

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

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June 25, 2024

To develop a reference checking policy and process that is rigorous, efficient, and fair, Provost Gallimore formed the Committee on Reference Checking Practices in Faculty Hiring in February 2024. The Committee started its work in March 2024 and was guided by the following charge:

Duke University strives to foster and support an academic environment where all members of its community are empowered to thrive and fully contribute to Duke's mission of excellence in teaching, research, and service. Duke expects its faculty, who are key contributors to its mission, to adhere to the highest standards of conduct in every aspect of their teaching, research, and service roles. To ensure that the faculty we hire adhere to these values, we need to strengthen our reference check process when we search for and hire new faculty. In particular, as several universities have done, we need to make sure that our review process includes any information about prior misconduct, especially misconduct related to harassment and discrimination. To develop a reference check policy and process, the Provost is forming a committee that will be charged with the following tasks:

- *Review current Duke faculty reference check policies and processes;*
- *Review reference check policies and processes at a select number of institutions (including peers); and*
- *Develop a rigorous and fair reference check policy and process for new hires that would allow Duke to have access to prior findings of misconduct, including harassment and discrimination.*

The Committee is expected to develop a reference check policy for Duke and submit it to Provost Gallimore by the end of Spring 2024.

The Committee should conduct appropriate outreach and engagement with Duke faculty and stakeholders to ensure broad input in its deliberations.

The eventual policy will be considered by the Academic Programs Committee and then, on the Provost's recommendation, by the Academic Council and the Board of Trustees.

Based on the Committee's review of Duke's current hiring and background check policies and practices, conversations with key Duke stakeholders, including Deans of all Duke schools, and conversations about and review of reference checking policies at a number of other universities, we propose that Duke pilot a reference checking policy and process for two years starting in Fall 2024. The expectation is that the Provost's Office would review the policy and process in Spring and Summer 2026 to decide whether to continue it and/or adjust it based on the results of the review.

This report below consists of two parts: Part I describes the process that the Committee used to develop its proposed pilot policy and Part II outlines the proposed policy.

I. The Committee's Work

From early March through mid-May, the Committee convened for six meetings, conducted interviews with Duke stakeholders, conducted interviews with colleagues from peer institutions and collaborated asynchronously via e-mail and shared files to develop the attached proposed policy. The Committee's data gathering and analytical process is outlined below:

A. Committee Meetings

During the Committee's six meetings, Committee members discussed and sought consensus on broad and granular aspects of the proposed policy. Committee members weighed in on key decision points, including:

- **Scope:** Will the proposed policy apply to tenured positions only, all regular rank positions or all faculty positions? Should there be a temporal limit on how far back we search for prior misconduct and, if so, how many years should the limit be?
- **Inquiry Process:** Should candidates be asked to attest that there are no incidents of misconduct in their past, should Duke conduct proactive inquiries into candidates' misconduct history, or should our process involve both attestations and proactive inquiries? Should candidates be asked to report on substantiated findings of misconduct only, or both findings and allegations? What types of findings should candidates be asked to report on?
- **Review of Findings:** How many individuals should be involved in reviewing findings received from candidates' prior institutions (one individual, to help ensure consistency and confidentiality, or a committee)? Which units/individuals should be involved in the review of findings?

Existing policies from Duke (e.g., HR background check process), other universities and national organizations (i.e., AAU) were also reviewed and informed the proposed policy.

B. Interviews with Duke Stakeholders

The Duke stakeholders interviewed included the deans of each school (Trinity, Medicine, Nursing, Pratt, Divinity, Sanford, Nicholas, Law, Fuqua, and The Graduate School), the Vice President for Research & Innovation, and the Chief Audit, Risk & Compliance Officer. Committee members conducted interviews in pairs, using a common protocol. Notes from those interviews were shared with the full Committee and analyzed to highlight the trends in the stakeholders' comments and recommendations.

C. Interviews with Representatives from Other Universities

In-depth conversations were also held with colleagues at peer institutions, with a focus on institutions that have been at the forefront of developing reference checking policies for faculty positions. Representatives from the following institutions were interviewed and/or shared information on their policy development and implementation processes: UC-Davis, UC-San Diego, UC-Berkeley, Johns Hopkins University, University of Wisconsin-Madison, Syracuse University, The University of North Carolina at Chapel Hill, and the University of Pittsburgh. Committee members also tapped their Ivy+ networks, ACC networks and local/regional university partnerships to gather insights on how other institutions are navigating reference checking practices in their faculty hiring.

