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EXPLORING THE USE OF CRIMINAL BACKGROUND CHECKS IN HIGHER EDUCATION: PERCEPTIONS OF LEADERS AT FOUR INSTITUTIONS OF HIGHER EDUCATION IN MISSISSIPPI

A Dissertation presented
in partial fulfillment of requirements
for the degree of Doctor of Philosophy
in the Department of
Leadership and Counselor Education
The University of Mississippi

by

TIFFANY A. EDWARDS

December 2015

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ABSTRACT

Criminal background checks as a requisite for employment is not a new idea, specifically when recruiting for security sensitive job positions. In recent years, this practice has become increasingly widespread within the workforce, not only with businesses, but also with institutions of higher education. Four institutions of higher education within the state of Mississippi were randomly selected for this qualitative, phenomenological study. The researcher sought an answer to the following question: how has the use of criminal background checks transformed the nature of recruitment and hiring on university campuses? To answer this question, the researcher explored historical practices at each institution as well as the current practices. One-on-one personal interviews were conducted with administrators at each of the four institutions selected for this study to explore the perceptions of leaders regarding their use of criminal background checks in higher education. The researcher developed a questionnaire consisting of eighteen questions designed to answer the research question. Administrators were asked to respond to questions about whom the background check policy covers, the benefits of the policy, the obstacles of implementing the policy, and their perceptions of using social networking sites as a method of conducting background checks. Results were consistent with the research conducted. In addition the researcher found varying perceptions on the use of social networking sites and found that cost is a significant obstacle in conducting background checks.

Keywords: Criminal Background Checks, Higher Education, Negligent Hiring

DEDICATION

This dissertation is dedicated to my precious family: my husband Daron, my children - Harrison, Caleb, and Hannah, my daughter-in-law - Katelyn, and my two beautiful grandchildren, Emma Claire and Miles. You all have stuck by me through this entire process and supported and encouraged me when I didn't think it was possible to finish. Love to you all – Tiffany/Mom/Fifi.

ACKNOWLEDGMENTS

Conducting this study has been an experience wrought with excitement, fear, expectations, and a whole host of emotions from anxiety to thrill to misery. Has the experience been worth it? Absolutely. Being able to contribute meaningful research to the higher education field is an incredible accomplishment.

There are no words to describe the support and encouragement I have received from my husband, Daron and children, Harrison, Caleb, and Hannah. You all have been my rock through this entire process, making sure I had time and solitude to work on transcriptions and data analysis, and rejoicing with me when even the smallest of goals was accomplished. I also want to thank my sister, Melanie for never giving up on me when I was ready to give up on myself. A special thank you to my parents, Virgil and Joyce Ales, for their love and support. To my mom, for constantly asking are you finished yet, so she could let everyone know I had finally realized this accomplishment! To my dad, even when you were recovering from cancer surgery, your strength and unwavering faith were and always will be an inspiration to me! I want to thank my chair, Dr. Lori Wolff, for your support, encouragement, guidance, and motivation when needed the most. Thank you to my committee, Dr. Phillis George, Dr. Susan McClelland, and Dr. KB Melear for your time and expertise assisting me in reaching this goal. To my extended family and friends, I thank you for your love and support. Most of all, I give thanks to my Heavenly Father; “My flesh and my heart may fail, but God is the strength of my heart and my portion forever.” Psalm 73:26

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CHAPTER 1

INTRODUCTION

Criminal background checks as a requisite for employment is not a new idea, specifically when recruiting for security sensitive job positions. In recent years, this practice has become increasingly widespread within the workforce, not only with businesses, but also with institutions of higher education. I found this to be true when I accepted a position with the Physical Plant at the University of Mississippi in December 2006. Human Resource functions fell under my responsibility, which includes recruitment, hiring, and screening of all Physical Plant applicants. I quickly realized the University did not have a formal background check policy in place except for positions classified as security sensitive or positions working with children. I began asking questions regarding why the University did not have a policy in place. The answers I received sparked my interest and compelled me to pursue more information on this topic. The following examples are included to make one think about the use of criminal background checks and whether the checks are necessary.

In 2013, a veteran professor of thirty years at Millikin University in Illinois was discovered to have murdered his entire family, at the age of fifteen, over forty years ago. He avoided jail time by reason of insanity and was sentenced to a psychiatric facility. While an inpatient at the facility, he graduated with a bachelor's degree after two years and upon his release, changed his name. Under the new name, he obtained a master's degree in psychology and a doctoral degree and taught at Millikin University for approximately thirty years, before his background was discovered. According to the Sun Times, he is still employed with Millikin

University. It is unknown whether Millikin conducted background checks in the past or currently and it is also unknown whether the offense would have shown up on a background check due to the age of the individual. While there is uncertainty regarding the information that would have surfaced on this background check, it does make one question the use of background checks as a condition of employment and whether or not the background checks would have an impact on the hiring process (McKinney, Main, Seidel, & Schlikerman, 2013).

In February 2010, Amy Bishop shot six of her co-workers while attending a biology faculty meeting, killing three and wounding three at the University of Alabama at Huntsville. The investigation revealed Bishop had a prior incident in her background when she was nineteen years of age, when she was questioned in the fatal shooting of her brother. According to the article written for the New York Times dated February 20, 2010, Bishop and her family reported the shooting as an accident and the police investigating the incident did not pursue other scenarios, even though her brother was shot three times with a shotgun (Dewan, Saul, & Zezima, 2010). As with the previous example, it is unknown whether this information would have influenced the university's hiring decision, particularly since the incident was not investigated properly and likely would not have appeared on a background check; however, an incident like this renews the debate of whether or not to conduct background checks for positions on college campuses, both faculty and staff.

Urbina (2010) discussed a similar case that occurred in March 2010. An employee at Ohio State University reportedly was about to lose his job and came in to work and started shooting, killing a co-worker and himself, and injuring another co-worker. Through the investigation, it was revealed the employee had a prior criminal record, but it was unknown whether the university had conducted a background check prior to hiring, or whether the results

would have had an influence on the hiring of this employee. What is known is the employee was asked whether he had any prior convictions on his job application and that he lied and indicated he did not. Following the incident, it was discovered the custodian had previously served jail time for receiving stolen property.

Statement of the Problem

Erwin and Toomey (2005) define criminal background checks as "the process of gathering information about the criminal convictions of an individual" (p. 306). In 2000, Fossey and Vincent, reported few higher education institutions conducted criminal background checks. Lee, Frenkil, McLelland, and Mathieu (2008) found while the number of higher education institutions conducting background checks has increased, the background checks are limited to "safety sensitive" (p. 1) positions. Lee et al. also indicate institutions are not consistent with conducting background checks for faculty positions. Instead, recommendations of search committees and references of the selected candidate are commonly the deciding factor when making a new hire. References who are contacted fear lawsuits if unsatisfactory references are given and tend to remain neutral when providing employment history. According to Hughes and White (2006), there are implications suggesting institutions of higher education could face higher levels of liability and risk mitigation if they do not consistently implement the practice of conducting background checks. Some institutions choose to leave the decision of whether to conduct background checks to the individual hiring department, leading to inconsistencies in the application of the policy or lack thereof. This irregularity can contribute to greater liabilities and more instances of discrimination suits in the future (Hughes & White, 2006). According to Bonanni, Drysdale, Hughes, and Doyle (2006), the background check has become the "most commonly cited tool used to avoid poor hiring decisions" (p. 1).

Negligent hiring lawsuits also have become more common in the workplace, prompting organizations to reevaluate the practice of conducting criminal background checks (Connerley, Arvey, & Bernardy, 2001; Edwards & Kleiner, 2002). Administrators of higher education institutions have begun to discuss the liability these institutions face if found responsible for negligent hiring practices. McCauley (2004) suggests "fears of terrorism and workplace violence, along with widespread misrepresentation of credentials, fuel the rush to investigate" (p. 1). The literature suggests the practice of conducting criminal background checks can lower turnover and increase performance and morale, benefitting the employer and ensuring the safety of existing employees (Bonanni et al., 2006).

Purpose Statement

Lawsuits and the fear of violence in the workplace have led administrators to develop background check procedures in higher education. Hughes, Keller, and Gertz (2010) indicated public colleges and universities began implementing criminal background checks after it was discovered a professor at Penn State University had previously been convicted of three murders in 1965. Incidents such as this prompted many university administrators to question how many other employees might have violent criminal histories that had gone undetected. This study took an in-depth look at the perceptions of administrators of four public universities within the state of Mississippi and discovered how the process of conducting criminal background checks has transformed the nature of the hiring process.

Significance of the Study

According to Hughes and White (2006), institutions of higher education could be facing greater levels of liability and risk mitigation if they do not consistently implement the practice of conducting background checks. In a survey conducted by Hughes and White, it was discovered

some institutions allow individual departments to make hiring decisions, rather than rely on a centralized hiring process coordinated through the human resource department. The institutions that have allowed a decentralized hiring process were not consistent in the practice of conducting criminal background checks on all new hires. This irregularity can contribute to increased liabilities and more instances of discrimination suits in the future (Hughes & White).

Bonanni et al. (2006) suggested companies should utilize more than one pre-screening tool prior to making a hiring decision. This practice reduces the likelihood of making a poor hire, costs associated with poor hiring, and the number of lawsuits that may be filed for negligent hiring. When comparing the use of one pre-screening tool to the use of multiple pre-screening tools, the likelihood of uncovering criminal tendencies can be increased by as much as ten percent.

