March 21, 2011

TO: Academic Senate Members

FROM: Office of Academic Governance
Vicki Carlisle, Academic Governance Secretary

RE: Academic Senate Meeting

The Academic Senate will meet on **Wednesday, March 23 at 2:00 p.m. in THE McDERMOTT LIBRARY, MC 2.104. PLEASE NOTE THE CHANGE IN LOCATION FOR THIS MEETING ONLY!!**

The agenda packet, along with the links to the undergraduate and graduate catalog revisions, can be found on the Senate website at

Please bring the agenda packet with you to this meeting. If you cannot attend, please notify me at x6751.

Attachments

xc: David Daniel  
Hobson Wildenthal  
Andrew Blanchard  
Serenity King  

John Wiorkowski  
Calvin Jamison  
Inga Musselman  
Larry Redlinger  

Darrelene Rachavong  
Abby Kratz  
Rhonda Blackburn  
Rochelle Peña  

Chief Larry Zacharias  
Deans  
Grace Bielawski SG President  

**2010-2011 Academic Senate**

Bardhan, Indranil  
Beran, Kurt  
Bhattia, Dinesh  
Bochsler, Dan  
Breen, Gail  
Burr, John  
Cantrell, Cyrus  
Chandrasekarar, R.  
Cordell, David**  
Dess, Gregory  
Dieckmann, Greg  
Durbin, Kelly  
Fass, Simon  
Hagge, Tobias  
Hoffman, John  
Huynh, D.T.  
Ishak-Boushaki, M.  
Janakiraman, Ganesh  

Keith, Linda  
Kiasaleh, Kamran  
Kisunzu, Phillip  
Leaf, Murray*  
Menon, Syam  
Miller, Dennis  
Murphy, Jessica  
Murthi, B.P.S.  
Natarajan, R.  
Nielsen, Steven  
Ntafos, Simeon  
Prakash, Ravi  
Richard, Orlando  
Salter, Liz  
Richard Scotch  
Stern, Robert  
Thompson, Lucien  

Vidyasagar, M.  
Xu, Yexiao  
Xuan, Zhenyu  
Zhang, Harold

*Speaker  
**Secretary
AGENDA
ACADEMIC SENATE MEETING
March 23, 2011

1. CALL TO ORDER, ANNOUNCEMENTS & QUESTIONS                  DR. WILDENTHAL

2. APPROVAL OF THE AGENDA                                              DR. LEAF

3. APPROVAL OF MINUTES
   February 16, 2011 Meeting                                          DR. LEAF

4. SPEAKER’S REPORT                                                   DR. LEAF

5. FAC REPORT                                                         DR. LEAF

6. STUDENT GOVERNMENT LIAISON REPORT                                  DR. CORDELL

7. CEP PROPOSALS -                                                   DR. CANTRELL
   A. UNDERGRADUATE CATALOG REVISIONS
   B. GRADUATE CATALOG REVISIONS
   C. ONLINE COURSE EVALUATIONS

8. UPDATE ON WEB-BASED ELECTION                                       DR. CORDELL

9. REVISION TO CUE BYLAWS                                             DR. KRATZ

10. CONCEALED HANDGUN RESOLUTIONS                                       DR. LEAF

11. A. CRIMINAL BACKGROUND POLICY                                    DR. LEAF
    B. CRIMINAL BACKGROUND CHECK FORM

12. ADJOURNMENT                                                       DR. WILDENTHAL
UNAPPROVED AND UNCORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Senate. They have not been approved by the body in question, and, therefore, they are not official minutes.

ACADEMIC SENATE MEETING
February 16, 2011

PRESENT: Hobson Wildenthal, Kurt Beron, Dan Bochsler, John Burr, Cy Cantrell, David Cordell, Gregory Dess, Kelly Durbin, Tobias Hagge, John Hoffman, Mustapha Ishak-Boushaki, Ganesh Janakiraman, Kamran Kiasaleh, Murray Leaf, Dennis Miller, Jessica Murphy, Ramachandran Natarajan, Steven Nielsen, Simeon Ntafos, Ravi Prakash, Tim Redman, Orlando Richard, Liz Salter, Zhenyu Xuan


VISITORS: Serenity King, Abby Kratz, Sheila Amin Gutierrez de Piñeres, Lewis Chang, Rochelle Peña

1. CALL TO ORDER, ANNOUNCEMENTS AND QUESTIONS
Provost Wildenthal called the meeting to order and announced that President Daniel is in Austin attending a Regent’s meeting. There were no questions or announcements.

2. APPROVAL OF THE AGENDA
David Cordell asked if Simon Kane’s presentation could be moved higher in the meeting order. Greg Dess moved to approve the agenda. Cy Cantrell seconded the motion. The agenda was approved.

3. APPROVAL OF MINUTES
Cy Cantrell moved to approve the minutes as distributed. Dan Bochsler seconded. The motion carried.

Jessica Murphy raised a point of order indicating that the next scheduled Senate meeting is on March 16, which is during Spring Break. Speaker Leaf suggested that the March meeting be moved to March 23. Greg Dess moved to move the Senate meeting to March 23. Tim Redman seconded the motion. The motion was approved and the date of the next Senate meeting will be March 23, 2011.

4. UPDATE OF WEB-BASED ELECTION PROCEDURE (Item taken out of Order)
David Cordell gave a brief history of the decision to initiate a web-based system for the Senate election and introduced Simon Kane of the Provost’s Office. Simon proceeded to demonstrate some of the changes he has made to the system since he last presented it to the Senate. There was general discussion of the changes and some corrections were noted. Simon assured the Senators that he will be monitoring the process as it goes along to ensure that everything is
working as it should. There was some discussion on the nomination process. Simon explained that there are two “pools” of nominees – one for tenure/tenure track and one for senior lecturers and clinical faculty. One can only nominate from one’s own group.

