AGENDA ITEM SUMMARY

1. NAME OF ITEM: Background Screening Policy

2. INITIATED BY: James H. Page, Chancellor

3. BOARD INFORMATION: BOARD ACTION: X

4. BACKGROUND:

Appropriate pre-employment, post-offer background screening of finalists for jobs is increasingly recognized nationally as an essential risk reduction measure for employers. Background screening is used to confirm that a finalist has the required education and professional license or certification to do the job, has accurately represented his or her employment history and skills, and does not pose a risk to the safety of others or the institution’s assets.

Background screening policies, practices, and effectiveness vary widely across the University of Maine System. UMS HR leaders have identified these variations as posing a significant risk for UMS and as inconsistent with best practices. A committee of campus and System Office human resources and risk management staff researched best practices and developed a draft policy and procedures. The drafts were reviewed by UMS’s liability insurance carrier (United Educators), University Counsel, the UMS Risk Manager, Chief Financial Officers, Presidents and their cabinets. Collective bargaining agents were also consulted.

The proposed Board policy was presented as an information item at the January meeting and is on the agenda for action at this meeting. In addition to the policy the committee developed a detailed procedure specifying the kinds of background checks that will be required for categories of positions. For many positions the requirements will be verification of credentials (education, employment and licenses), reference checks and a criminal background check. For positions with special responsibilities in the following categories additional checks, including a credit check or sex offender check, will be required:

i. Positions of Chief Financial Officer and their direct reports who hold financial positions,

ii. Positions with authority to commit financial resources of $25,000 or more as provided in the campus Signature Authority matrix and/or MaineStreet Marketplace,
iii. Positions with responsibility to regularly handle cash or cash equivalents of more than a de minimis amount,
iv. Direct access to or control over University or personal goods or property,
v. Broad access, including but not limited to master key or swipe card access, to University facilities, residences, or apartments,
vi. Direct access to or responsibility for controlled or hazardous substances,
vii. Direct responsibility for safety and security of employees, students, minors, and/or visitors or property,
viii. Direct responsibility for repair of University property,
ix. Direct responsibility for care, safety, and security of minors (under 18), incapacitated persons, or persons with developmental disabilities who participate in University-sponsored programs.

Following Board approval of the policy, a small committee will be convened, including at least one CFO, to write the RFP seeking vendors for the policy implementation. This RFP will serve to more fully estimate the volume of background checks that would be required and the bids from vendors will accurately identify the costs.

In addition to selecting a vendor, the committee will recommend how to implement the policy with a method for tracking the volume, experience and costs of background checks, including a way to track the costs in the General Ledger.

If vendor proposals come in at more than the estimated cost per year (about $60,000 system-wide) the CFOs will be consulted again before a proposal is accepted and the policy proceeds. If the costs exceed $60,000 we will consider phasing in the policy or changing the definition of positions covered and types of background checks required.

If the policy is implemented it will be via a sole contract covering the System. The target implementation date is July 1, 2013, but this date is likely to be extended to accommodate the vendor selection process.

5. TEXT OF PROPOSED RESOLUTION:

That the Board of Trustees approves the Employment Background Screening Policy.

March 7, 2013
Board of Trustees Proposed Policy

Employment Background Screening

A safe and secure environment for all members of the University community, employment of qualified faculty and staff, and protection of University funds, property, and other assets are necessary to support the University of Maine System’s academic, research, and public service missions and to fulfill the University’s fiduciary responsibilities for prudent use of public funds. Consequently, appropriate background screening will be conducted for all individuals recommended for faculty and staff positions consistent with the Procedures for Employment Background Screening.

Background screening shall include reference checks, employment and educational verification, license verification and motor vehicle license checks (where applicable), and criminal history for all positions. For positions with special responsibilities, credit history and sex offender history will also be required.

Negative information that is received through background screening about a finalist who has been recommended for a position or an employee who is assigned special responsibilities is not an automatic bar to employment, transfer, or promotion. The applicant or employee will be provided with an opportunity to explain or refute the information obtained. An individualized decision about suitability for employment, transfer, or promotion will be made by the hiring or employing department in consultation with the university Human Resources office based on relevant job-related considerations and the nature of the information.

After hire a university employee who is convicted of a criminal offense that is related to his or her job responsibilities shall promptly disclose the conviction to the employee’s supervisor. The supervisor and department head will consult with the university Human Resources office and will conduct an individualized review to determine whether the conviction is relevant to the employee’s ability to perform the responsibilities of the position. Failure to disclose a criminal conviction that is related to job responsibilities in a timely manner could lead to disciplinary action, up to and including termination of employment.

Additional background screening beyond that covered in the Procedures requires consultation in advance with the System Office of Human Resources.