

Academic Programs Committee Resolution on the Final Report of the Committee on Reference Checking Practices for Faculty Hiring

I. Introduction

Subcommittee A of the Academic Programs Committee met on 18 September 2024 to discuss the Final Report of the Committee on Reference Checking Practices for Faculty Hiring. Representing the committee were Abbas Benmamoun, Kimberly Hewitt, and Neera Skurky. APC was provided with documentation including the committee report, dated 25 June 2024, and a letter sent by two faculty members to the Academic Council on this issue in November 2023.

II. Discussion

Overall, APC was very pleased with the university pursuing processes to mitigate “pass-the-harasser” dangers for incoming faculty, and we greatly appreciated the time and effort the reference check committee put into thinking about how best these processes may work. The bullet points below indicate the points that APC believed the reference check committee should consider:

- We recommend that the questions in Sections E and F be cut from the report and its follow-up. APC felt they are a distraction from the report’s main tasks and may be perceived to undercut the reference check committee’s commitment to putting these decisions in the hands of trained HR professionals. Section F seems to assume that search committee chairs will be conducting reference checks, which is not the proposed process.
- APC was concerned that the proposed policies could hamper and unduly delay the search process by putting a step of indefinite length between the decision on a shortlist and the ability to invite those candidates to campus. APC recommends a revision of the process, such that the reference check process can be ongoing while campus visits are happening. The point of potential intervention for HR, then, would come later in the process, before a final offer is made. The committee also requests the articulation of a clear maximum timeframe for reference checking to enable the work of hiring committees.
- We recommend that the reference check committee consider adopting the policy of peer institutions, requiring reference checks for faculty being hired into tenured roles. It adds work, but a tenured hire could be part of the Duke community for decades.

- While likely already planned, we recommend that a strategy be put in place to communicate these new policies to search committees. Search committee chairs must understand how the new regulations will affect their timelines, and they must understand what they can communicate to candidates, and when.
- Since this is a pilot, we recommend that data be kept and that a formal review be conducted after two years. It will be important to know how many reference checks were conducted, and what the results were (while of course protecting anonymity). If possible, in a manner consistent with relevant laws and regulations, data might be tracked about the race and gender of affected candidates. It may be useful to know, as well, which kinds of institutions were forthcoming with requested information: for instance, are problems arising with candidates from foreign universities, the private sector, or the military?
- APC was concerned that applicants might feel discouraged from applying by the attestation form. Perhaps another sentence at the end of the first paragraph might be added. For example: “Applicants should be assured that Duke University will handle this material with discretion. This form will not be provided to the search committee, at any stage of the process; any necessary review will be carried out by Human Resources professionals in a holistic and professional manner.”
- Some on the APC were concerned about Appendix A’s blanket coverage of all materials that an employer might possess related to the employee in question: it could include ongoing investigations or investigations that were concluded without a formal adjudication of fault. We ask that the faculty reference check committee clarify precisely which sorts of materials will be requested, and how ongoing investigations ought to be handled.
- The definition of “misconduct” varies slightly throughout the report, notably on pages 5, 7, and 10. This should be standardized. If there is a standard definition of misconduct that HR will use, ideally one that is publicly accessible, that should be flagged in the report and in the attestation form.

III. Resolution

The Academic Programs Committee believes that this is an important mission, and is grateful to the committee for its hard work on this report. We recommend that the report be forwarded to the Academic Council for further discussion along with our committee’s feedback.

As of 30 September, 2024, resolution passed: 7 out of 7 of the voting members who attended voted “yes”, and another 3 voting members who did not attend also voted “yes”. No “no” votes were received.