The methodology for final voting will be a list. Senators will rank those names in terms of favorites.

David Cordell will send out an email to all voting faculty explaining the transition to the new web-based system. Tim Redman asked if a paper notification could be sent to all voting faculty as well and it was agreed that this would be done.

5. SPEAKER’S REPORT
Speaker Leaf is still discussing our Criminal Background Check Policy with Priscilla Lozano, in OGC. This raised general issues for all campuses that we also discussed in the Faculty Advisory Council, and with VC Prior and Dr. Martinez at the FAC meeting.

In December, Ms. Lozano sent back a marked up version our approved draft that would have been significantly different from what we wanted. She and I discussed it, and on 26 January she sent back a revised set of comments and modifications. I read it and reacted. This seems mostly to be what we wanted, but there are still a few very minor issues and one fairly large one. The large one is whether a "security sensitive position" can or must be defined by access to a "computer terminal."

Priscilla thinks it should be in the policy, because it is in the law. Speaker Leaf intentionally left it out of the draft because it is referring to an obsolete technology and does not have a stable meaning any more.

The law was written in the late 1970s or early 1980s. A computer terminal at that time would have meant an interface with the university mainframe, and the intent seems clearly to protect financial and administrative records. The other two parallel criteria are that the position involves handling cash and having access to a master key. So when written the law was aimed at a quite restricted subset of university employees, which would not have normally included faculty. Our present UTD policy on criminal background checks, which we wrote about fifteen years ago, is based on this assumption.

If we now construe terminal as meaning an actual computer, office or laptop, then virtually every position is security sensitive. But that was not the intent of the law, and we (UTD) didn't want to do it because we didn't want or the hassle of getting all these checks. But the other UT campuses are going ahead on the interpretation that it means a computer, even though they have not actually developed their policies before doing so.

In principle, each campus is independent and can make its own interpretation of the law, but Priscilla and Speaker Leaf agree that this would be a legal vulnerability, in the sense if one campus is sued a good lawyer can make a good case that their interpretation is arbitrary by showing that another campus in the UT system had a different interpretation. So it would be better if we could agree on a common approach. This was the main point that I made with Dr. Prior at the FAC meeting—this is not something Priscilla and I should decide. The system should decide.

Meanwhile, however, at the FAC meeting we agreed that we could have two templates, one for each interpretation of the law. They wind up doing the same thing, they just use different language. The template based on the interpretation that all positions were security sensitive was
roughed out during the meeting. There was not time to complete the template based on the assumption that only a restricted set of positions would be security sensitive.

Since the meeting Speaker Leaf has emailed the two templates insofar as we have them to VC Prior, and had a further conversation with Priscilla. Since the campuses are already in effect opting for the broader interpretation, Priscilla thinks the Regents also want the broader construction, and this appears to be what is assumed in the new system policy UTS124. Dr. Leaf’s argument was that if it comes to court a good attorney could easily argue the plain language as evidence of legislative intent that the law should have a much narrower scope. Even though a judge may not know anything about terminals versus computers otherwise, the argument is very likely to be persuasive. Speaker Leaf asked if there was case-law to the contrary. Apparently there is not, positive results from criminal background resulting in non-hirings which in turn result in law suits would be very rare events. But Priscilla’s argument in response was that the System or campus would argue that this broader reading has now been around for a long time, and the legislature has had several opportunities to correct it by redrafting or otherwise clarifying the original law and it has not does so. So by default it has recognized the present reading as within its meaning. Priscilla says that there is case law to the effect that judges accept this kind of argument.

Either way, however, Speaker Leaf’s still more general argument was that whatever interpretation we take, the interpretation itself should be in the policy. Only then can the policy provide clear guidance for its implementation. Dr. Leaf thinks Priscilla now agrees. He thinks Priscilla and VC Prior will conclude that we should all go ahead with the option of saying we interpret the law to include access to computers, which makes virtually all positions "security sensitive. So the policy will focus on the levels of clearance. Dr. Leaf will finish rewriting ours accordingly.

Speaker Leaf noted that there are three levels of security sensitive positions. Level one, which is checked on the state public website requires no permission. Level two would be a statewide search of records on the state secure site. Faculty would all be considered level 1 or level 2. Level 2 can also be designated as a national search. National searches are done through a fingerprint search. Level 3 is designated as security sensitive administrative positions. This search would be a national search through the Texas DPS or a private firm.

Speaker Leaf explained that if a name search is done the university will receive a list of names and then must choose who they think is the correct person and pay for that report. Because that information may or may not be accurate, the information received in these searches cannot be released to the applicant. Fingerprint searches are more accurate and those results can be released. If an adverse report comes back the applicant can then ask that a fingerprint search be done to substantiate the information.

Speaker Leaf presented this information to the Academic Council last week. The Council agreed that he should continue to work on the document with OGC and bring it to the Senate when their revisions are received. He offered to share the current draft of the policy with anyone who is interested in reviewing it more closely.

We have sent out the notices appointing the new Vice Chairs of the Student Scholarship and Core Curriculum Committees.
The Commencement Committee has met. We are planning on six commencement ceremonies for this spring and will probably include an evening ceremony for SOM, but the details are not final. Greater use will be made of the new mall to draw people out of the Activities Center between ceremonies.

6. **FAC REPORT**

Speaker Leaf reported that the major item of discussion at their recent meeting was the Criminal Background Check policy. There was also some discussion of UT Austin’s exigency policy. The Provost at UT-Austin has decided that their exigency policy cannot say anything that is not in the System policy.

The discussions regarding the current legislative session were scary but indeterminate. We will not know anything about the budget until April or May.

Speaker Leaf reported that it looks promising to have a faculty regent appointed. The chair of the Faculty Advisory Council has been attending the academic affairs meetings of the Regents and the Regents seem pleased with the faculty involvement.