Social networking sites such as Facebook.com and MySpace.com have emerged as a pre-employment screening tool in recent years (Moss, 2007). This practice is not without controversy, however, and has not been validated as a viable means of conducting a background check. In addition, hiring committees must be careful when screening through social networking, as gender, race, age, and religion could be readily available, opening up opportunities for discrimination lawsuits if the information is used incorrectly (Peebles, 2012). Many hiring managers currently use these websites as one of several means of examining a candidate's background. This practice is also known as "cybervetting" (Mikkelson, 2010). A study conducted by CareerBuilder.com in 2006 surveyed 1,000 hiring managers and revealed 12% of hiring managers make use of social networking sites to investigate a job candidate's background (Moss). Sixty-three percent of respondents conveyed they did not hire a candidate due to

information obtained from these sites. Moss states the survey conducted by CareerBuilder.com provided common sense guidelines if using social networking sites. These guidelines are:

1. Does the candidate's background/profile information support the professional qualifications submitted with the application/resume?
2. Is the candidate well rounded? Show a wide range of interest?
3. Do the candidate's posts demonstrate great communications skills?
4. Does the candidate's site convey a professional image?
5. Does the candidate's personality fit the organization?
6. Have others posted recommendations and positive appraisals of the candidate?

Many individuals make the mistake of posting negative comments about their current work, boss, or employer (Dehne, 2008). Other common mistakes include posting compromising photos of oneself to be seen by all, including current employers and prospective employers, updating profiles on company time, posting information in contrast to the employer's mission, and posting you are at the beach when you have called in sick (Dehne).

Dehne (2008) recognized social networking sites are becoming increasingly important in setting candidates apart. According to Dehne, the key to making these sites work for the candidate is to be consistent with information. For instance, one site may depict the candidate as an ambitious professional with a proven track record, while another site may depict the candidate as an individual who spends every spare minute being a party animal. Information gathered from these sites is controversial especially when it comes to using information another individual has posted about the job candidate (Moss, 2007). In *NASA v. Nelson* (2011), the employer (NASA) utilized social media to assist in checking the background of existing employees. Sprague (2012) stated that it was decided by the court that "employers are free to inquire into the backgrounds of

job applicants as long as there is a legitimate business need for the information. Information disclosed to the public, as well as to third parties, is not currently considered private. But privacy is based on societal norms" (p. 31). Sprague further states if social media will be utilized as part of the background check process, it should be conducted by an individual who will not take part in making the hiring decision to avoid discrimination claims. Dwoskin, Squire, and Patullo (2014) advise employers to be especially careful when viewing an applicant's social media due to the risk of violating existing discrimination laws.

The Federal Credit Reporting Act (FCRA) requires hiring managers "to use reliable and verifiable methods and data sources" (Moss, 2007). Whereas information on social networking sites is public, many hiring managers believe the use of this information is appropriate in making hiring decisions. "Due diligence requirements almost make it impossible to ignore information found on a job applicants' social network site" (Moss, para. 3). Organizations must use "due diligence" when coming across information on social networking sites (Moss). Moss questions whether the information should be used; however, he recognizes organizations must protect themselves from negligent hiring lawsuits and are bound to use "reliable and verifiable methods" to collect background data. According to Mintz and Frost (2005), due diligence investigations should meet "the expectations of the parties on both sides: enough information so that the institution contemplating a new relationship can feel comfortable, and reasonable assurance for business people being investigated that these background checks can be done without unduly burdening them or invading their privacy" (p. 6). Dwoskin et al. (2014) suggest that if employers are going to include social networking sites in their background checks, a comprehensive policy be implemented and all involved in the hiring process be fully trained to avoid any risk or liability.

According to the literature, consistency is imperative when conducting criminal background checks as a condition of employment. In addition, a formal written policy is necessary for the process to be applied unfailingly. Erwin and Toomey (2005) suggest three criteria that should be considered when implementing criminal background checks: 1) programs must know state requirements regarding criminal background checks, 2) applicants must be informed of the criminal background check prior to and during the application process, and 3) implications of conducting criminal background checks should be studied and should rely on written policy to accomplish the process.

Research Question

The researcher sought an answer to the following question: how has the use of criminal background checks transformed the nature of recruitment and hiring on university campuses? To answer this question, the researcher explored historical practices at each institution as well as the current practices. These practices revealed strengths, weaknesses, risks, and liabilities as perceived by the administrators interviewed. To explore the perceptions of leaders at four institutions of higher education in Mississippi regarding the use of criminal background checks in higher education, I conducted one-on-one personal interviews with administrators at each of the institutions selected for this study.

Limitations

1. The study was limited to four institutions of higher education within the state of Mississippi, lessening the generalizability of the study to all higher education institutions.
2. Participants were asked to respond to some questions regarding their perception of criminal background checks, rather than rely on factual data.

Definitions

1. Criminal Background Checks – "the process of gathering information about the criminal convictions of an individual" (Erwin & Toomey, 2005, p. 301).
2. Negligent Hiring Theory – "an employer may be liable for the negligent or tortuous conduct of its employees if the employer breache[d] its duty to use due care in selecting and retaining only competent and safe employees" (Fossey & Vincent, 2000, p. 193).
3. Risk Mitigation – "involves the adoption of a safety culture and a number of organi[z]ational strategies which can affect and limit risk" (Davies & Walters, 1998, p. 399).
4. Cybervetting – "the practice of viewing social networking sites such as MySpace and Facebook, blogs and microblogs like Twitter and using search engines like Google and Yahoo! To obtain information about job applicants" (Mikkelson, 2010, para. 1).

Organization of the Study

This chapter introduced the research topic, addressed the statement of the problem, as well as the purpose and significance of the study. Limitations also were discussed and the research question was identified. In the following chapter, I discuss the literature reviewed, including a general overview of criminal background checks, the history of criminal background checks in higher education, risk mitigation, and the concept of negligent hiring. I included literature pertaining to faculty, staff, and students. Chapter 3 discusses the research design, including population, data collection, and procedure. Chapters 4 and 5 contain the results and analysis of the data, as well as a discussion and suggestions for future research.

CHAPTER 2

LITERATURE REVIEW

Introduction

The process of conducting criminal background checks as a condition of employment is not an especially new concept as such background checks are often used when seeking to fill security sensitive job positions (Hughes & White, 2006). However, this process has become more prevalent with today's workforce, not only with businesses, but also within institutions of higher education. It is significant to note that since 1980, the number of individuals who have some form of criminal background has risen from two million individuals to over seven million, comprising 3.2 percent of the population in the United States (Carlin & Frick, 2013). Criminal background checks have become one of the "most commonly cited tools used to avoid poor hiring decisions" (Bonanni et al., 2006, p. 1). Erwin and Toomey (2005) define the criminal background check as "the process of gathering information about the criminal convictions of an individual" (p. 306).

The process of conducting criminal background checks is becoming a more standard practice, exposing those who do not conduct checks to negligent hiring lawsuits. These organizations are revisiting the practice of conducting criminal background checks (Connerley et al., 2001; Edwards & Kleiner, 2002). Administrators of institutions of higher education have begun discussions regarding the liability these institutions face if found liable for negligent hiring practices. McCauley (2004) suggests "fears of terrorism and workplace violence, along with widespread misrepresentation of credentials, fuel the rush to investigate" (p. 1). The

literature suggests benefits of conducting criminal background checks can lower turnover and increase performance and morale (Bonanni et al., 2006).

This literature review will address the history, general employment procedures, and legal implications of the process of conducting criminal background checks. I also will include relevant court cases, faculty and staff hiring procedures, and student background checks as a condition of admission to programs within institutions of higher education.

History

Over the last twenty years, several events have led to changes in hiring practices in the United States. In 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was enacted and today is also known as the Jeanne Clery Act. The act was established in memory of Jeanne Clery, who was murdered while she slept in her residence hall. Administrators of the college Clery attended had failed to inform students of violent acts that had occurred in the three years prior to her death (Janosik & Gregory, 2003). The purpose of the act was to encourage college campuses to establish policy and procedures for security on campus not limited to, but including criminal background checks when hiring new employees (Crime Awareness and Campus Security Act of 1990).

In addition to the Jeanne Clery Act, the Equal Employment Opportunity Commission (EEOC) addresses employment tests and selection procedures as covered by Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act of 1967. These regulations have provisions against the use of disciminatory employment tests and selection procedures. The EEOC advises criminal background checks give information related to the potential employee's criminal history. (Employment tests and selection procedures). Pre-employment inquiries are "unlawful if they

disproportionately screen out members of minority groups or adversely impact either men or women and cannot be justified by business necessity" (Woska, 2007, p. 84). In an article written by Ulman and Layman (2012), they reported "the EEOC's existing guidance recognizes that employers may legitimately consider arrest and conviction records under certain circumstances" (p. 39). Research suggests criminal background checks must be conducted consistently and equitably to avoid negligent hiring practices (Woska).

In 2004, the American Association of University Professors (AAUP) issued a document supporting the case that background checks only be conducted for those in security sensitive positions (Hughes, Keller, & Hertz, 2010). The AAUP considers any information obtained outside of the scope of work assigned to the faculty position to be an invasion of privacy. In addition, the AAUP recommends a campus wide policy for background checks not be implemented. (AAUP, 2004)

In the United States, September 11, 2001, was a significant moment in history. Finkin, Post, and Thomson (2004) examine history since September 11, 2001, and how this event made changes necessary to the background investigation procedures for many employers. The sense of security Americans had felt prior to this event was no longer present and employers began to scrutinize applicant backgrounds vigorously. These employers included higher education institutions. According to Finkin et al., administrators of these institutions must place trust in their faculty and staff members, making it is necessary to review educational credentials, check references, and look into the applicant's criminal background.

