and dismissal process and not through the PTR procedures. The PTR procedures have defined criteria for measuring effectiveness, productivity and potential in research, teaching, service and engagement. The AAUP contract explicitly provides that “The parties agree that the PTR procedures should not be used to deal with issues of misconduct which are more appropriately dealt with under the disciplinary procedures.”

In our view, UConn has sufficient controls in place to prevent a faculty member with serious criminal convictions from being appointed, promoted or awarded tenure. That said, legislation requiring criminal background checks of existing employees post-hire but prior to promotion or tenure, if carefully drafted and implemented, could occasionally identify an employee who had been convicted of a crime that had not been reported to, or detected by, appropriate University officials.

Finally, conducting additional criminal background checks post-hire but pre-tenure/promotion would pose additional costs and administrative burdens. The University has approximately 60 to 80 faculty promotion and tenure cases each year and each background check costs approximately \$80 to \$100 on average plus significant staff time to administer.

Again, thank you for allowing me to submit written testimony and for your continued support of the University of Connecticut.