7. **STUDENT GOVERNMENT LIAISON REPORT**

David Cordell reported that the Student Government met last night and approved a $70.00 fee for the Student Union expansion.

They also approved placing newspaper stands around campus and discussed the possibility of having a minor in film.

Lewis Chang reported that Student Government is also very concerned regarding the fact that faculty members are requiring students to turn off cell phones completely during class. He asked faculty to consider allowing students to have them on silent or vibrate. They feel that this presents a safety issue since the new emergency alert system uses text messages as one of the primary means of communication.

There was discussion regarding this and the possibility of students checking email and sending text messages during exams. The faculty understand the student’s concern, but it was the consensus of the Senate that it is critical that students do not use cell phones during class. It was suggested that the professor or other faculty member leave their phone on to receive any alerts. It was also pointed out that the fire alarm system has a loud speaker system through which announcements can be sent.

8. **CEP PROPOSALS**

A. **GRADUATE CATALOG REVISIONS**

Cy Cantrell presented this information. A link to the catalog copy was provided in the agenda packet distributed to the Senate. Dr. Cantrell noted that the first forty pages is simply a summary of what has already been approved in various sessions of the Senate. He called for questions. There were none. Cy Cantrell moved to approve the catalog revisions. Jessica Murphy seconded. The motion carried.

B. **REVISED DISCIPLINARY ACTIONS**

Cy Cantrell asked Dean Piñeres if she would like to address this item. She stated that this revised policy is cleaner than the previous policy. Each semester’s standing is based only on the previous semester’s outcome. Students who are successful while on academic warning can move back to probationary status. Students who are unsuccessful will be suspended. Tim Redman pointed out that the major GPA and general GPA should be consistent. This change
was approved in Academic Council but was not changed in the information distributed to the Senate.

Simeon Ntafos asked for clarification of the following sentence: “If the student meets the Academic Probation Requirements, the student will return to Academic Probation. If the student again fails to meet the Academic Probation Requirements while on Academic Warning, the student will be suspended.” His objection was to the use of the word again. After discussion it was agreed that this word could be removed from the sentence.

Simeon Ntafos once again raised the issue of the discrepancy between the wording in the 2010 catalog (and the 2011 catalog copy currently under consideration) and the way that the policy is being enforced by the Registrar’s Office; specifically, the Registrar’s office has implemented a two-semester limit on warning status which is not present in the approved catalog copy. He asked if the Senate was going to make a statement regarding this issue. Neither Provost Wildenthal nor Speaker Leaf felt that this is something that would benefit from a motion. If someone reads the minutes and raises an issue it can be addressed at that time.

Simeon Ntafos moved to strike the section on changing majors from the Disciplinary Actions section and place it elsewhere in the catalog. There was no second and this motion failed.

Cy Cantrell moved to approve the policy with the amended wording. Tim Redman seconded the motion. The motion carried with one abstention.

9. **HOP COMMITTEE PROPOSALS**

**A. REVISED TRAVEL AND RISK-RELATED ACTIVITIES POLICY**

Abby Kratz presented this revised policy. She stated that what was distributed was not a markup version but version in the new template being used for HOP policies. There were so many changes that she felt it would be easier to have a clean copy. The majority of the changes were relating to business practices that were imbedded in the policy. She pointed out section 3(C) which states “If an incident of a serious nature occurs during travel and involves inappropriate behavior by a student, the faculty or staff member may immediately end the student’s participation in the activity by making a reasonable effort to provide the student access to public transportation for an unaccompanied return to the University at the student’s expense.” The question was asked how one could make sure that the student pays for their return trip in this instance. Dr. Jamison replied that the responsible faculty member needs to make sure that this is understood before taking the trip. After further discussion Dr. Jamison and Dr. Kratz stated that as a last resort the responsible faculty member should pay for the return trip and they would be reimbursed for this expense.

One capitalization error was pointed out on page one.

Liz Salter moved approval of the policy. Orlando Richard seconded. The motion carried.

**B. RESEARCH TITLES**

Dr. Kratz presented this information. She stated that this is primarily just a cleaning up of the current policies. On page two under the Research Scientist designation, Jessica Murphy pointed out that the word “is” prior to the word “able” is redundant and asked that this be changed. Jessica Murphy moved to approve the research titles with this amendment. Dan Bochsler seconded the motion. The motion carried.
10. **REVISION TO THE CHARGE OF THE COMMENCEMENT COMMITTEE**
Speaker Leaf introduced this item and explained that the change is being made at the request of the Commencement Committee. The proposed change eliminates reference to the Special Events Coordinator since that position no longer exists. Mustapha Ishak-Boushaki moved to approve this change. Kurt Beron seconded. The motion carried.

11. **ADJOURNMENT**
There being no further business, Provost Wildenthal asked for a motion to adjourn the meeting. Dan Bochsler moved to adjourn. The motion was seconded and the meeting was adjourned.

APPROVED: ___________________________  DATE: ____________________
Murray J. Leaf
Speaker of the Academic Senate
CEP PROPOSAL – UNDERGRADUATE CATALOG REVISIONS

Link to undergraduate catalog revisions:

https://pluto.utdallas.edu/xythoswfs/webui/_xy-11474_1
CEP PROPOSAL – GRADUATE CATALOG REVISIONS

Link to graduate catalog revisions

http://www.utdallas.edu/dept/graddean/CAT2010/SUPPLEMENT/indexsup.htm
The Committee on Educational Policy recommends that the Speaker, with the advice and consent of the Senate and the Provost, appoint an ad hoc committee to develop an online, in-house questionnaire for student course evaluations. The goals for development of the questionnaire should be to reduce costs to the University, assure continuity in summary information collected, provide data for assessment of course learning outcomes, and enable customization to accommodate class content and format. The ad hoc committee should include representatives of the student body, the faculty, and the administration.
The Associate Deans for Undergraduate Education (ADUE or Associate Deans) are appointed by the Executive Vice President and Provost (Provost) on recommendation of the Deans of the respective Schools. The Associate Deans as a group comprise the Council for Undergraduate Education (CUE or Council), with the Council being chaired by the Dean of Undergraduate Education. The Associate Deans individually, and collectively as the Council, advise the Deans of the Schools and the Provost on all matters pertaining to undergraduate education and are responsible for coordinating the various undergraduate curricula and degree programs in consultation with the Deans of their respective Schools, the Provost, the Committee on Educational Policy, and the Academic Senate.