General Employment Hiring Procedures Unrelated to Higher Education

In reviewing the literature for this study, it was necessary to look outside of higher education to gain a better understanding of existing criminal background check processes. One

study conducted by Connerly et al. (2001) stressed the importance for organizations to conduct criminal background checks for positions that have direct contact with people. Court cases involving negligent hiring have rarely been dismissed, often finding hiring agencies liable and ordering them to pay hundreds of thousands of dollars to several million dollars for negligent hiring (Connerly et al.). In *Tallahassee Furniture v. Harrison* (1991/1993), an employee of Tallahassee Furniture attacked and disabled a customer in her home. In this appeals case, the appellant (Tallahassee Furniture) was found to be liable of negligent hiring because the appellant had prior knowledge of his employee's criminal record upon hire and had not required the employee to complete an employment application, based on a personal relationship with the employee. The employment application used by Tallahassee Furniture asks whether the applicant has ever been convicted of a felony and further asks if the answer is yes, to explain.

Connerly et al. (2001) administered a survey to 114 public employers in the United States, which covered topics such as 1) when the background check occurs in the hiring process; 2) who conducts the check; 3) performing background checks on current employees; 4) legal challenges; and 5) issues and concerns. All respondents indicated they conduct criminal background checks on some potential employees. Half of the respondents reported conducting criminal background checks on all potential employees. A few (n=5) of these respondents were law enforcement agencies. Many respondents (35%) reported conducting the background check only when candidates were being considered for potential employment, and 26% indicated the background check was conducted after the applicant was given a conditional job offer. Levashina and Campion (2009) do not specifically address the background check practices of colleges and universities, but address employment practices in general, cautioning administrators that when

conducting background checks, it is imperative these checks are conducted responsibly, consistently, and fairly for everyone.

Legal Implications and the Negligent Hiring Theory

Colleges and universities face a certain amount of risk with their current and prospective staff and students. Hughes and White (2006) state the reputation of the individual institution plays a large role in whether or not an institution decides to conduct background checks. A risk mitigation survey was administered by Hughes and White to administrators of institutions of higher education. Davies and Walters (1998) identify that "risk mitigation involves the adoption of a safety culture and a number of organi[z]ational strategies which can affect and limit risk" (p. 399). The research conducted by Hughes and White (2006) indicates it is a normal practice for institutions to conduct background, employment, and educational checks prior to hiring a new employee. Three areas have been identified as the most commonly screened due to legal implications: 1) those with fiscal responsibility, 2) those working with children, and 3) staff working with medical schools and hospitals (Connerley et al., 2001; Hughes & White, 2006). Respondents of the survey indicate that the majority (74%) of institutions surveyed conduct criminal background checks on staff, while only 26% conduct criminal background checks on faculty. These results indicate there is a difference in how faculty employees are viewed and how staff employees are viewed in terms of the liability associated with their positions. This can be attributed to the fact that many institutions leave the hiring of faculty to the department's discretion, thus allowing the department to make the decision whether or not to conduct background checks.

The negligent hiring theory is described by Fossey and Vincent (2000) as "an employer may be liable for the negligent or tortuous conduct of its employees if the employer breache[d]

its duty to use due care in selecting and retaining only competent and safe employees" (p. 193). Fossey and Vincent also posit that colleges should be cognizant of the trends of workplace violence and the liability colleges face if background checks are not conducted on all employees. Hughes and White (2006) define negligent hiring as when an employer hires an employee with a questionable background and allows them to come in contact with existing employees and students, potentially creating a liability for the group. Negligent hiring may be unavoidable if the employer has knowledge or should have had knowledge of the employee's questionable background (Woska, 2007). Hughes and White state that background checks are underutilized on college campuses with regard to "risk mitigation," especially when compared to corporate organizations. In 2006, LaCrosseTribune.com reported the University of Wisconsin was considering implementing a system-wide background check policy for applicants selected for hire. The recommendation came after an audit discovered forty (40) felons on the existing payroll. It also was discovered background check policies were not consistent across all campuses, with specific regard to which positions required background checks (retrieved November 1, 2013 from http://lacrossetribune.com/news/state-and-regional/wi/wisconsin-may-require-background-checks-for-university-employees/article_e733fd40-bb2b-5acf-86cd-5dc0dfa073af.html).

Several court cases have addressed negligent hiring specifically as it relates to criminal background checks (Vinik, Baron, & Frenkil, 2006). In the case of *Harrington v. Louisiana State Board of Elementary and Secondary Education, et al.* (1998), the state board of education was found liable for hiring a convicted felon. Harrington was a student at Delgado Community College, which was operated by the Louisiana State Board of Trustees for State Colleges and Universities, and was raped by the director of the program in which she was enrolled. In

addition, the college, Delgado Community College, was found liable for hiring an instructor who had a criminal background. This court case was the first case in which a college was held liable for not conducting a criminal background check on its employees (Fossey & Vincent, 2000). Prior to this case, institutions relied mostly on recommendations of search committees and references of the selected candidate. Fossey and Vincent specifically address community colleges because of their unique curriculum which includes more vocational training than academic studies, and emphasize vocational training requires a different kind of instructor than is found on campuses of research institutions. Interaction between faculty and students often take place in a vocational setting rather than a classroom.

In the case of *Blair v. Defender Servs., Inc.* (2004), Defender Servs., Inc., was found liable for hiring an individual without conducting a criminal background check. In this case, a student (Kristin Blair) was attacked by a custodian employed by Defender Servs., Inc. This company had a contract with Virginia Polytechnic Institute and State University and consequently, put the institution at risk for negligent hiring (Lee, 2006). In the case of *Doe v. Garcia*, a medical center was found liable for negligent hiring for hiring a hospital employee (Fred Garcia) who assaulted a patient. Had the medical center conducted a criminal background check, it would have discovered the individual had a restraining order against him in a neighboring state (Lee).

Faculty and Staff Hiring Procedures

Fossey and Vincent (2000) contend persons who are hired with "sound academic credentials in a traditional scholarly discipline" (p. 197) are less risky hires. Levashina and Campion (2009) report applicants frequently mislead prospective employers with regard to research, education background, and employment history to gain employment with the

institution. With regard to working directly with children, Fossey and Vincent indicate recognition of increased liability for research institutions of higher education when hiring for positions which work with children. Finklin et al. (2004) favored checking backgrounds only of applicants who might have access to sensitive or secure information. Similarly, Hughes and White (2006) mentioned three areas as the most commonly screened due to legal implications: 1) those with fiscal responsibility, 2) those working with children, and 3) staff working with medical schools and hospitals. Fossey and Vincent advocate colleges should be cognizant of the trends of workplace violence and the liability colleges face if background checks are not conducted on all employees.

Many faculty criticize criminal background checks, arguing the checks negatively affect the ability to recruit competent faculty members (Hight & Raphael, 2003). Smallwood (2004) writes that some faculty consider the process of criminal background checks as "excessive and offensive" and believe this is a form of humiliation; they believe their faculty title should let others know they do not fall into the criminal category. The University of Miami conducts criminal background checks of all applicants selected for hire with the exception of faculty, because the faculty senate at Miami has not supported this practice (Smallwood, 2003). In 2005, Marsh, Inc., a risk management and insurance company, sponsored a workshop on conducting effective criminal background checks. A spokesperson for the company stated, "Colleges can be held liable for what they knew or should have known about individuals they hire" (Lipka, 2005). Smallwood states that state governments have begun to question why higher education institutions are "not checking the backgrounds of their professors." The discussions about who should be included in these background checks have sparked much controversy among legislators, higher education administration, and faculty. Many faculty members are opposed to

the background checks, and the AAUP has stated "Undertaking such searches is highly invasive of an applicant's privacy and potentially very damaging" (Smallwood, 2004). Walsh (2004) refers to this way of thinking as an "elitist attitude." One gets a sense faculty members are above all other employees on campuses asking to be excluded from these types of policies. According to Treber (2005), the best practice would be to standardize the search process for all employees and to establish standard hiring policies for all searches. Hight and Raphael (2003) noted there is a fine line between individual privacy rights, the ability to recruit qualified faculty and staff, and liability linked with the process of conducting criminal background checks.

Consistent background check policies must be in place and applicants must be kept informed of all proceedings from the application to the actual hire (Hight & Raphael, 2003; Lee, 2006). Prior to implementing the process of conducting background investigations, the institution should have a formalized plan of what positions will require the investigation, how much information will be gathered, how the applicant will be informed, and how negative information will be assessed (Lee). Other issues that may arise with the process of conducting criminal background checks are who pays for the background check, how long should past offenses be considered, extent of contact with the public, and how administrators distinguish between a minor offense and a serious crime (Hight & Raphael). Lee et al. (2008) indicate the cost of conducting a background check can be approximately $200 per candidate and even with this cost, the background check is not guaranteed to find all negative background information due to databases only being updated every six months. According to Lee, administrations should be prepared to address negative information, regarding an applicant's background received as a result of background investigation. Evaluation of negative information received should be

addressed uniformly for each applicant and the process should be stated within the background check policy for the institution.

Student Background Checks

Should students be subjected to criminal background checks as a condition of admission to an institution of higher education? Little research has been conducted in this area regarding criminal background checks. One study, conducted by Erwin and Toomey (2005), focused on admission into a counselor education program; a second study conducted by Livermore (2011) focused on admission into an information assurance program of study. In the study by Erwin and Toomey, surveys were administered to fifty counselor education programs, with thirty-seven programs responding. Through the data collected, Erwin and Toomey identified issues that should not be overlooked; client welfare, privacy of applicant, and legal issues, noting the primary responsibility of the program should be client welfare, lending credence to the process of conducting criminal background checks prior to admission into counselor education programs. Applicant privacy should be addressed by utilizing an informed consent process to ensure applicants are aware of the type of information that will be gathered during the check. Counselor education programs may be held liable for placing students with a client and the student then causes harm to the client. The authors contend if criminal background checks are utilized, liability is reduced (Erwin & Toomey).

Criminal background checks were found to be useful in screening out students who might successfully complete the course of study, but when applying for jobs, would be unable to secure employment because of their background (Erwin & Toomey, 2005; Livermore, 2011). These checks also assist in placing students for internships, especially if the internship is with a state agency, where criminal background checks are required (Erwin & Toomey).