II. Proposed Process for Identifying Past Misconduct or Policy Violations of Faculty Candidates

Duke University is committed to the shared values of respect, trust, inclusion, discovery and excellence. As part of this commitment, we expect all members of our community, including faculty, to conduct themselves in a manner that is ethical, legal, and professional. These are the ideals we must commit to uphold to earn and maintain our reputation for excellence and integrity and for each member of the Duke community to do their part to foster a professional and respectful research and learning environment. To that end, we propose implementing a process for identifying past misconduct or policy violations of faculty candidates to understand more about the candidate's own professional standards. There are several key steps in the faculty hiring process that could help Duke identify such past findings of misconduct or policy violations, pending complaints of misconduct or policy violations, and/or resolution of any complaints of discrimination or harassment against an applicant for employment.

This document outlines the proposed steps and specific language to be used during the faculty hiring process to identify such information. The purpose of this process is to obtain complete and accurate information regarding an applicant, including any past misconduct and lessons learned. Any disclosures of past misconduct will not be an automatic bar to hiring but, instead, will initiate further dialogue with the candidate.

The Committee recommends that this process be implemented as a two-year pilot for searches for all regular-rank faculty hires (including tenured, tenure-track and non-tenure-track hires) in all Duke schools (including the School of Medicine and School of Nursing) starting August 15, 2024. A flow chart of the process is at the end of this report.

A. Process Overview

The Committee recommends a process for identifying past misconduct or policy violations of faculty candidates with the following key steps:

1. Early notice to potential candidates in job ads and postings that Duke will seek information about past misconduct during the hiring process;
2. A required attestation form for all applicants containing specific written questions about past misconduct or policy violations;
3. A process for obtaining additional information from former institutions *only if* a candidate, who has been advanced to the on-campus (or any other type of second-round) interview stage, discloses past findings of misconduct or policy violations, pending complaints of misconduct or policy violations, and/or any resolution of such complaints through alternative resolution processes; and
4. Language in the final offer letter affirming that the candidate still has nothing concerning to disclose.

Moreover, this proposal offers various sample questions that can be asked during the interview and reference check processes as appropriate, as well as a standard release form for faculty candidates to sign regarding reference checks. Finally, faculty candidate background checks will continue to be performed per standard University policy.

B. Initial Notice to Candidates

Exact language to be included in job postings and/or on job applications as follows:

Please note that Duke specifically seeks information about past misconduct or policy violations and/or relevant pending investigations as part of the application process. Disclosures will not be an automatic bar to hiring but, instead, will initiate further dialogue regarding past actions.

C. Signed Attestation about Past Misconduct

Specific written disclosure questions to be presented to candidates during the application process in an attestation form, with results submitted directly to an identified contact on behalf of the Provost's Office or Human Resources, as follows.

Duke University is committed to the shared values of respect, trust, inclusion, discovery and excellence. As part of this commitment, we expect all members of our community, including faculty, to conduct themselves in a manner that is ethical, legal, and professional. These are the ideals we must commit to uphold to earn and maintain our reputation for excellence and integrity and for each member of the Duke community to do their part to foster a professional and respectful research and learning environment. To that end, we ask you to respond to the following questions, and invite you to provide additional context for any affirmative answers. Disclosures will not be an automatic bar to hiring but, instead, will initiate further dialogue regarding past actions.

The scope of these questions includes reviews or investigations by current employers, former employers, educational institutions, federal or state regulatory bodies, licensing boards, research sponsors, professional organizations or any other entity. They also focus on policy violations or misconduct, including but not limited to research misconduct, animal welfare or human subjects research issues, deficient or misrepresented research proposal disclosures, conflicts of interest or commitment, bullying, discrimination, harassment, sexual misconduct, financial fraud, misuse of resources, retaliation, violation of a consensual relationships policy, or any other potential policy violations.