The Council has a primary advisory responsibility for setting undergraduate admission standards, both for freshmen and transfer students, for monitoring and advising their respective Deans on the effectiveness of the academic advising efforts of the Schools, for administering the various “fast-track” baccalaureate-master’s programs in their Schools, and for administering many individual student matters such as academic drops, withdrawals, probations, suspensions, and readmissions. In concert with the Office of Records and Registration, the Associate Deans are responsible for maintaining their School’s various degree profiles and electronic degree audits.

In the vital dimension of undergraduate instruction, the Undergraduate Dean and the Council have responsibility for advising the Provost and the respective School Deans on the quality of undergraduate instruction and the scheduling of classes, for ensuring that individual school offerings, programs, and practices in the domain of undergraduate education are consistent with general university standards, and for certifying students for graduation and academic honors. They are responsible, in concert with the Dean for Undergraduate Education, for assembling and approving the content of the Undergraduate Catalog from their Schools and forwarding the catalog to the Provost and the Committee on Educational Policy for further approvals.

The Associate Deans have primary responsibilities in their Schools for working with other university offices charged with associated aspects of undergraduate education, such as generating student applications, converting applications into enrollments, retaining students, and, finally, graduating these students in a timely fashion.

Policy History

- Issued: May 12, 1980
- Editorial Amendments: February 2, 1998
- Editorial Amendments: September 1, 2000
Editorial Amendments: January 11, 2007

Revised: March 21, 2008

Policy Links

Permalink for this policy: http://go.utdallas.edu/utdpp1008

Link to PDF version: http://provost.utdallas.edu/policy/pdf/utdpp1008

Link to printable version: http://provost.utdallas.edu/policy/print/utdpp1008
Council on Undergraduate Education - UTDPP1008

Policy Statement

The Council on Undergraduate Education advises the Dean of Undergraduate Education on all aspects of undergraduate education at The University of Texas at Dallas. The Council will make recommendations to the Dean in the following areas:

1. Coordination of all academic procedures with regard to the conferring of undergraduate degrees.

2. Establishment of policies and procedures, consistent with the general academic policies of the university recommended by the Academic Senate and adopted by the university, regarding:
   a. Advice on admission criteria for undergraduates,
   b. Approval and scheduling of courses used by students in meeting core curriculum requirements, general standards for undergraduate academic programs including degrees, minors, and certificates,
   c. Continual development of the collective advising program,
   d. Academic programs of students, including those not in good standing,
   e. Academic persistence and graduation rates,
   f. Transfer of credit and evaluation of other credentials related to admission to U. T. Dallas undergraduate degree programs, and
   g. Cooperation with Student Affairs and Enrollment Management to recruit new students by participating in organized recruiting activities.

3. Revisions to undergraduate catalog copy to be forwarded for review by the Committee on Educational Policy.

4. Recommend minor suspensions of the regulations by the Dean as may be advisable for specific student circumstances.

5. Advise on all matters regarding evolving trends in undergraduate education at the national and regional level that the Dean will report to the Academic Senate.

6. Participate in the periodic review of existing and proposed undergraduate programs.

7. Review of policies and procedures pertaining to undergraduate student support and scholarships, and proposals for the establishment of support that recognizes undergraduate student achievement.
8. Development of programs and activities to encourage, foster, and support scholarly and creative research and achievement in undergraduate education.

9. Development of recommendations for the Dean to present to the Executive Vice President and Provost and to the Vice President for Research concerning undergraduate offerings associated with academic centers, institutes, and other comparable entities.

Organization

The Dean of Undergraduate Education is the academic officer responsible for coordinating support for the undergraduate programs of the university and for implementing the policies of the university in regard to undergraduate education. The Council on Undergraduate Education functions as an executive committee to advise and assist the Dean.

Membership

The Dean of Undergraduate Education shall convene and chair the Council. The members of the Council will be the Associate Deans for Undergraduate Education for each of the schools in the university or a representative appointed by the school dean. The Chair, or the Chair at the request of any Council member, may invite non-voting participation from other faculty with expertise on any matter before the Council.

Policy History

- Issued: May 12, 1980
- Editorial Amendments: February 2, 1998
- Editorial Amendments: September 1, 2000
- Editorial Amendments: January 11, 2007
- Revised: March 21, 2008
FAC RESOLUTION OF 2011
(with the same wording as UT Austin Faculty Council resolution, passed unanimously on 2/16/2009)

The Faculty Council at the University of Texas at Austin believes carrying firearms on the University campus by anyone other than law enforcement officers is detrimental to the safety of the students, faculty, and staff.