Discussion

In 2000, Fossey and Vincent stated very few institutions of higher education reported conducting criminal background checks. Instead, these institutions relied heavily on recommendations of search committees and references of the selected candidate. References who are contacted fear lawsuits if unsatisfactory references are given and tend to remain neutral when providing employment history. According to Hughes and White (2006), there are implications that suggest colleges and universities could be facing higher levels of liability and risk mitigation if they do not consistently implement the practice of conducting background checks. Institutions that left the background check process to individual departments did not follow through consistently with conducting these checks. This irregularity can contribute to greater liabilities and more instances of discrimination suits in the future (Hughes & White, 2006).

Bonanni et al. (2005) suggest companies should utilize more than one pre-screening tool prior to making a hiring decision. This practice reduces the likelihood of making a poor hire, reduces costs associated with poor hiring, and reduces the number of lawsuits that may be filed for negligent hiring. When comparing the use of one pre-screening tool to the use of multiple pre-screening tools, the likelihood of uncovering criminal tendencies can be increased by as much as ten percent.

The Current Study

Hughes and White (2006) reported that even though criminal background checks are being conducted on the majority of employees (82%), there still exists an inequity across institutions of higher education with regard to criminal background checks being conducted for faculty (26%) and staff (74%). In the literature reviewed, the message was repetitive that when implementing the process of conducting criminal background checks as a condition of

employment, consistency is imperative as well as having a formal written policy. Erwin and Toomey (2005) suggest three criteria that should be considered when implementing criminal background checks: 1) programs must know state requirements regarding criminal background checks, 2) applicants must be informed of the criminal background check prior to and during the application process, and 3) implications of conducting criminal background checks should be studied and should rely on written policy to accomplish the process.

Summary

This chapter provided a review of literature that focused on the practice of conducting criminal background checks as a condition of hire. The literature revealed there is a lack of research in the specific area of conducting background checks at institutions of higher education. Given there has been little research in the area of the need for background checks of employees of institutions of higher education, much of the literature reviewed is considered to provide a baseline upon which future studies can build. Thus, the goal of this research was to expand on the literature previously published by collecting data specifically related to how criminal background check processes have changed the nature of recruiting and hiring of faculty and staff of institutions of higher education within the state of Mississippi.

CHAPTER 3

METHODOLOGY

Introduction

The purpose of this chapter is to discuss the methods that were used to conduct this research study. First, I will discuss the research design, which is qualitative. Next, the participants and instrumentation will be detailed. Finally, the research question will be identified and the procedures discussed.

Research Design

According to Creswell (2009), qualitative research seeks to explore and interpret the data collected in an attempt to understand the participants' perceptions or beliefs about the topic of study. This phenomenological study examined the perceptions of administrators of four public universities within the state of Mississippi and sought to discover how the process of conducting criminal background checks has transformed the nature of the hiring process. Phenomenological research is defined by Creswell (2009) as a "strategy of inquiry in which the researcher identifies the essence of human experiences about a phenomenon as described by participants" (p. 13). Through this research, I hoped to provide significant insight into the practice of conducting background checks for administrators of institutions of higher learning to assist them in making informed decisions for their respective campus community. The research question driving this study was: how has the use of criminal background checks transformed the nature of recruitment and hiring on university campuses?

Participants

Four institutions of higher education within the state of Mississippi were randomly selected for this study, using the random selection function in Excel. According to Carnegie Classifications found at www.mississippi.edu/research/downloads/misdata/CarnegieClass.pdf, two of the institutions selected are classified as medium, four-year, primarily residential and the remaining two are classified as large four-year, primarily residential (retrieved November 19, 2014). Representatives from each institution were purposefully selected and were contacted to schedule an interview from the following areas: Provost Office, Human Resources (at the manager/director level and above), Faculty Senate or equivalent, and Staff Council or equivalent. Each participant was provided an Information Sheet prior to interviews being conducted (Appendix A).

Instrumentation

Participants were asked a set of eighteen questions during the personal interview (Appendix B). These questions were developed by the researcher and were intended to elicit responses which assisted the researcher in answering the overarching research question: How have criminal background checks transformed the nature of recruitment and hiring on university campuses?

In developing the questions, I drew from my experiences as a higher education administrator and former staff council representative to create questions to aid in this research. I utilized a key informant to assist in validating the questions. The key informant was presented the questions along with the first two chapters of the study and asked to review the questions to ensure the questions would assist in answering the research question of the study. These

questions were discussed at length and no changes were made to the original set of questions. The interview questions were as follows:

1. Describe your present role with the university.
2. Describe your background policy and how it works. (Conducted in-house or by third party vendor?
3. Who was involved in making the policy?
4. What was the process of developing the policy?
5. Were there obstacles to implementing the policy of which you are aware?
6. With the current policy, what are the obstacles now?
7. Who does the policy cover? (Faculty, Staff, Students, Student Workers?)
8. Are there academic programs that currently require criminal background checks? What are they?
9. When the criminal background check policy was implemented, did the existing employees (faculty and staff) have to undergo a criminal background check?
10. What is the first encounter you recall with criminal background checks as a condition of hire at this institution?
11. How did this encounter alter your thinking about the utilization of criminal background checks at institutions of higher education?
12. In what situations, if any, do you believe criminal background checks should not be utilized?
13. If a criminal background is discovered, what happens? (Decision tree? Who is involved in final decision?)

14. In your opinion, what impact has the process of conducting criminal background checks had on hiring/promoting applicants?
15. Based on your experiences, what are the risks associated with conducting criminal background checks?
16. What are the benefits of conducting criminal background checks?
17. What are your views of using social networking sites as a means of investigating backgrounds of potential employees? Do you use social networking sites for investigating backgrounds?
18. Are there others on campus with whom you would recommend I speak with? Are there historical documents that I could review you believe would be beneficial for this study, such as Faculty Senate/Staff Council meeting minutes or earlier versions of the criminal background check policy?

Researcher as an Instrument

Opportunity for advancement in employment often comes when one least expects it and many times, one does not have time to process the changes rapidly occurring during the transitional phase. Such was the case when I accepted a position with the Physical Plant at the University of Mississippi in December of 2006. I became the Assistant Director, responsible for Human Resource functions. At the time, the department employed over 250 employees. I was quickly thrust into managing the hiring process and learned by trial and error over the next few months as I navigated recruitment, screening, and hiring. Along the way, there were a few stumbling blocks I was not prepared to manage. One of these was when I realized the university did not have in place mandatory criminal background checks on all positions open for hire,

especially when these employees will be working with a diverse group of students, staff, and faculty.

In the first few months of the new position, I learned the university maintained a "Do Not Hire" list of individuals that may have a felony conviction and are not eligible for hire. In a perfect world, these individuals should not make it through the initial screening process to the individual departments; however, mistakes happen and our department hired an individual whose name was on this list and ineligible for hire. The individual worked for approximately two weeks before the mistake was caught and the department was responsible for terminating the employee. It seemed unfair to allow the employee to work for this length of time, only to terminate his services after the university realized its mistake. Perhaps if a second measure had been in place, such as a criminal background check, the mistake never would have occurred. I began asking questions regarding why we do not conduct criminal background checks and my interest sparked from the answers I received.

Through the years, there have been other instances involving criminal background check processes and results which have compelled me to question how the recruitment and hiring practices have changed and whether or not these changes are negative or positive. With my experience with recruitment and hiring, I do bring bias to the study, which had to be put aside in order to objectively collect and analyze the data. As an administrator in higher education, I am a "member of the group" as described by Chenail (2011, p. 257), who is being interviewed for this study. Chenail (2011) states being part of the group can limit the researcher to only listening for "what they think they don't know." (p. 257). In order to put my bias aside, it was important that I maintained accurate field notes in addition to the data collected through the interviews. Chenail (2011) suggests journaling assists in identifying "thoughts, feelings, and impressions which

might have led to bias in the study if unchecked" (p. 259). I reviewed these field notes often to check for neutrality and made sure I did not record judgments based on my beliefs.

Procedures

Prior to beginning the research study, approval was obtained by the dissertation committee first and then the university Institutional Review Board (IRB). The interview questions were reviewed by a key informant to check for validity. Payne and Payne (2004) define a key informant as one "whose social position in a research setting gives them specialist knowledge about other people, processes, or happenings that is more extensive, detailed or privileged than ordinary people, and who are therefore particularly valuable sources of information to a researcher, not least in the early stages of a project" (p. 134). The key informant selected for this study has a background in human resources as well as in equal opportunity/ regulatory compliance and is an employee at an institution of higher education. I conducted pilot interviews with the key informant to confirm the interview questions actually answered the research question. No changes were made to the questions upon completion of the pilot interviews.

Once the interview questions were evaluated by the key informant, contact was made to the interviewees by utilizing existing contacts with colleagues at the selected institutions and by accessing the institutions' online directory services. Participants were contacted initially by email as an introduction to the research study. (Appendix C) I then followed up with phone calls to set up face-to-face interviews. (Appendix D) The projected timeline for the interviews to take place was six weeks. Interviews actually were completed within seven weeks. The interviews were administered in person, digitally recorded using two devices, and transcribed by the researcher. Once the transcription was completed, member-checking was utilized to check the data for

accuracy as well as to check for validity (Creswell, 2009). Creswell and Miller (2000) state that member checking lends integrity to the study by allowing participants to "react to both the data and the final narrative" (p. 127). I provided a summary of the data collected from the participant to ensure I recorded the information correctly. Polkinghorne (2005) suggests the use of multiple interviews to obtain the most accurate data in qualitative research. The initial interview, according to Polkinghorne, does not elicit in-depth responses to fully explore the topic; instead it serves to build a rapport between the interviewer and the interviewee. The time between the initial interview and any follow-up interviews give the interviewee time to reflect on the research topic and provide more focused responses to the questions. After summaries were provided, participants did not provide additional information; thus, follow-up interviews were not conducted.

