

DEPAUL UNIVERSITY



Criminal Background Checks

Category: Human Resources

Responsible Department: Talent Acquisition

Responsible Officer: VP, Human Resources

Effective Date: 04/08/2024

Policy Summary

The purpose of this policy is to outline the procedure for conducting criminal background checks in order to promote a safe and fiscally responsible working atmosphere for the students, faculty and staff of DePaul University.

Scope

This policy affects the following groups of the University:

- Full-Time Staff
- Part-Time Staff
- Full-Time Faculty
- Part-Time Faculty
- Temporary Staff
- Spouses or Second Domiciled Adults of Residence Hall Directors

This policy affects all members of the above groups.

Policy

Criminal background checks will be required the for the final selected applicant/s for all faculty positions and staff positions, as well as spouses or second domiciled adults of residence hall directors who intend to live on campus. This policy provides a mechanism for the disclosure of a felony offense so that the university can determine if an offense poses a risk to the safety or security of its resources.

The criminal background check will include a trace of social security numbers, a sex offender registry check, and a check of convictions in county, state, and federal jurisdictions where the applicant reports to have lived over the last seven years. Some states and counties also have regulations that require additional information prior to releasing a criminal background check report.

In the case of international applicants, the screening will include the country(ies) of residence that the applicant reports to have lived in over the last seven years.

Participation in this process by all final applicant/s and employees is mandatory, and is a condition of employment at DePaul University. The refusal to consent to a criminal background check will automatically result in the denial of employment or may itself be grounds for subsequent dismissal from employment. Furthermore, the participation in the process for spouses or second domiciled adults of residence hall directors who intend to live on campus is mandatory. The refusal to consent to a criminal background check will result in the denial of the ability of the spouse or second domiciled adults of residence hall directors to reside on campus.

The failure to provide full and accurate information for use in a criminal background check, including additional information that may be requested by a country, state or county may itself result in the denial of employment, or may itself be grounds for subsequent dismissal from employment.

Information obtained through criminal background checks is shared only on a need-to-know basis. All documentation is kept under secure conditions by Human Resources and in accordance with [DePaul's Record Retention Schedule](#). If an offer of employment is not extended or accepted, the criminal background check results will not be retained.

Procedures

Human Resources will notify the hiring department if they have not received or are unable to obtain the applicant's authorization to conduct the criminal background check.

Procedures for Faculty

1. Faculty search committees may choose to inform applicants ahead of time of the requirement of a criminal background check if they are the final applicant.
2. If an applicant refuses to authorize the criminal background check, or refuses to provide additional information requested by a country, state or county, they cannot be considered for employment at the university.
3. Offers of employment for faculty may be made by Academic Affairs prior to the completion of the criminal background check, but are contingent upon its results.
4. The final selected faculty applicant will receive a required electronic background check notice and authorization form along with the notice titled "Summary of Your Rights under the Fair Credit Reporting Act". Human Resources will notify the faculty candidate electronically at the appropriate point in the hiring process. The vendor will notify the faculty applicant should any additional information be required by a country, state or county to release the report.
5. Once the authorization is received, the vendor initiates the criminal background checks on behalf of the university. In all cases, the university shall request and the vendor shall only report on felony convictions as outlined by this policy.

6. The results of any criminal background checks for faculty will be sent to Human Resources. If the criminal background check reveals felony convictions, Human Resources will notify Academic Affairs.
 - As required by law, prior to taking any action based on information provided through the background check, Human Resources will provide the applicant with a pre-adverse action disclosure, which includes a copy of the background check report, a Summary of Your Rights under the Fair Credit Reporting Act, and information about how to dispute the findings or provide additional information to the university.
 - If the applicant disputes the accuracy of the reported convictions, the burden of proof lies with the applicant.
 - The applicant has the right to dispute directly with the vendor the accuracy and completeness of the report.
 - If the applicant can prove the inaccuracy of the results, or provide a reasonable explanation, the Provost or their designee has the discretion to authorize employment.
 - Human Resources, along with the Provost or their designee, will engage in an interactive assessment of an applicant in accordance with federal, state, or local law or regulations and will provide all required notices to the applicant. The applicant will have the ability to respond to DePaul before a final decision is made, in accordance with federal, state, or local law.
7. In the event that the criminal background check reveals that a faculty applicant has been convicted of a felony, the Provost or their designee will consider the following factors in reaching a decision of whether or not to consider the individual for employment:
 - The nature and severity of the offense, including the relationship to the safety and security of others;
 - The facts and circumstances surrounding the conviction;
 - The number of convictions on the faculty applicant's record;
 - The date of the offense relative to the date of the employment application;
 - The individual's age at the time of conviction;
 - What the individual has accomplished since the conviction and evidence of rehabilitation efforts;
 - Alignment with the position for which the individual has applied.
8. If the Provost or their designee should decline to authorize employment on the basis of a disqualifying felony conviction they shall inform the Dean of the School/College of this

decision. The Dean and department chair have the right to ask the Provost to reconsider their decision.

9. If the applicant is not employed because of the results of the criminal background check, Human Resources will provide the applicant with the following information:
 - o The notice of the disqualifying conviction;
 - o The reason for the disqualifying conviction;
 - o The name, address and phone number of the vendor that conducted the criminal background check;
 - o A statement that the vendor that supplied the criminal background check report did not make the employment decision;
 - o A notice of the applicant's right to dispute the accuracy or completeness of any information the vendor furnished to the university;
 - o The applicant's right to an additional free report from the vendor upon request within 60 days;
 - o The right of the applicant to file a charge with the Illinois Department of Labor; and
 - o Any other information required by federal, state, or local law.
10. If, after receiving the report, it is confirmed that there are no felony convictions, the employment contract will stand in effect.
11. A faculty member will be required to complete a new background check if there is a break in service and they are rehired three or more years after their last assignment.