HAND GUN RESOLUTION PASSED THE TEXAS COUNCIL OF FACULTY SENATES ON MARCH 7, 2009 and reaffirmed at the meeting of 24 February, 2011 (votes all in favor except two abstaining; none opposed):

WHEREAS, allowing concealed firearms on university campus threatens our ability to create and maintain a safe, open learning environment for students, faculty and staff,

Be it resolved that the members of Texas Council of Faculty Senates oppose any legislation or initiatives that will overturn the present prohibitions on carrying concealed weapons on university campuses.
Criminal Background Check Policy  
(considering all positions security sensitive)  

1. PURPOSE: 

1.1. The University of Texas at Dallas is committed to promoting campus safety and the security of personal and University property, consistent with the requirements of law and prudent financial and programmatic practices. As part of this commitment, the university seeks information on the possible criminal history of all individuals under consideration for appointment to full time positions, all positions deemed “security sensitive” under Texas law and/or in accordance with an official university business purpose. The Texas Education Code, §51.215(c) says: Security-sensitive positions shall be restricted to employees who handle currency, have access to a computer terminal, have access to a master key or who work in an area designated a security sensitive area. “Computer terminal” is construed to mean a computer. “Access” means possessing a university computer user identification (netid). It follows that virtually all positions are security sensitive. This policy defines the acquisition and use of such information by the University, implementing University of Texas System Administration Policy UTS124.  

2. CLASSIFICATION OF SECURITY SENSITIVE POSITIONS. 

2.1. All security sensitive positions will be classified to indicate the level of security check required, either Level 1 or Level 2. The general definitions of the levels are:  

2.1.1. Level 1: all positions involving handling of cash, with access to a computer terminal that does not involve access to materials and equipment that pose a safety hazard, with access to a master key, or are in an area designated as a security sensitive area, that are not designated Level 2.  

2.1.2. Level 2: all positions that present an increased risk at the University, including the risk for loss of property or risk to the overall safety of the campus or campus population considering factors such as those in 6.7.1.  

3. WHEN CRIMINAL BACKGROUND CHECKS ARE REQUIRED: 

3.1. For any applicant who is under final consideration for a full-time or part-time staff or faculty position, following normal screening and selection processes;  

3.2. For a current employee, staff or faculty, who is under consideration for a transfer, promotion or reclassification from a non-security position to a security sensitive position.  

3.3. For current employees for whom the University has not previously obtained a criminal background check.  

3.4. For current employees, students, and volunteers at the discretion of the President, or the President’s designee, if the requesting official determines that obtaining such information serves an official or business purpose. An example of business purpose
includes but is not limited to, when the university engages in activities involving minors such as summer camps, research activities or educational outreach.

3.5. A criminal background check is not required when a position reclassification results in a title change with no change in current responsibilities, or for a promotion or other advancement that is part of an employee’s normal career progression such as current faculty promoted to tenure, or from Associate Professor to Full Professor.

4. CRIMINAL BACKGROUND CHECK SOURCES

4.1. Applicants for non-security sensitive positions: the following sources may be used to obtain a criminal background check:

4.1.1. The Texas Department of Public Safety (DPS) Crime Records Service – Public Site or other publicly available local, state or federal criminal record sources.

4.1.2. Private vendors that offer criminal background check services that obtain information that is public record.

4.2. Applicants for a security sensitive position not specifically designated Level 2 (as subject to a national criminal history record check): the following sources may be utilized to obtain a criminal background check:

4.2.1. The DPS Crime Records Service – Secure Site\(^1\). This site may be used to obtain a name-based check or a national criminal history record information check, by using the consolidated response program or the electronic clearinghouse as authorized and made available by DPS. Currently a name-based search is used unless the applicant chooses to have a state-wide fingerprint based search.

4.2.2. Private vendors that offer national criminal background check services utilizing public information.

4.2.3. Other state, national, and international sites utilizing public information.

4.3. Applicants for level 2 Security sensitive positions (positions designated as subject to a national criminal history record check):

4.3.1. The DPS Crime Records Service – Secure Site\(^2\). This site may be accessed to obtain a national criminal background check by using the consolidated response program or the electronic clearinghouse as authorized and made available by DPS. For national criminal history searches the DPS uses the FBI data service, which requires a finger-print based search.

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\(^1\) This source may be accessed to perform a criminal background check on an applicant for a security sensitive position. This database shall not be accessed to perform a criminal background check on an applicant for a non-security sensitive position or on a current employee who is not an applicant for a security sensitive position unless permitted by state law.

\(^2\) See footnote 1 above.
4.4. **Current employees or individuals who are not applicants:** only the following sources may be used to obtain a criminal background check, except when authorized by law to use a secure site.

4.4.1. The Texas Department of Safety (DPS) Crime Records Service – Public Site or other publicly available local, state or federal criminal record sources.

4.4.2. Private licensed vendors that offer criminal background check services based on information in the public record.

4.5. When a criminal background check is required by a specific state or federal law using a specific source of criminal background check information and/or certain procedures, the University will comply with such laws.

4.6. If the applicant has not resided in Texas for seven years prior to the date of the application, the university will seek criminal history information from those states where the applicant has resided in that time.

5. **USE OF INFORMATION:**

Criminal record information will be used for the purpose of determining whether the individual is suited for the position at UT Dallas and does not pose a safety or security risk. A determination will be made on a case-by-case basis on factors such as the specific duties of the position; numbers of offenses; nature of each offense; length of time intervening between the offense and the employment decision; employment history; efforts at rehabilitation; and accuracy of the information that the individual provided on the employment application. The information will not be used to discriminate on the basis of race, color, national origin, religion, sex, disability, age or sexual orientation.

5.1. The results of a criminal background check may be grounds for termination according to university procedures.

5.2. The University will not make an adverse employment decision on the basis of criminal record information obtained under this policy without providing the person an opportunity to respond in accordance with Section 8 below.

6. **DEFINITIONS:**

6.1. *Applicant:* An individual who applies for a position within The University of Texas at Dallas, whether the individual is an outside candidate or current employee. This does not include an individual who receives a position reclassification that does not result in a title change with no change in responsibilities or an individual who receives a promotion or other similar advancement in their normal career path, such as current faculty promoted to tenure, or from Associate Professor to Full Professor.