In addition to conducting interviews, I requested copies of meeting minutes from faculty senate meetings and staff council meetings, as well as each institution's background check policy. Meeting minutes were not available from two of the smaller universities in the study and two of the schools directed me to online sites. Searches on these sites did not yield any minutes that contained information regarding the research topic. I was able to obtain each institution's background policy online. These policies were uploaded in to MAXqda to assist in triangulating this data with the interviews. Creswell (2009) states that using multiple sources of data (interviews and documents) will heighten the accuracy of the research.

Analysis and Summary

Creswell (2009) discusses six steps for analyzing qualitative data. The steps are 1) organizing and preparing data, 2) reading through all data to gain a general sense of the information provided, 3) the coding process, 4) develop a general description of the setting or

people as well as categories or themes for analysis, 5) advance how the description and themes will be represented in the narrative, and 6) interpretation (pp. 185-189). I used these steps to analyze the data and examine the data for emerging themes. These emerging themes were analyzed to attempt to answer the research question: how has the use of criminal background checks transformed the nature of recruitment and hiring on university campuses? It is believed the findings may be utilized to strengthen the recruitment and hiring process for institutions of higher education.

To assist in analyzing the data, I used a qualitative computer software program to code data, MAXqda. This software allowed the researcher to import transcripts of the interviews conducted and aided in the coding process. In addition, documents collected were entered into this software to search for emerging themes. Creswell (2009) states the use of qualitative software will allow coding to be performed more efficiently than coding data by hand.

In this chapter, the methodology was discussed including the research design, participants, instrumentation, and analysis. Once I gained committee support and the IRB application was submitted and approved, the study was conducted. The following chapters provide the results of the data analysis and a discussion of the findings of the study. It is my desire this study will provide meaningful data for administrators of colleges and universities to use in making informed decisions regarding recruitment and hiring of employees.

CHAPTER 4

RESULTS

This phenomenological study allowed the researcher to record perceptions of administrators with regard to the impact criminal background checks have had throughout the administrator's career. As stated in chapter three, phenomenological research is defined by Creswell (2009) as a "strategy of inquiry in which the researcher identifies the essence of human experiences about a phenomenon as described by participants" (p. 13). The interview data collected for this study were transcribed and cross-checked with field notes for accuracy, prior to utilizing member-checking.

For the study, sixteen individuals from four institutions of higher education in Mississippi were contacted by email to introduce the study and to ask for a response to the email indicating their willingness to participate. Those contacted included Provost, Human Resources Director, Faculty Senate Chair, and Staff Council President or representatives for each of these designations. Initially, I received four responses of willingness to participate, even after reminder emails had been sent. I requested the IRB to be amended allowing the email to be resent in an effort to obtain more participation. Ultimately, nine individuals participated in the study. Six never responded to the request and one responded to the initial request, but when I attempted to make contact to arrange a meeting time, communication could not be made. All four institutions of higher education were represented in the study. Although each participant interviewed for this research was classified as an administrator, subcategories were noted in Table 1 as follows: four participants were academic administrators, three participants were human resource

administrators, one was a faculty member, and the final participant was a staff member. These categories indicate representation from each class of employees at a university, with the exception of students.

Interviews conducted for this study ranged from eighteen minutes to thirty-eight minutes and were transcribed and uploaded to MAXqda analytical software for analysis. Documents collected were also uploaded for analysis. These documents included the background check policy for each university represented in the study and are summarized in Table 2. The data were coded under four broad themes as shown in Figure 1: coverage, benefits, obstacles, coverage, and social networking. In this chapter, I will discuss responses to each question on the interview protocol and themes which emerged from responses to the interview questions which were designed to answer the research question: how has the use of criminal background checks transformed the nature of recruitment and hiring on university campuses? Quotations noted in this chapter were taken directly from transcriptions of interviews conducted for this study.

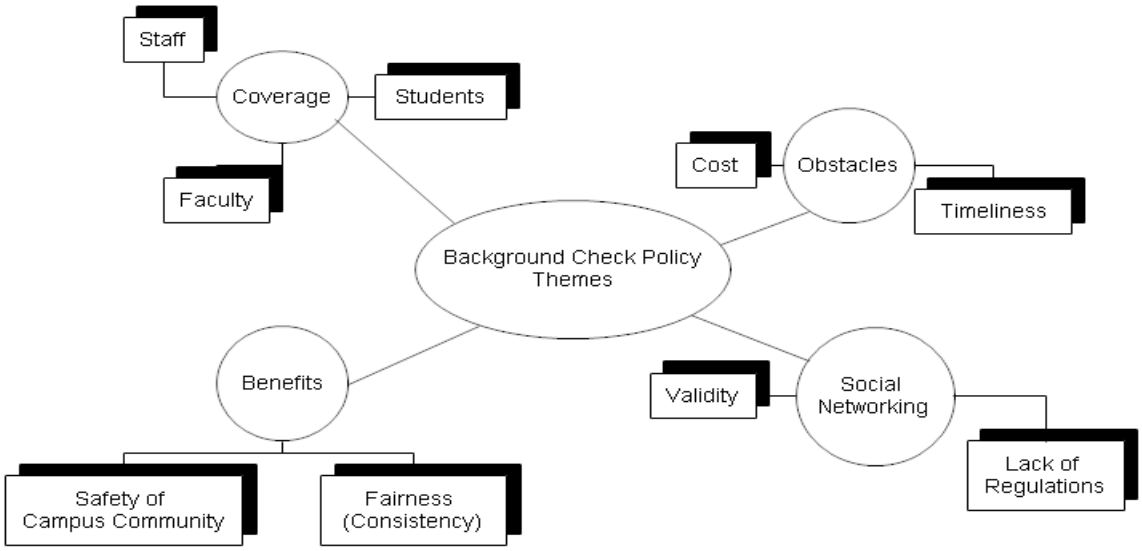

Figure 1. Emerging Themes Collected from four Universities in Mississippi

Interview Questions and Summary Responses

Describe your present role with the university. Data collected from this question along with the participants' years of experience is presented in summary form in Table 1 below.

Table 1
Participant Demographics

University A		University B		University C		University D	
	Exp. (Years)		Exp. (Years)		Exp. (Years)		Exp. (Years)
Provost	32	Assoc. Provost	25	Provost	32	Sr. Provost	40
Asst. Dir of Training and Employment	8.5	HR	45	Associate VP of Finance and Admin	20		
Staff Council	11			Faculty Senate	15		

Describe your background policy and how it works. Two participants were able to describe their institution's background policy and how it works with confidence. The remaining participants were unsure of the policy on their campus and offered their perceptions of what the policy consisted. After reviewing policies from each institution, these participants described their policies more accurately than their confidence level showed during the interview. Participants reported their background policy to have been in effect from one to three years. All participants reported background checks were completed by a third-party vendor.

I expected there to be some gaps in knowledge regarding the administrator's familiarity with the university's background check policy, but I was not prepared for how large the gap actually was. Only two administrators were confident in their knowledge of the policy; the remaining seven knew the general content of their policy, but each reported incorrect information contained in their policy, such as whom it covered, at what time in the hiring process the check occurred, and how long the policy had been in place.

Who was involved in making the policy? In answering this question, participants were unsure of who was involved in making the policy and stated their assumptions. Some of those assumptions were the director of HR, Provost, Director of EO/RC, Faculty Senate, and the executive body at each university. Interestingly, none assumed staff were involved in making the policy.

What was the process of developing the policy? Most reported the development of the policy began with conversations regarding ways to make process more efficient. One participant reported their process initially involved conducting background checks on all applicants for a position. The participant further reported this process was not timely, nor cost effective and the dialogue ensued. Another participant stated the development process took approximately five years, citing the need to have faculty, staff, and the administration all in agreement before the policy was brought before the executive body for final approval.

Were there obstacles to implementing the policy of which you are aware? Two participants reported faculty being an obstacle to policy implementation. One stated specifically, "There was the barrier of the faculty, faculty senate did not feel this was an appropriate policy on a college campus." From the research conducted prior to the study, I expected faculty to arise as an obstacle to implementation. One obstacle that emerged as a common theme in response to the question of obstacles was affordability. Participants reported institutions have experienced funding cuts in recent years, hampering the implementation of background check policies. Initially, funding at one institution was at the departmental level. As budgets decreased, departments began to pushback and this institution ultimately moved to centralized funding to cover the cost of the background check.

Table 2

Summary of Background Check Policies for Participating Universities

	University A	**University B**	**University C**	**University D**
Coverage				
1. Faculty New Hires	Yes	Yes	Yes	Yes
2. Staff New Hires	Yes	Yes	Yes	Yes
3. Students	Yes (if employed in a sensitive area or if working with minors)	Yes (if handling cash, contact with minors, access to residence hall rooms, access to student or employee information, patient contact or access to prescription medications, as requested by department)	Yes (if handling cash, contact with minors, access to residence hall rooms, access to student or employee information, patient contact or access to prescription medications, as requested by department)	Unknown
4. Current Employees	Yes (if transferring or promoting through search process)	Excludes	Excludes	May require, including if transferring to new position
5. Rehires/Retirees	Yes (if 6 month break in employment)	Unknown	Unknown	Unknown
Provider	3rd party Vendor	3rd Party Vendor	3rd Party Vendor	3rd Party Vendor
Cost Coverage	University	University	University	Candidate
Negative Background Discovered	Committee Review with candidate's right to appeal	Committee Review with candidate's right to appeal	Committee Review with candidate's right to appeal	Committee Review with candidate's right to appeal

With the current policy, what are the obstacles now? Participants indicated given the current state of the country and even the world, background checks have become standard operating procedures for higher education. The only current obstacle referenced when answering this question was again funding or affordability for the university.