Procedures for Full/Part-Time Staff

1. The final selected applicant/s are required to sign an electronic background check release form authorizing the university to conduct the criminal background check.
2. The electronic background consent form will be sent to the final selected applicant/s once the offer has been accepted. If a final selected applicant/s refuses to authorize the background check, the applicant/s cannot be considered for employment at the university.
3. If a DePaul staff employee transfers into a new position outside of their current department at the university and does not have a criminal background check on record; they will be required to undergo a background check.
4. The background check vendor will advise the final selected applicant/s if a country, state or county requires additional information before a report is released.

5. If a DePaul staff employee leaves the university and has a break in employment service for more than one year, a new criminal background check will be required.
6. If the criminal background check reveals a felony conviction, the Director, Talent Acquisition will contact the applicant.
 - Prior to taking any action based on information provided through the criminal background check, the Director, Talent Acquisition will provide the final selected applicant with a pre-adverse action disclosure, which includes a copy of the background check report, a Summary of Rights under the Fair Credit Reporting Act, and information about how to dispute the findings or provide additional information to the university.
 - Human Resources will engage in an interactive assessment of an applicant in accordance with federal, state, or local law or regulations and will provide all required notices to the applicant. The applicant will have the ability to respond to DePaul before a final decision is made, in accordance with federal, state, or local law.
 - If the applicant disputes the accuracy of the reported convictions, the burden of proof of the accuracy of the records lies with the final selected applicant. The applicant has the right to dispute directly with the agency the accuracy and completeness of the report.
 - If the applicant can prove the inaccuracy of the results or provide a reasonable explanation, the Vice President of Human Resources, Executive Vice President, Provost, President or their designee as appropriate can authorize employment.
7. In the event that the criminal background check reveals that an applicant has been convicted of a felony, the university will consider the following factors in reaching a decision whether or not to consider the individual for employment:
 - The nature and severity of the offense, including the relationship to the safety and security of others;
 - The facts and circumstances surrounding the conviction;
 - The number of convictions on the record;
 - The date of the offense relative to the date of the employment application;
 - The individual's age at the time of conviction;
 - What the individual has accomplished since the conviction and evidence of rehabilitation efforts;
 - Alignment with position for which the individual has applied.
8. If the applicant is not employed because of the results of the criminal background check, Human Resources will provide the applicant with the following information:

- The notice of the disqualifying conviction;
- The reason for the disqualifying conviction;
- The name, address and phone number of the vendor that conducted the criminal background check;
- A statement that the vendor that supplied the criminal background check report did not make the employment decision;
- A notice of the applicant's right to dispute the accuracy or completeness of any information the vendor furnished to the university;
- The applicant's right to an additional free report from the vendor upon request within 60 days;
- The right of the applicant to file a charge with the Illinois Department of Labor; and
- Any other information required by federal, state, or local law.

Procedures for Spouse/Second Domiciled Adults of Residence Hall Directors

1. The spouse/second domiciled adult of a residence hall director who wishes to reside on campus must request and sign an electronic background check release form authorizing the university to conduct the criminal background check.
2. The background check vendor will advise the spouse / second domiciled adult of a residence hall director if a country, state or county requires additional information before a report is released.
3. If the criminal background check reveals a felony conviction, the university will contact the applicant and provide information consistent with federal, state, or local law. If the spouse/second domiciled adult of the residence hall director disputes the accuracy of the reported convictions, the burden of proof of the accuracy of the records lies with the final selected applicant. The spouse/second domiciled adult of the residence hall director has the right to dispute directly with the agency the accuracy and completeness of the report.
4. If the spouse/second domiciled adult of a residence hall director can prove the inaccuracy of the results or provide a reasonable explanation, the university may determine that the individual can live in the residence hall.
5. In the event that the criminal background check reveals that spouse/second domiciled adult of the residence hall director has been convicted of a felony, the university will consider the following factors in reaching a decision whether or not to allow this individual to live in the residence hall.

- The nature and severity of the offense, including the relationship to the safety and security of others;
 - The facts and circumstances surrounding the conviction;
 - The number of convictions on the record;
 - The date of the offense relative to the date of the request;
 - The individual’s age at the time of conviction;
 - What the individual has accomplished since the conviction and evidence of rehabilitation efforts;
 - Alignment with living in close proximity to students.
6. If the spouse/second domiciled adult of the residence hall director is not permitted to live on campus, the university will provide notification of the decision consistent with federal, state, or local law.

Temporary and Executive Search Firm Hires:

When a hiring manager works with the Talent Acquisition Consultant to fill a temporary job vacancy, temp-to-hire vacancy, or conducts a search using an executive search firm, DePaul will be responsible for conducting the criminal background check according to our policy.

When a hiring manager works directly with a temporary staffing agency, the agency will be responsible for conducting the criminal background check according to their own policy.

Divisional Collaborations

Office of the General Counsel
 Academic Affairs
 Human Resources

Contact Information

Office of Human Resources
 (312) 362-8500

Appendices

None.

History/Revisions

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