6.2. *Controlled Substance:* This term has the meaning assigned in Texas Health & Safety Code §481.002, as that section may be amended from time to time.
6.3. *Criminal Conviction Record Information:* Public information maintained by the Department of Public Safety, as provided in Texas Government Code §411.135.

6.4. *National Criminal History Record Check (NCHRC):* A criminal history record check obtained from both the Texas Department of Public Safety and the Federal Bureau of Investigation based on fingerprint identification information, or a criminal record check obtained from a private vendor based on national criminal records.

6.5. *Hiring Official:* Administrative official seeking to fill a vacant position, such as the Dean in the Division of Academic Affairs, the Director or the Department Head, in other divisions, or the faculty member in charge of a laboratory or other facility.

6.6. *Select Agent:* This term has the meaning assigned in 18 U.S.C. §175b, as that section may be amended from time to time.

6.7. *Security Sensitive Position or area:* Security sensitive positions or areas are those U T DALLAS positions or areas described in Texas Education Code § 51.215 (c) and Texas Government Code § 411.094 (a) (2), as those sections may be amended from time to time; positions that have responsibility for providing patient care or for providing childcare in a childcare facility, as that term is defined in Texas Human Resources Code §42.002 (3), as it may be amended from time to time; and positions that have direct access to, or responsibility for, pharmaceuticals, select agents, or controlled substances; or physical areas such as laboratories or facilities on the university campus that have been designated as security sensitive by the administrative officer or faculty member responsible for them.

6.7.1. In determining which specific positions to designate as Level 2 security sensitive, the Executive Vice President and Provost and the Senior Vice President for Business Affairs will consider whether departments or other units perform functions that may pose increased risks at the University, considering factors including but not limited to the following:

6.7.1.1. senior level administrative responsibilities;

6.7.1.2. responsibility for the preparation, maintenance or approval of the financial, payroll, personnel or purchasing systems;

6.7.1.3. access to, or responsibility for, cash, checks or University property, disbursement or receipts;

6.7.1.4. significant inventory control responsibilities, including receipt and release of inventory;

6.7.1.5. responsibility for execution or approval of financial transactions;

6.7.1.6. direct responsibility for the care, safety of security of humans or the safety or security of personal University property;

6.7.1.7. responsibility for operating or maintaining, in the course of normal job duties, University-owned or leased vehicles, machinery or toxic systems that could cause death, injury, or illness;
6.7.1.8. responsibility for pharmaceuticals, select agents, or controlled substances;

6.7.1.9. access to, or responsibility, for classified information pertaining to the national defense;

6.7.1.10. access to data protected by Federal or State law or non-disclosure agreements, medical records, personnel records, other personnel data or confidential criminal justice information, or to critical data processing systems.

7. PROCEDURES:

7.1. The President has designated the Executive Vice President and Provost as the official responsible for designating which faculty positions or academic areas are security sensitive at levels 1 or 2 and the Senior Vice President for Business Affairs as the official responsible for designating which non-faculty positions or non-academic areas are security sensitive at levels 1 or 2. Directors of administrative offices who wish to designate certain positions/areas as security sensitive at levels 2 should notify the Vice President for Business Affairs; faculty or academic administrators responsible for positions/areas that they wish to designate as security sensitive at levels 2 should notify the Provost. The Vice President for Business Affairs and Provost will keep the Office of Human Resources apprised as to positions/areas that have been designated as security-sensitive and OHR will identify security-sensitive positions as such in job descriptions and vacancy advertisements.

7.2. Only the Chief of Police is authorized to initiate requests on behalf of the university for criminal history record information or criminal conviction record information from the Texas Department of Public Safety, other law enforcement agencies, or private agencies designated by the University for this purpose.

7.3. Applicants for security sensitive positions will sign the appropriate university authorization form, Department of Public Safety Audit form, or both. (The appropriate forms will be determined on whether the source of criminal records is the DPS secure site or a private vendor that offers national criminal background check services). All forms will specify which agency will be used and what kind of information will be sought. Level 2 security sensitive positions requiring a national search will require a form that includes fingerprints for identification for the FBI national criminal records search. Searches using a private vendor require an Authorization and Disclosure form that complies with the Fair Credit Reporting Act and the rights of the applicant will be indicated as required by law.

7.4. Failure of an applicant to consent to a criminal background check or to timely provide identifying information required for a criminal background check, which may include full name, other names used, date of birth, sex, race, driver’s license number or personal identification certificate number, social security number, street address, recent photograph and fingerprints, is grounds for rejection of the application. Falsification of an application or omission of criminal record information required to be reported is grounds to reject an applicant or discipline/terminate an employee.
7.5. Hiring officials are responsible for requesting that an applicant who is the finalist for a security sensitive position complete the appropriate UT DALLAS Criminal Background Check Form. The hiring official will forward the completed form and a copy of the criminal convictions section of the finalist’s employment application to the University Police Department. No offer of employment will be made until a criminal background check is satisfactorily completed. If circumstances require that an offer of employment be made before the completion of the criminal background check, the offer must be in writing and contain a statement that the offer is contingent on the completion of a satisfactory criminal background investigation.

7.6. Upon receipt of a request for criminal record information, with the accompanying release form, if required, the Chief of Police will promptly obtain and review the individual’s criminal record information for at least the last seven years. The Chief will provide the hiring official with the results of the investigation and cause the UT DALLAS Police Department section of Criminal Background Check Form to be completed. No other notes are to be made on that form.

7.6.1. Applicants for security sensitive positions will sign the appropriate university release form. Release forms are as follows:

7.6.2. No form is required for a public records search on the public DPS site, but the applicant should be notified that such a search will be made.