Whom does the policy cover? (Faculty, Staff, Students, Student Workers?) All participants agreed the policy covers all new hires (faculty and staff), but some were uncertain whether students were included in this process. Three participants reported students were included in the background check process when working with minors or working with security sensitive data. In reviewing the policies for each university, it was found that each policy outlined procedures for conducting background checks on faculty and staff, but one of the policies did not discuss student background checks. The three universities that outlined the use of background checks with students, limited the practice to students working in security sensitive positions or positions which handle cash.

Are there academic programs that currently require criminal background checks? What are they? Responses to this question varied from "I'm not aware of any" to "student teachers and nursing students" to "anyone doing an internship." In reviewing the background check policy for each university, academic programs were not covered as part of the policy.

When the criminal background check policy was implemented, did the existing employees (faculty and staff) have to undergo a criminal background check? Five participants indicated existing employees were grandfathered in and did not undergo a criminal background check upon implementation. Two participants stated due to new state laws, all existing employees had to undergo a background check. Upon further questioning, it was determined the participants were referring to the attestation form required by the state employees

had to submit stating whether they had ever been convicted of embezzlement. Two participants stated existing employees only underwent a background check if applying for a promotional position on campus.

What is the first encounter you recall with criminal background checks as a condition of hire at this institution? How did this encounter alter your thinking about the utilization of criminal background checks at institutions of higher education? One encounter was recalled in detail by a participant:

> We had one that was really kind of interesting - we had a chair that was pushing the staff member here [HR] to see if we had gotten the [completed] background check on someone this person was hiring. I would have picked up on that, but I think our staff member didn't pick up on why he was coming by every day until it was over. So we got a clear background check, so we thought it was finished, but about 3-4 days after the clear check, the company called and said oh wait just a minute we just had something to pop up as a caution. So anyway we found out that obviously the chair knew about it and he was hoping it got through our background check because he had a connection to this person and this person was under charges for a very serious thing. Now he had not had a conviction and that is the reason it didn't show up in the beginning, so that was an interesting thing to work through, because y'all [company] said it was a clear background check. We ended up hiring the person, who is no longer here, but we found another institution had let this individual go because of these charges.

The participant stated this encounter did not alter perceptions about whether to conduct background checks, but the participant began to question the process:

> It didn't alter, it really made me question how comprehensive our background check is, because this should have been caught at the beginning. So it made me wonder sometimes and I don't know this, I wonder sometimes if companies you hire are just going through the motions, putting it in the computer, seeing what the computer would spit out, but they did catch it later and I guess that is good. I do think background checks have a place. We had another interesting thing, this was before our background check time, and we had a professor who was hired out of Canada and everybody liked him, really nice guy, we didn't have background checks in place. He had been here two years and was convicted of child pornography and so I have often wondered if we had background checks in place, if we could have found out from Canada. This didn't just start after he came here, obviously he had some background and that is why he came from Canada to Mississippi to get away from it, but of course he ended up serving prison time and then he was deported back to Canada, so that was an interesting [incident] about the need for background checks.

Other participants indicated their first encounter with this process was when they were being considered for their current position. Letters of offer contained a statement expressing their offer was contingent on having a clear background check returned to the school. Another participant recalled the first encounter as being a cumbersome process, while another could not recall the first encounter at all. Two participants did not believe their first encounter altered their thinking, while the remainder stated their encounters emphasized the need for institutions to conduct background checks.

In what situations, if any, do you believe criminal background checks should not be utilized? All participants agreed background checks should be utilized for all new hires. One participant likened the process to risk management and stated, “there might be some cost

associated with the risk management, but I don't think that the risk of losing a good employee outweighs the greater good - obviously you need assurance that you are managing risk - I think the greater benefit is less than the cost." Others indicate that if a criminal background is discovered, there should be processes in place to evaluate the nature of the offense and the length of time since the offense before making a hiring decision.

If a criminal background is discovered, what happens? (Decision tree? Who is involved in final decision?) All four institutions surveyed for this research indicated there is a committee in place to review circumstances surrounding a negative background check. One participant described the process as follows:

> If it is a misdemeanor, I just review it to see if it is recent, serious, or a pattern, so if somebody has a misdemeanor and it's not that recent or not of a violent nature, then I don't review it in any further detail - if they have 5, which I have had - I would at least bring it to the committee for review or run it off at least one other person such as the director of Human Resources to see if this needs to be shared with anybody. We have some results where we just say we can't hire this person at the university and I would say the majority, if not 9 out of 10 are for violent nature - we just would not let someone with a felony violent past come work, but we go through the checklist, is it job related, are they going to be around people, and was it violent? So those are the 3 checks if it is something that is in the gray - we don't really bar them, but we [human resources] are not in the position to work with them. We will follow up with the department and let them make the decision [whether or not to proceed with the hire], that is very rare.

Another participant stated if a negative background is found, the applicant is contacted and has ten days to contact the background check vendor to resolve the issue, in case there is a

mistake, which according to the participant occurs especially when the applicant's name is considered common. Similar to the process detailed above, one participant reported the duties of the intended position would be examined in relation to the offense discovered in the background check and if the offense had no relation to the duties, the applicant would still be considered for hire.

In your opinion, what impact has the process of conducting criminal background checks had on hiring/promoting applicants? According to four of the participants, the process of conducting criminal background checks has had a positive impact. One stated this process has made campuses more aware and much safer than if background checks were not performed. Another reported a negative impact because the process takes time, potentially delaying the start date for new employees. Another participant stated the screening process is more streamlined because applicants know the university performs criminal background checks and will not apply if the institution has a criminal background. One declined to answer citing lack of data.

Based on your experiences, what are the risks associated with conducting criminal background checks? Confidentiality was mentioned as a risk prior to one institution moving to electronic consent. Discrimination was another risk identified by a participant. The explanation follows:

> The biggest one I see would be discrimination and you may have some applicants, let's say we went through our processes and decided this wasn't a good job fit, they may go to EEOC and complain that this was discrimination because they had a criminal background and you cannot do that just for that reason - EEOC recommends you look at recency and look at the job duties and we would have to show we went through their process - it is difficult if you are a hiring manager and you see that [felony] disclosed on their application, the automatic

inclination is to just not bring them in and that doesn't have a lot to do with the background check it is just our human nature. We [human resources] try to encourage them [department] to look at skill, qualifications, and let us [human resources] handle that other.

What are the benefits of conducting criminal background checks? Three participants indicated a significant benefit of conducting criminal backgrounds was safety, specifically for the student population and any minors with whom faculty or staff may be working. Two participants noted being able to be proactive was a benefit of conducting criminal background checks. Another participant reported a benefit of ensuring employees are good stewards of the university's resources. This participant went on to state "we really do have, you know, lots of responsibility in our work in the academic side of the university. We are entrusted with the welfare of eighteen year olds, not only to teach them, but to house them, and feed them, and then over and above that we manage huge budgets compared to others, so there is lots of responsibility that we have, and we need to be good stewards of that responsibility even if somebody might get their feelings hurt."

What are your views of using social networking sites as a means of investigating backgrounds of potential employees? Do you use social networking sites for investigating backgrounds? This question elicited four positive views of using social networking sites and four negative views, with one participant evading a direct answer. Positive responses ranged from "I think when one of us chooses to post something for public consumption, then it is out there for public consumption, and there are costs associated with it," to "my view is that it is fair game." Negative responses were resounding aversions to using these sites for investigating backgrounds. One participant stated, "[I] don't believe in doing that, no way, too much out there on social media that is untrue. If you use social media, I could have a problem with you and post

something completely untrue. There are no regulations, there is nothing that monitors what goes up on a social medial site, so I would never use that, I just don't think you do that. It is probably going to be something people start looking at more. The impact of it [posting] once something gets out there; you can never retract it." Another participant expressed concern with this practice because there are no laws governing the use of these sites and most universities do not have policy regarding this practice. Fears of bias and discrimination are other reasons for negative responses. When using social networking sites for these purposes, often hiring managers become aware of the applicant's race and sex, which can lead to discriminatory hiring practices.

Are there others on campus with whom you would recommend I speak with? Are there historical documents that I could review you believe would be beneficial for this study, such as Faculty Senate/Staff Council meeting minutes or earlier versions of the criminal background check policy? Recommendations of others to make contact with were made by several participants; however, when I tried to make contact, my attempts were futile. Most (seven) of the participants indicated there were no historical documents to be reviewed due to the sensitivity of the topic. Two participants invited me to review any meeting minutes that might be posted online. After extensive searching, I was not able to find minutes containing the topic of criminal background reviews. The policies from each university included in this study are summarized in Table 2.

Conclusion

Administrators interviewed for this study provided their perceptions of the use of criminal background checks, not only from the institution's perspective, but also provided their personal perspective from throughout their careers in higher education. By interviewing both faculty and staff in administrative roles, an extensive narrative was provided, lending answers to

the research question of how this process has transformed the nature of recruitment and hiring on college campuses. Themes which emerged through the data collected were coverage, benefits, obstacles, and social networking (see Figure 1), all of which were discussed throughout this chapter.

How have criminal background checks transformed the nature of recruitment and hiring on university campuses? Background check policies must now be communicated throughout the hiring process to all applicants. In the years prior to background checks being required at each university represented in this study, administrators were left to rely on reference checks which were primarily verbal checks, leaving alleged criminal activity undiscovered. Fairness and consistency were not present in whose background was checked (i.e., faculty vs. staff). Participants in this study commented how appreciative they are to have an official background check policy so that it is carried out fairly and consistently on all candidates selected for hire; however, most were uncertain as to who their university policy covered. Safety for campus communities has become one of the most important factors when hiring new employees to work on campus. Chapter five provides further examination of the data collected, including interpretation and discussion of themes which emerged through this study. Finally, implications for administrators and institutions of higher education are discussed and suggestions for further research outlined.