Have you ever been found responsible for misconduct or for violating a policy in connection with your employment or education? **[Yes/No]**

Have you ever resigned or otherwise left a position, program or organization while under review or investigation for potential misconduct or a potential policy violation in connection with your employment or education? **[Yes/No]**

Has a complaint of potential misconduct or a potential policy violation against you ever been resolved through an institution's or organization's alternative dispute resolution process? **[Yes/No]**

Have you ever been formally disciplined (such as a letter of reprimand or written sanction) or had privileges or responsibilities (such as travel privileges, advising students, or research privileges) temporarily or permanently removed? **[Yes/No]**

Have you ever been required to attend mandatory training or coaching in response to specific complaints raised about your conduct? **[Yes/No]**

Are you currently under review or investigation for potential misconduct or a potential policy violation in connection with your employment or education? **[Yes/No]**

If you answered “yes” to any of the questions above, please explain:

If you are unsure whether certain information is relevant to these inquiries, please err on the side of disclosure. Please note that complete answers to all questions above and your consent to the release of information regarding your employment and/or educational background is required; failure to respond fully to these questions and/or to provide such consent and release as requested (whether by Duke and/or other relevant entities) will render your application incomplete and it will not receive further consideration.

By signing below, you affirm that all information provided to Duke in this attestation form and in connection with your application is accurate, complete and true and that you will promptly notify Duke if your responses above change while your application is pending or during any employment by Duke. Finally, you acknowledge that if it is discovered that you made false or misleading statements or concealed information relevant to your application, this may be considered a form misconduct resulting in rescission or withdrawal of this job offer and/or termination of any faculty appointment.

Candidate Full Name: _____

Signature: _____ Date: _____

The Contact Person will notify the school/department if there are no disclosures and will follow the process outlined in D below if a candidate answers any questions in the affirmative.

D. Proposed Process for Seeking Additional Information

If a candidate answers any of disclosure questions in the affirmative (disclosing that they have engaged in past misconduct or policy violations or that they are currently under investigation or review), and if they have been short-listed and are being considered for a campus interview, the identified contact on behalf of the Provost's Office or Human Resources (the "Contact Person") should seek additional information about the disclosures from the relevant institution after requiring the candidate to sign a copy of our standard consent form for reference checks (attached here as Exhibit A). We expect that in most cases, the requested information would be obtained and reviewed before the candidate is invited for an on-campus interview, but in all cases no offer should be made prior to obtaining and reviewing the requested information

Please note that the candidate may also be asked to complete consent or release forms from other institutions/entities as part of this process. Completion of the attached form should be a requirement for further consideration.

If the candidate identifies an issue that arose at a prior institution (the "Prior Institution"), the Contact Person should reach out to possible relevant contacts at the Prior Institution (e.g., the candidate's former department chair or supervisor, the Prior Institution's Chief Diversity Officer, or Chief Human Resources Officer) with the following language:

Dear [Name],

I am writing regarding a finalist for a faculty position at Duke University. In accordance with our hiring procedures, the finalist has authorized Duke to conduct a records check for information related to any misconduct the finalist may have been found to have engaged in at your institution. This would include any violations of policies prohibiting bullying or other demeaning behavior, harassment (including but not limited to sexual harassment, domestic violence, dating violence and stalking), discrimination, financial misconduct, research misconduct, and retaliation for engaging in protected activity.

[Include information about the specific type of disclosed misconduct here]

At this time, I am only seeking to determine who is the correct point of contact for this type of records check.

I am looking for a faculty affairs or human resources point of contact who can provide me with a complete and comprehensive responsive. Once I have the correct point of contact, I will follow up with a formal letter and a copy of the finalist's signed authorization form. If I should direct this inquiry to another person, please let me know who that would be.

If you have any questions about this request, please contact me by email at [address].

*Thank you,
Contact Person*

Once the Contact Person identifies the appropriate individual at the Prior Institution, they can reach out to that individual to seek additional information about the specific findings disclosed, including a request for any notice of investigation, relevant investigation report or summary setting out findings, and any and all resulting written discipline (such as a letter of reprimand). If a candidate discloses that they are currently under review or investigation for potential misconduct or a potential policy violation in connection with their employment or education, the Contact Person should request a copy of the notice of investigation, as well as an estimated timeline for completion of the ongoing investigation or review.