7.6.3. University of Texas policy requires a release form for the use of the DPS Secure Site. In addition, the Department of Public Safety requires the applicant to fill in an audit verification form acknowledging that they are applying for a position that requires a search in that site. The search can be a name-based search or a fingerprint search. As required by DPS site rules, the results of a name based search cannot be disclosed to the person named. The results of a fingerprint based search can be disclosed. If a search returns adverse information on an applicant in a name based search, the applicant can be told that the results were adverse and that they can request a fingerprint based search. Applicants for a position for which a name-based search is considered sufficient by the hiring official may choose to have the fingerprint search instead.

7.6.4. A national search, requiring that FBI criminal records be accessed, requires fingerprint identification.

7.6.5. A search using a private vendor and accessing information in government agencies protected as confidential, requires authorization under the Right to Privacy Act (1974) and the Fair Credit Reporting Act. What can be in the reports is governed by the Fair Credit Reporting Act. The form authorizing searches under these acts should be clearly labeled and the authority that the signatory is granting to the vendor should be clearly indicated as required by law. Information obtained under this provision must be disclosed to the applicant or employee concerned.
7.7. If the criminal records check reveals a criminal record, the hiring official:

7.7.1. For a staff position: should consult with the Chief of Police, and the Director of Human Resources about whether the individual is acceptable for the position in accordance with III.A. If the Chief of Police or the Director of Human Resources is of the opinion that the individual may be unacceptable for the position or for continued employment, then the hiring official may not extend an offer to or continue employment of the individual without the prior written approval of the applicable Vice President or Provost.

7.7.2. For a faculty position: should consult with the Chief of Police and Provost about whether the individual is acceptable for the position in accordance with III.A. The hiring official may not extend an offer to or continue employment of the individual without the prior written approval of the Provost or his/her designee.

7.8. The criminal background check for security-sensitive positions will include sources that will provide information where the individual has been employed and resided for at least the seven years prior to application.

7.9. Questions regarding compliance and other issues related to security sensitive positions should be addressed to the Executive Vice President and Provost or to the Senior Vice President for Business Affairs, as appropriate.

8. NOTIFICATIONS AND OPPORTUNITY TO RESPOND:

8.1. **Pre-adverse Action Disclosure.** If the University receives a report indicating that an applicant or a current employee has a criminal record the hiring official will notify the individual that such a report has been received and provide the individual with a copy of his or her report, when and as this is permitted by law and DPS policy or procedure. If the report is a factor in considering adverse employment action - denying a job application, denying a promotion, reassigning or terminating the employee - before any adverse action is taken, the individual will be notified of their right to challenge the accuracy and completeness of the report with the agency that provided the report.

8.2. When the university has used a third-party vendor credit reporting agency to conduct the criminal record checks, the resulting report is considered a “consumer report” under the Fair Credit Reporting Act (FCRA). If a consumer report is relied on to deny employment, deny a promotion, reassign or terminate an employee, the institution will provide the current employee with a specific pre-adverse action disclosure that includes a copy of the employee's consumer report and a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act” – a document prescribed by the Federal Trade Commission. The credit reporting agency that furnishes the individual’s report is required to give the institution the summary of consumer rights.

8.3. **Opportunity to Respond for Staff Positions** Within five business days following the receipt of the report as provided in 8.1, the employee may submit additional information

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3 The institution using a credit reporting agency for this purpose must have a procedure in place in accordance with the U. T. System Office of General Counsel issued model policy for addressing notice of address discrepancies received from a credit reporting agency regarding the subject of a report.
to the hiring official/supervisor relating to the criminal record and why it should not affect an employment decision. Before the hiring official/supervisor makes a final employment decision he/she will review all information provided to him/her with an official(s) designated by the institution and obtain a recommendation from the designated official(s) about whether to proceed with an offer or adverse employment action. The decision of the hiring official is final and may not be appealed. However, if the individual is a current employee standard employee grievance procedures may be used.

8.4. Opportunity to Respond for Faculty Positions.

8.4.1. Outside Applicant. Within five business days following the receipt of the report as provided in 8.1., the individual may submit additional information to the hiring official relating to the criminal record and why it should not affect an employment decision. Before the hiring official makes a final employment decision, he/she will review all information provided to him/her with an official designated by the institution and obtain a recommendation from the designated official about whether to proceed with an offer. The decision of the hiring official is final and may not be appealed.

8.4.2. Current Faculty Member. Within five business days following their receipt of the report (unless an extension has been granted by the Dean because the faculty member is on leave and unable to respond in the five day period) during their period of active employment (that is, excluding periods when they are not on salary, or are on leave), the current faculty member may submit additional information to the Dean of their school relating to the criminal record and why it should not affect their employment. If the current faculty member so requests in writing, before the employment decision is made, the Dean or designated official will review the information with an officially designated faculty committee and obtain a written recommendation from the committee about whether to proceed with an offer or adverse employment decision. The faculty committee will be constituted completely by tenured faculty appointed by the President from the list of faculty recommended by the Senate to serve on faculty hearing tribunals in accordance with UT DALLAS PP1055. After the panel makes its recommendation, the affected faculty member may present a grievance, in person or through a representative, as described in the university grievance procedure UT DALLAS PP1050. The chief academic officer shall meet with the faculty member and then issue a written determination on the grievance. The decision of the chief academic officer is final and shall not be subject to further review. A current faculty member may invoke the procedures available under Regents’ Rules and Regulations, Rule 31008 related to termination and non-renewal where applicable.

8.5. Post-Decision Disclosure When Private Vendor Services Used To Conduct Criminal Background Check. If a consumer report has been relied on to deny employment, deny a promotion, reassign or terminate an employee after the institution has taken an adverse action, the individual must be given notice — orally, in writing, or electronically — that the action has been taken. It must include:
8.5.1. the name, address, and phone number of the credit reporting agency that supplied the report;

8.5.2. a statement that the credit reporting agency that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and

8.5.3. a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

9. WHEN SELF-REPORT OF CHARGES OR CONVICTIONS IS REQUIRED

9.1. Applicants. Applicants must report to the hiring official any criminal charges or convictions, excluding misdemeanor offenses punishable only by fine, occurring after the date of application. Failure to do so may lead to disqualification from eligibility.