CHAPTER 5

DATA ANALYSIS AND CONCLUSIONS

According to Bonanni et al. (2006), successful employment in higher education depends on the effective implementation of criminal background check policies for applicants of higher education institutions. The data collected reinforces the importance of this practice to ensure the safety of employees, students, and visitors of the university. Some of the responses were expected, but some of the themes which emerged from the data were unanticipated. Obstacles were expected to emerge from data collected, such as faculty opposition and efficiency; however, the obstacle of affordability was one that was not considered as a significant hindrance when developing this research study. Another expectation, since administrators were being interviewed, was the knowledge of the institutions background check policy would be substantial; however, the knowledge gap was noteworthy.

Information presented in this chapter is a result of the interviews conducted and documents analyzed for this study. In this chapter, I will discuss the summary of findings from the data, implications for higher education, and future research opportunities.

Summary of Findings

Data collected and analyzed provided an answer to the research question: how has the use of criminal background checks transformed the nature of recruitment and hiring on university campuses? Administrators provided rich, thick description during the interviews allowing the researcher to analyze the data for emerging themes, such as knowledge of the policy, coverage, and obstacles. In addition, responses to the question regarding the use of social networking sites

as a form of background check will be addressed. The answer is discussed in the following sections.

Knowledge of the Policy

While all of the administrators interviewed were aware their university did have a background check policy, most of them were unaware of the specifics of the policy. This knowledge is key to implementing background checks fairly and consistently across the campus community. As reported earlier in this study, Trebor (2005) emphasizes the importance of having a policy in place that is considered a standard procedure for all employment searches. This practice allows universities to avoid negligent hiring mentioned in earlier chapters and to mitigate risk on each campus (Hughes & White, 2006). It also verifies the university performed due diligence investigating all new hires in an effort to prevent criminal incidents from occurring, in the event an incident occurs, reducing liability to the university. When a university engages in negligent hiring practices, the safety of the campus and its employees can be at risk. Consistent with the research, five participants responded that safety and being proactive were benefits of conducting criminal background checks.

Coverage

Each institution represented in the study has criminal background policies in place for all new hires. Four responded the background policy included faculty, staff, and students; two responded the policy did not include students, and three were unaware of whether the policy included students. After reviewing policies for each university, student employees were only included in three of the policies, if working with minors or working with security sensitive data. One university did not include students in the official policy. Participants for this study indicated historically, the institution conducted background checks only on applicants (faculty, staff, and

students) who would be working with minors or working in security sensitive positions. Current background policies at each university include background checks on all new hires regardless of the position he or she is applying. Research has indicated there is increased liability for research institutions when hiring for positions which will work directly with children (Fossey & Vincent, 2005) or who will be working in security sensitive positions (Finkin et al., 2004).

Coverage also included whether academic programs required background checks. Institutions with teacher education programs indicated students must undergo a background check prior to beginning student teaching as a requirement of the Mississippi Department of Education. Others indicated nursing and social work students "probably" were subject to a background check prior to working with medications and patients (nursing) or beginning an internship (social work), but participants were unable to state this for certain. I was only able to verify that teacher education majors must have a background check completed prior to working directly with children in K-12 schools.

At one point in history, faculty were generally opposed to having background checks performed when applying for faculty positions. I am told at University A, background checks were conducted on all faculty and staff in the early 2000's, but the policy was rescinded around 2003, due to faculty opposition. Around this same time frame, faculty openly criticized the use of criminal background checks, arguing the checks affect the ability to recruit competent faculty members (Hight & Raphael, 2003). Smallwood (2004) writes that some faculty consider the process of criminal background checks as "excessive and offensive" and believe this is a form of humiliation; they believe their faculty title should let others know they do not fall into the criminal category. The American Association of University Professors (AAUP) recommended background checks should not be implemented across the board for colleges and universities

(AAUP, 2004). The criminal background check policy was reinstated at University A in 2012 without opposition.

Obstacles

Questions five and six provided administrators a means of identifying obstacles with both implementation and with the policy as it currently exists on each campus. A common obstacle cited during the interviews was affordability or lack of funding. Lee et al. (2008) reports criminal background checks can cost approximately $200 per applicant for only checking one state. If the applicant has worked in more the one state, the cost of conducting the background check increases. Three institutions stated their institution had undergone cuts in funding from the state level, which impacted their ability to budget for the cost of background checks. Once the Institution of Higher Learning in Mississippi implemented background check policies for all public universities, funding had to be found, which required cuts in other areas.

Another concern raised as an obstacle was that one of the institutions requires applicants to consent to the background check exclusively online. This might be a deterrent for some applicants who might not have computer access, let alone internet access within their home. This institution, if contacted, offers computer access to these applicants within their office and offers paper consent forms as well to assist in alleviating these concerns.

One participant noted at their institution there is a concern regarding the accuracy of the background report and is noted as follows: "what is reported on the criminal background check may not in fact be what actually occurred, because people have skillfully negotiated down certain charges so that what can be perceived as disorderly conduct, could have been solicitation of prostitute or something like that, so you have to be real careful." Another participant expressed concern that companies conducting background checks are not being thorough and had

received adverse information two to three days after an applicant had been cleared for employment. Lee et al. (2008) reports the National Criminal File only updates every six months which could potentially lead to background checks which are not comprehensive, resulting in the employment of an individual with a criminal history.

Screening backgrounds of foreign national applicants was a concern that was raised by one university. The administrator noted there has been an increase of applicants who are not citizens of the United States. It was divulged in the interview that discussions have taken place on this campus of how to make sure these applicant's backgrounds are scrutinized the same as US citizens. The obstacle that must be overcome is that it is difficult to know if a background check encompasses activity that may have occurred in their home country. The question was raised, "how do we as administrators ensure background checks are comprehensive with limited access to other countries records?" According to Hughes et al (2010), federal requirements do not exist for conducting criminal background checks on foreign nationals working at or attending universities in the United States. Hughes et al (2010) further states "only individuals who will be working in university laboratories with particular biological agents will be required to register with the federal government and undergo a security risk assessment" (p. 52).

Social networking Sites

The question regarding social networking sites as a method of checking backgrounds probably elicited the most passionate responses from each participant. I was intrigued by the responses to this question. I presumed prior to conducting the study, all participants would be opposed to this practice, but two high level administrators believe this practice can be beneficial in investigating an applicant's background even though there are no documented policies concerning this practice.

Research suggests social networking sites are becoming increasingly important in setting candidates apart (Dehne, 2008). The participants for this study were divided on the use of these sites; some were against this practice altogether and stated the applicant may or may not have control over what is posted on the social networking site, while others believe if something is posted online without password protection, "it is fair game." Moss (2007) confirms the position of those against this practice, reporting that information gathered from social media is controversial. It is suggested that if social media will be used as part of the background check process, an employee who is not involved in the hiring process should conduct this check to avoid discrimination (Sprague, 2012).

Participants in the study voiced their concern that discrimination claims could be increased with the use of social media in the hiring process. When using social media as a means to check backgrounds, one becomes aware of race and gender, which can potentially lead to discrimination claims. Dwoskin, Squire, and Patullo (2014) advise employers to be especially careful when viewing an applicant's social media due to the risk of violating existing discrimination laws. Peebles (2012) also contends hiring committees must exercise caution when using social media as a screening tool, because information such as gender, race, age, and religion could be readily available, opening up opportunities for discrimination lawsuits if the information is used incorrectly. As stated above, an individual who is not part of the hiring process should be the one conducting background checks with social media and gender, race, age, and other identifying characteristics should not be disclosed to the hiring committee (Sprague, 2012).

Another concern regarding the use of social media was raised during the interview, age at time of posting. One participant stated he would not want to be excluded from being hired for a

position because of a post on social media. This participant voiced concern that employers, if using social media as a background check tool, might judge the applicant based on posts from high school or college which might show a lack of discernment, rather than considering the applicant's current maturity level. If colleges and universities are going to utilize social networking sites as a part of the background check process, it is suggested there should be a comprehensive policy implemented to include training for all involved in the hiring process before it is used (Dwoskin et al., 2014).

Discussion

To answer the research question, how has the use of criminal background checks transformed the nature of recruitment and hiring on university campuses, analysis was conducted on the data collected. From the interviews conducted, it was determined the process has changed significantly in the last fifteen years within just the four universities included in this study. I can only imagine how this process has changed nationwide. Institutions went from checking all applicants for a position if they indicated a felony conviction to checking only final applicants being considered for hire in a security sensitive position or a position working with minors. As security concerns were raised after September 11, 2001, the landscape changed and institutions began the dialogue once again of requiring criminal background checks for all new hires. One institution indicated checking backgrounds only for staff positions in the past, excluding faculty and students; however, all four universities currently require background checks for all new hires regardless of the position, making our campus communities safer for faculty, staff, students, and visitors. In addition, the process of conducting background checks has begun to result in more quality applicants to be screened for positions. This process has led to hiring applicants who tend

to stay with the university longer than in prior years and has led to the hiring of more qualified employees.

Implications

From the data collected, I believe one of the most significant findings came from question seventeen regarding the use of social networking sites as an employment screening tool. It was discovered there are no policies in place for regulating their use as a tool for checking backgrounds, nor has this process been validated. Higher education administrators should be aware of all processes hiring committees are performing during an employment search in an effort to reduce liability to the university and limit claims of discrimination. As this is a relatively new area of concern for administrators, it is imperative for administrators to have a comprehensive understanding of how social networking may be used as an effective screening tool and that the university have a policy in place if this practice will be utilized.

Another area of significance is with the increasing employment of foreign nationals, administrators have to ensure "due diligence" is being conducted when screening backgrounds. The process of conducting background checks on foreign nationals can become a convoluted process with limited access to criminal records from the home country. In addition to limited access, Hughes et al. (2008) states there is "no federal requirement for universities to conduct CBCs [Criminal Background Checks] on foreign employees or students arriving in the United States to work or attend colleges and universities" (p. 51). Administrators must be able to ensure fairness and consistency with all applicants throughout the background check process and they must be able to develop relationships with government officials to make certain proper screening is conducted.