Once all relevant information is collected by the Contact Person, they will share it with a four-person panel (the “Panel”) comprised of the following Duke individuals for review:

- Person 1: Provost/HR Contact Person
- Person 2: Vice President for Human Resources (or designee)
- Person 3: Relevant Dean (or designee) or equivalent
- Person 4 (as needed):
 - If the case involves alleged discrimination, harassment or related misconduct, the Vice President for Institutional Equity (or designee)
 - If the case involves alleged research-related misconduct, the Vice President for Research and Innovation (or designee)
 - If the case involves any other type of misconduct, the Provost (or designee)

The Panel may ask the Contact Person to request additional relevant information from the Prior Institution or other sources as needed. The Panel may also consult with the Office of University Counsel or with other appropriate resources as needed so long as the process of reviewing the disclosed information remains strictly confidential. Upon review of all relevant information, the Panel will decide whether the candidate should be disqualified from consideration, with the ultimate decision to be made by the Provost.

If the Provost determines that an individual candidate is disqualified, this decision should be communicated to the relevant Dean or unit leader. The relevant Dean or unit leader may then respond to the Provost to advocate for the hiring of the candidate, again with the ultimate decision to be made by the Provost.

E. Sample Questions for Candidate Interviews for Use by Search Committees and Unit Leaders

Below is a list of sample interview questions related to past behavior or misconduct. We do not expect that all of these questions will be asked. Any questions used from this list should be included with other standard interview questions, should be asked precisely as written below, and should be consistently asked of all candidates being interviewed for a specific job or posting.

- Duke's core values are respect, trust, inclusion, discovery and excellence. Can you please tell us how you've embodied these values in your work?
- Are you familiar with your current institution's resources around professionalism, diversity, equity and inclusion? How have you engaged these resources in connection with your work?
- Duke is committed to creating an inclusive environment. How have you fostered an inclusive and ethical research and learning environment in your current and previous positions? How do you plan to contribute to advancing Duke's commitment to an inclusive research and learning environment?
- Think back to a moment in your career when you were under immense pressure. What was that moment? How did you handle that stress?
- What is the biggest interpersonal conflict you have ever been involved in at work? How did you handle the situation and what did you learn?
- Have you ever had to change your behavior at work? If so, why did you have to change and how did you change?
- Describe an example of when you have had to be confrontational to achieve results. What did you do and how was it received?
- Tell me about a time when you had to neutralize a stressful situation in a professional environment.
- What is your philosophy on managing or supervising graduate students? How about other employees?
- What positive feedback do you most consistently receive on your teaching evaluations? How about negative feedback? How has this information changed how you teach and mentor today?

F. Sample Questions for Reference Checks by Search Committee Chairs and Hiring Unit Leader

*Below is a list of sample reference check questions related to past behavior or misconduct. Before a reference check is performed, candidates must sign a copy of our standard consent form for reference checks attached as **Exhibit A**. Please note that the candidate may also be required to complete consent or release forms from other institutions/entities as part of this process. Again, we do not expect all of these questions to be asked. Any questions used from this list should be included with other standard reference check questions, should be asked precisely as written below, and should be consistently asked of references for all candidates, if any others, undergoing reference checks.*

- How would you rate [**Candidate's**] listening and communication skills?
- How does [**Candidate**] treat colleagues? Students? Support staff?
- Did [**Candidate**] have any job performance issues?
- To your knowledge, is [**Candidate**] currently on a performance management plan or does [**Candidate**] have any other performance issue or corrective action pending?
- To your knowledge, has [**Candidate**] ever been found responsible for misconduct or for violating a policy in connection with [**Candidate's**] employment or education?

This includes reviews or investigations by your institution/company as well as by any employers, educational institutions, federal or state regulatory bodies, licensing boards, research sponsors, professional organizations or any other entity.

Examples of misconduct include but are not limited to animal welfare or human subjects research issues, conflict of interest, bullying, discrimination or harassment, financial fraud, misuse of resources, research misconduct, deficient or misrepresented research proposal disclosures or conflict of interest reporting, sexual misconduct, or retaliation.

- To your knowledge, is [**Candidate**] currently under review or investigation for potential misconduct or a potential policy violation in connection with [**Candidate's**] employment or education?
- To your knowledge, has [**Candidate**] ever resigned or otherwise left a position or program while under review or investigation for potential misconduct or a potential policy violation in connection with [**Candidate's**] employment or education?
- To your knowledge, has a complaint against [**Candidate**] ever been resolved using an alternative dispute resolution process?
- If given the opportunity, would you rehire [**Candidate**]? Why or why not?