9.2. Current Employees. Continuing UT Dallas employees must report to their supervisor in writing, within five business days, any criminal convictions, excluding misdemeanor offenses punishable only by fine. Failure to do so is a violation of UT System policy and may lead to disqualification from eligibility for their position or disciplinary action as appropriate. Such disqualification or disciplinary action will be subject to standard appeal or grievance procedures as applicable. Information provided by self-report will be subject to verification from the sources listed in Section 4, as appropriate.

9.3. Hiring Official/Supervisor Obligation. A hiring official and/or supervisor receiving a self-report as required under this section must provide the information to university Vice President for Business Affairs (in the case of staff) or Provost (in the case of faculty) or his/her designee who will analyze the information for a determination regarding the individual's suitability for the position.

10. RETENTION OF CRIMINAL BACKGROUND CHECK RECORDS

10.1. Confidential Records. All criminal background check information obtained from a criminal background check database will be regarded as confidential as required by law and will not be made a part of the applicant's file or the employee's personnel file. The information must be kept in a separate secure file and will not be communicated to any unauthorized person.

10.2. Criminal History Record Information. Under Texas Government Code § 411.085, the unauthorized release of criminal history record information, information obtained from the Texas DPS secure site consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions, is a criminal offense and, consequently, the institution should seek legal advice with respect to any requested release of such information.

10.3. Destruction of Criminal History Record Information and Specific Criminal Background Check Information. The chief of police of the institution shall destroy all
criminal history record information and specific criminal background check information that the institution obtained about the individual six months after it is obtained.

10.4. **Self Reports.** Self-reports of charges or convictions as required by this policy will be maintained with the employee’s personnel file in accordance with the university’s record retention policy.

11. **AUTHORITY**


11.3. Texas Government Code § 411.135 Access to Certain Information by Public

11.4. University of Texas System Policy UTS 124
ITEM #11(B)

Disclosures: In processing your application for employment, or at any time during your employment period, The University of Texas at Dallas may obtain criminal records and/or a consumer report or investigative consumer report for employment purposes, as authorized by state law and/or the Fair Credit Reporting Act (FCRA). The report may include information as to my criminal record history. Should an investigative consumer report be requested, you will have the right to obtain a complete and accurate disclosure of the nature and scope of the investigation requested and a written summary of your rights under the Fair Credit Reporting Act.

With few exceptions, you are entitled on your request to be informed about the information The University of Texas at Dallas collects about you. Under Sections 552.021 and 552.023 of the Texas Government Code, you are entitled to receive and review the information. Under Section 559.004 of the Texas Government Code, you are entitled to have UT Dallas correct information about you that is held by us and is incorrect, in accordance with the procedures set forth in UTS139. You may be required to correct/contest criminal background records with the source of the record. The information that UT Dallas collects will be retained and maintained as required by Texas records retention laws (Section 441.180 et seq. of the Texas Government Code) and rules. Different types of information are kept for different periods of time.

Disclosure of your Social Security Number ("SSN") is required of you in order for UT Dallas to conduct a criminal background investigation, as mandated by Texas Government Code, Sections 411.094 and 411.086. Further disclosure of your SSN is governed by the Public Information Act (Chapter 552 of the Texas Government Code) and other applicable law.

In processing your application for employment, or at any time during your employment period, The University of Texas at Dallas may obtain criminal records and/or a consumer report or investigative consumer report for employment purposes, as authorized by state law and/or the Fair Credit Reporting Act (FCRA). The report may include information as to my criminal record history. Should an investigative consumer report be requested, you will have the right to obtain a complete and accurate disclosure of the nature and scope of the investigation requested and a written summary of your rights under the Fair Credit Reporting Act.

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In the last 7 years, do you have any criminal convictions or any deferred adjudications where the final disposition is still pending (i.e. the original charge has not been dismissed)?

If yes, list year(s) of conviction(s) and nature of offense(s) and penalty(ies). If additional space is needed, attach a separate sheet.

<table>
<thead>
<tr>
<th>Year</th>
<th>Nature of Offense</th>
<th>Penalty</th>
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I hereby authorize UT Dallas and/or its agent to obtain and furnish information to UT Dallas related to my criminal background. I consent to providing my fingerprints if required in connection with the criminal background check. I hereby release UT Dallas and all its agents and employees, the law enforcement agency, and all employees of law enforcement agencies furnishing information from all liability resulting from the furnishing of this information to UT Dallas. I certify that the statements made by me on this form and in connection with my application whether on this form or not, are true, complete and correct to the best of my knowledge and belief and I understand that any misstatement, falsification, or omission of information shall void my application and be grounds for refusal to hire or, if hired, termination. I certify that I will report in writing any charges or conviction, excluding misdemeanor offenses punishable only by fine, occurring after the date of this application to the UT Dallas Office of Human Resources Management. If circumstances require that an offer be made before the completion of an investigation, the offer is contingent on the completion of a satisfactory criminal background investigation. I understand that any false statements made herein will void my Application for Employment and any actions based on it.

Applicant/Employee Signature __________________________ Date: _________________

THIS SECTION TO BE COMPLETED BY THE EMPLOYING DEPARTMENT AND UNIVERSITY POLICE

Applicant/Employee status: Faculty ______ Staff ______ Student ______

Posting Number: __________________________ Post Job Title: __________________________

Department Name: __________________________ Cost Center: __________________________

Department Contact: __________________________ EXT ______ Signature: __________________________ Date: _________________

Send this completed form to UT Dallas University Police (Fax #2567)

For UT Dallas Police Use Only: Background check completed by __________________________ Date: _________________ Return form to HR with employment documents.