Lee (2006) recommends prior to implementing the process of conducting background investigations, institutions should have a formalized plan including how much information will be gathered, how the information will be communicated, and how adverse information will be evaluated. The gap in knowledge of administrators regarding the background check policy at their respective institution is noteworthy. The administrators interviewed for this study were almost embarrassed with their knowledge regarding specifics of their background check policy. Some even stated this area was not their responsibility and they relied on their human resource department to enforce the policy. I would argue that all administrators and all involved in the hiring process should be aware of all specifics of the background check policy and should undergo thorough training conducted by policy administrators. This is the only way to ensure the screening process is conducted fairly and more importantly consistently. With proper policies in place, higher education administrators will be better equipped to ensure the safety of their campuses and in the process will have higher qualified applicants who, according to the data collected will remain employed with the institution longer, leading to more stability on their campus.

Future Research

Insufficient research has been conducted on the topic of criminal background checks in higher education. To better understand the impact on recruitment and hiring of all applicants in higher education, a longitudinal study would be beneficial and would provide objective data for higher education administrators to use when reviewing or updating their institution's existing criminal background check policy.

The current study was limited to only four public institutions in the state of Mississippi. Another area for future research would be to conduct a broader study to include all universities

within a specific region, such as the South Eastern Conference schools or an even larger study to include all public universities in the United States. This would provide administrators a better understanding of criminal background check processes with their peer institutions and create dialogue between these institutions to develop best practices in this area.

One last recommendation for future research would be to conduct a study investigating the process of effectively screening foreign nationals for employment within an institution of higher education. As more foreign nationals are attending and are employed by colleges and universities, administrators must be consistent with these applicants so the background check process is fair and consistent with all applicants. One should ask, what measures can we put in place for this process to be effective?

Conclusion

According to Creswell (2009), qualitative research seeks to explore and interpret the data collected in an attempt to understand the participants' perceptions or beliefs about the topic of study. This phenomenological study provides an intimate look into the process of conducting criminal background checks as a condition of employment at four public universities within the state of Mississippi. The research collected distinguishes this study from other studies by asking administrators to recall their first encounter with criminal background checks and asking them how the encounter altered their perception of the process. By asking these questions and probing further to determine if their perceptions were altered in any way, administrators are forced to examine the existing background check policy and ask themselves if it is fair, if it is consistent, and if it is thorough. As one participant noted, he had the "high privilege of serving" the institution in his role, and went on to state, "we really do have, you know lots of responsibility in our work…in the academic side of the university we are entrusted with the welfare of 18 year

olds, not only to teach them, but to house them, and feed them." With this privilege comes the obligation, we as administrators have to parents, faculty, staff, students, and visitors to our campuses that their stay at the university will be one free of concern for safety and filled with educational and social experiences which shape our future leaders as well as future higher education administrators.

Hight and Raphael (2003) noted there is a fine line between individual privacy rights, the ability to recruit qualified faculty and staff, and liability linked with the process of conducting criminal background checks. As higher education administrators, it is our duty to understand the consequences of our actions, if we fail to screen all applicants selected for hire. This practice allows universities to avoid negligent hiring mentioned in earlier chapters and to mitigate risk on each campus (Hughes & White, 2006). It also verifies the university performed due diligence investigating all new hires in an effort to prevent criminal incidents from occurring and in the event an incident does occur, reduces liability to the university.

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APPENDICES

APPENDIX A: IRB INFORMATION SHEET

INFORMATION SHEET

Title: Exploring the use of criminal background checks in higher education: Perceptions of leaders at four institutions of higher education in Mississippi

Investigator
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☐ *By checking this box I certify that I am 18 years of age or older.*

Description
The purpose of this research project is to determine how administrators and leaders at institutions of higher education perceive the use of criminal background checks as a condition of employment. We would like to ask you a few questions about criminal background checks. Your identifying information will not be used in reporting results of this project.

Cost and Payments
It will take approximately 30-45 minutes to complete this interview.

Risks and Benefits
You may feel uncomfortable being recorded during the interview. We do not think there are any other risks.

Confidentiality
Information obtained for purposes of this study is confidential. Identifying information which will be collected will be your name and position. This information will not be used in reporting results of this research project.

Right to Withdraw
You do not have to take part in this study and you may stop participation at any time. If you start the study and decide that you do not want to finish, all you have to do is to tell Mrs. Edwards or Dr. Wolff in person, by letter, or by telephone (contact information listed above). You may skip any questions you prefer not to answer.

IRB Approval
This study has been reviewed by The University of Mississippi's Institutional Review Board (IRB). If you have any questions, concerns, or reports regarding your rights as a participant of research, please contact the IRB at (662) 915-7482 or irb@olemiss.edu.

Statement of Consent
I have read and understand the above information. By completing the survey/interview I consent to participate in the study.

APPENDIX B: INTERVIEW PROTOCOL

Participant_____ Date_____

Title_____ Time of Interview_____

Years of experience in Higher Education_____

Interview Questions

1. Describe your present role with the university.
2. Describe your background policy and how it works. (Conducted in-house or by third party vendor?
3. Who was involved in making the policy?
4. What was the process of developing the policy?
5. Were there obstacles to implementing the policy of which you are aware?
6. With the current policy, what are the obstacles now?
7. Who does the policy cover? (Faculty, Staff, Students, Student Workers?)
8. Are there academic programs that currently require criminal background checks? What are they?
9. When the criminal background check policy was implemented, did the existing employees (faculty and staff) have to undergo a criminal background check?
10. What is the first encounter you recall with criminal background checks as a condition of hire at this institution?
11. How did this encounter alter your thinking about the utilization of criminal background checks at institutions of higher education?
12. In what situations, if any, do you believe criminal background checks should not be utilized?
13. If a criminal background is discovered, what happens? (Decision tree? Who is involved in final decision?)

14. In your opinion, what impact has the process of conducting criminal background checks had on hiring/promoting applicants?
15. Based on your experiences, what are the risks associated with conducting criminal background checks?
16. What are the benefits of conducting criminal background checks?
17. What are your views of using social networking sites as a means of investigating backgrounds of potential employees? Do you use social networking sites for investigating backgrounds?
18. Are there others on campus with whom you would recommend I speak with? Are there historical documents that I could review you believe would be beneficial for this study, such as Faculty Senate/Staff Council meeting minutes or earlier versions of the criminal background check policy?

APPENDIX C: INTRODUCTION EMAIL TO PARTICIPANTS

Greetings,

My name is Tiffany Edwards. I am currently completing my doctoral degree in Higher Education Administration. I am contacting you because your institution has been randomly selected to participate in my dissertation research. You have been selected because you hold one of the following positions: provost or equivalent, human resource director or representative, staff council representative, or faculty senate representative. I am studying the use of criminal background checks in higher education; specifically focusing on the perceptions of university leaders. My study will contribute to existing literature on the use of criminal background checks in higher education institutions as a condition of employment. *I do have IRB approval for this study and that reference number will be included on the consent form I will bring when we meet. My advisor is Dr. Lori Wolff. She is a professor in the Department of Leadership and Counselor Education and serves as the Director of the Center for Educational Research and Evaluation. If you have any questions regarding my study, please contact her directly at (662)915-5791 or lawolff@olemiss.edu. In addition, I may be contacted at (662)915-1817 or tedwards@olemiss.edu or you may contact the IRB at (662)915-7482.

Procedure

If you choose to participate, my study would involve meeting one on one for approximately 30-45 minutes to answer a series of open-ended questions regarding your perceptions of the utilization of criminal background checks as a condition of employment.

I would like to ask if you are willing to participate in this study.

> If NO, is there another representative on your campus you could recommend for me to contact?
> If YES, Thank you very much! Please provide a direct telephone number as I will be contacting you within the next week to schedule a time for our one on one interview.

Thank you for your participation in my study. With your assistance, I hope to expand on the existing research on criminal background reviews and how they may be used in the future within institutions of higher education to make our campuses as safe as possible. Thank you again and I will be in touch soon!

Sincerely,

Tiffany A. Edwards

APPENDIX D: PHONE CALL SCRIPT TO SCHEDULE INTERVIEWS

Dr./Mr./Ms._____

This is Tiffany Edwards from the University of Mississippi. We corresponded by email about a week ago regarding my dissertation. Am I calling at a convenient time?

Thank you. I am calling to schedule our one on one interview for my research study. It will take approximately 30-45 minutes of your time. I am planning to visit your campus on Month, Day….Would you have any time available to meet with me on this day?

[sets up appointment according to their availability]

Just to confirm, I have you on my calendar for Month, day, time. Where is your office located?

Great! I am looking forward to our meeting. I will call before I come to make sure your schedule has not changed. Thank you for your time.

VITA

Tiffany A. Edwards was born in Batesville, Mississippi on December 21, 1970. Her educational background includes a Bachelor of Social Work in 1992, Master of Arts in 2008, both from the University of Mississippi, and a Doctor of Philosophy degree in Higher Education from the University of Mississippi in 2015.

Tiffany began working in higher education in 2000 as the secretary for Leadership and Counselor Education. She was persuaded to attend graduate school and received her Master of Arts in Higher Education in 2008. Prior to receiving the MA degree, she served as the Project Coordinator for the Center for Educational Research and Evaluation, overseeing multiple research and evaluation projects, as well as grants received by the Center. In 2006, she accepted a position with the former Physical Plant, currently Facilities Management, where she presently serves as the Assistant Director. Tiffany oversees the human resources function of the department working with over 270 employees. In addition, she manages safety/training, IT, service station, and special services. She lives in Oxford with her husband Daron and two of their three children, Caleb and Hannah.