G. Offer Letter Language

Exact language to be included in the final offer letter as follows:¹

By signing below, I accept this conditional offer of employment and I affirm that all information I provided to Duke in connection with my application is accurate, complete and true at this time, including the representations made in my signed attestation regarding past misconduct. Again, I understand that I must promptly notify Duke if my responses on the attestation change while my application is pending or during any employment by Duke and acknowledge that making false or misleading statements or concealing information relevant to my application may be misconduct resulting in rescission or withdrawal of this job offer and/or termination of any faculty appointment.

Signature required for acceptance of offer:

[Faculty Full Name]

Date

¹ Please contact Office of Counsel to adjust language as needed if a candidate has disclosed any prior issues.

III. Next Steps

The Contact Person should track the progress and timeline of all cases requiring additional information from former institutions as outlined above. We also recommend that the Contact Person conduct outreach to the deans and schools during the fall 2024 and fall 2025 hiring cycles to solicit feedback and suggestions on this process.

A. Review and Assessment

The Committee recommends that progress under this proposal then be reviewed by the Committee in spring and summer 2026 to ensure that this process accomplishes its goals and to confirm whether any changes or adjustments are necessary, including, for example, whether some of the questions should be refined to avoid false positives and whether a time limit should be added for past findings. The Committee recommends starting with a broader process to err on the side of capturing all potentially relevant information.

EXHIBIT A

FACULTY REFERENCE CHECK AUTHORIZATION AND RELEASE

By signing below, I authorize the organizations and/or entities identified below to share information and documents related to me with Duke University and/or Duke University Health System (hereinafter referred to as “Duke”) as outlined herein and as requested by Duke.

This includes but is not limited to information and documents from my personnel files, any information related to my performance, behavior, actions or conduct, concerns raised about my conduct or performance, investigation reports or performance reviews, reports to research sponsors or licensing boards, and corrective or disciplinary actions. I authorize Duke to contact any representative of or other individual (not just those named below) currently or formerly associated with the organizations and/or entities identified below. I understand that the information released may be highly sensitive and/or may adversely affect my application for employment with Duke.

By signing below, I knowingly and voluntarily relinquish any claim I may have against Duke and the organizations and/or entities identified below, their current and former students, agents and representatives, and any other individual involved in the release of any information and/or documents as authorized herein. I agree to hold them harmless from any and all liability of every nature and kind arising out of or pertaining to the release of this information and from any resulting consequences from such disclosure, including but not limited to any adverse employment action. This release shall be binding on my legal representatives, agents, and successors. I authorize release by the following organizations and/or entities:

Faculty Candidate Full Legal Name		
Third-Party Organization or Entity and relationship to candidate (e.g., former employer)	Relevant Dates (if any)	Name of Best Contact (for relevant information)

I also agree to sign any additional release forms as needed to ensure full disclosure of information. I have read this authorization form, fully understand its terms, and sign it freely, knowingly and voluntarily:

Signature

Date

APPENDIX 1

Committee Membership

Name	Title	Affiliation
Abbas Benmamoun (Committee Chair)	Vice Provost for Faculty Advancement	Office of the Provost
Mara Becker	Vice Dean for Faculty	School of Medicine
Joseph Blocher	Lanty L. Smith Distinguished Professor of Law	Law School
Aaron Franklin	Associate Dean for Faculty Affairs	Pratt School of Engineering
Kimberly Hewitt	Vice President for Institutional Equity	Office of the President
Emily Klein	University Distinguished Service Professor	Nicholas School of the Environment
Antwan Lofton	Vice President of Human Resources	Office of the President
Molly Martin	Vice Dean of Faculty Affairs	Trinity College of Arts & Sciences
Karin Shapiro	Associate Professor of the Practice, African & African American Studies and History	Trinity College of Arts & Sciences
Neera Skurky	Associate General Counsel	Office of Counsel
Michelle Webb	Assistant Clinical Professor	School of Nursing

Appendix 2:

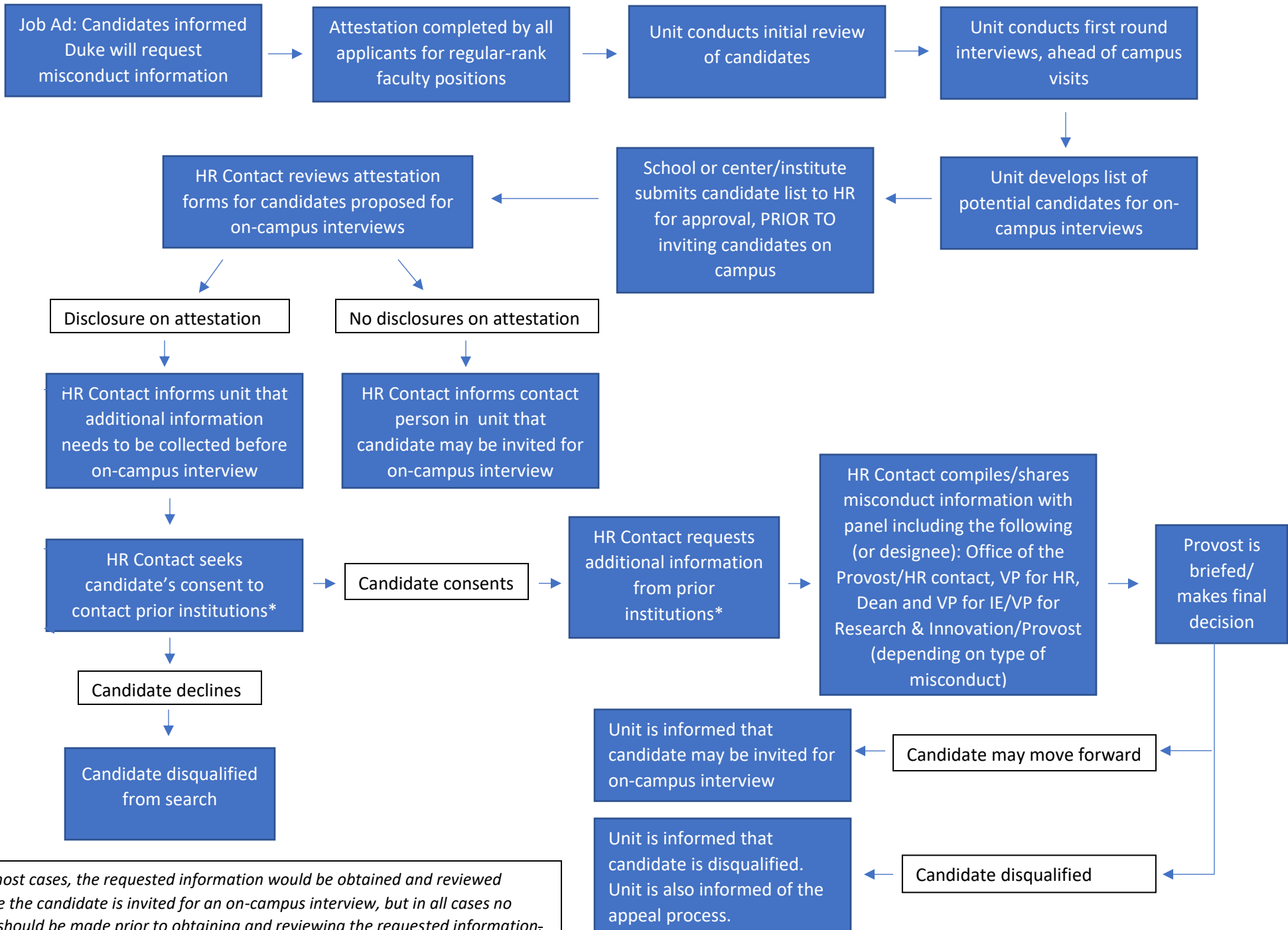
UC Davis Policy and UW Madison Policy:

<https://academicaffairs.ucdavis.edu/reference-check-information>

UW Madison Policy:

https://hr.wisc.edu/docs/Institutional_Reference_Checks_Overview_for_Candidates.pdf

Reference Check Process for Faculty Hiring



** In most cases, the requested information would be obtained and reviewed before the candidate is invited for an on-campus interview, but in all cases no offer should be made prior to obtaining and reviewing the requested information.*