

Resolution on the September 7, 2022 policy on Conducting Background Checks:

The Faculty of Auburn University strongly support the principles of academic freedom as outlined in the American Association of University Professors (AAUP) 1940 Statement of Principles of Academic Freedom and Tenure. These principles have been the bedrock of the success of American Institutions of Higher Education for the last century.

Auburn's Policy on Conducting Background Checks dated Sept. 7, 2022 (hereafter "**the policy**") is sufficiently broad as to eliminate these principles, because:

- 1) **The policy** carries the threat of termination.
- 2) **The policy** allows for the possibility of continual surveillance of faculty.
- 3) **The policy's** scope has been broadened past evidence of undisclosed criminal behavior to the point of including every aspect of an individual's public and private life.
- 4) **The policy** has provided no transparency as to the methods of search, the specifics of what is to be searched or what is to be flagged, and who or what determines "randomly" who is to be searched.

As written, **the policy** and the threat of its use represents a tool to eliminate the protections of academic freedom and tenure, which are essential for free inquiry, the advancement of human knowledge, and ultimately the success in Auburn's mission of "... forward-thinking education, [and] life-enhancing research and scholarship..."

It is resolved: that the Faculty of Auburn University requests immediate revision of the policy on background checks. **We insist** that **the policy** be revised as follows:

- 1) Remove the possibility of surveillance of faculty.
- 2) Narrow the scope of background checks to evidence of undisclosed criminal convictions.
- 3) Be transparent about who is searched, how it is determined who is searched, when employees are to searched, and what specifically is being searched for.

Points of Information:

Auburn's Policy on Conducting Background Checks dated Sept. 7, 2022 can be found at:
https://sites.auburn.edu/admin/universitypolicies/Policies/Policy_on_Conducting_Background_Checks.pdf

Specifically, **the policy** grants the university the power of the threat of termination:

Par.I "Background checks, when required, are a condition of employment."

The policy allows for continual surveillance of current faculty:

Par.II "the university may obtain periodic or random post-employment and post-activity consumer reports as it deems necessary."

The policy has expanded its scope beyond evidences of undisclosed criminal convictions to involve all aspects of an individual's life:

Par. II "information bearing on an individual's credit, character, general reputation, personal characteristics, or mode of living."

The Policy on Policies (par. II) <https://sites.auburn.edu/admin/universitypolicies/Policies/PolicyonPolicies.pdf>:

This Policy does not govern matters that are solely within the scope of the Auburn University Faculty Handbook.

Indeed, faculty are to be excepted from general employment policies that govern areas of free speech and related topics, rather these issues are covered by the faculty handbook.

Verbal Assurances versus Policies

During the Sept. 9, 2022 meeting of the AAUP Executive Committee with President Roberts, Executive VP General Burgess, (Interim) Provost Nathan we were assured the following:

- 1) Auburn doesn't monitor social media pages, although, if you do public facing things that they get word of, the university will occasionally take appropriate action within existing policy guidelines.
- 2) Auburn administration is not playing Big Brother, and is not conducting surveillance on employees.
- 3) The outside firm (True Screen) has certain filters they use; this doesn't need to be secret. Pres. Roberts didn't see any problem with sharing filters. "We ought to look at that for sure."
- 4) Screening only occurs for final candidates, and we don't screen all applicants for a position; just the person who is put forward as the preferred applicant.

So the policy seems to not reflect the intention of the President / Provost / Executive VP. The solution is to change the policy.

Next Steps:

The motion is to affirm the resolution (as stated or so modified in debate).

This motion, if seconded, will be up for discussion and a vote at the next meeting of the University Faculty.

The executives (President, VP's, Provost, Deans) could immediately modify the policy.

The Chair could convene an ad hoc committee to draft a recommended revision to submit to the executives as per the "policy on policies."