

DEPAUL UNIVERSITY



Criminal Background Checks

Category: Human Resources

Responsible Department: Talent Acquisition

Responsible Officer: VP, Human Resources

Effective Date: 8/14/2020

Policy Summary

The purpose of this policy is to outline the procedure for criminal background checks that the university will perform on the final selected applicant. This policy enables the university to hire and retain the best qualified applicants and employees while continuing 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

This policy affects all members of the above groups.

Policy

Criminal background checks will be required and conducted for the final selected applicant for full-time and adjunct faculty positions and full-time, part-time and temporary all staff positions. This policy provides a mechanism for the disclosure of a felony offense by potential employees 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 applicants 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.

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

As part of the employment application process, all staff and faculty hiring searches will use the standard university employment application provided by Human Resources and Academic Affairs as appropriate. 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 Full Time 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. In this case, search committees should distribute the prepared university statement linked to the appendix of this policy.
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. When the authorization is received, Human Resources will contact the vendor who is contracted to undertake 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.
 - o 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.
 - o If the applicant disputes the accuracy of the reported convictions, the burden of proof lies with the applicant.
 - o The applicant has the right to dispute directly with the vendor the accuracy and completeness of the report.
 - o If the applicant can prove the inaccuracy of the results, or provide a reasonable explanation, the Provost or his/her designee has the discretion to authorize employment.
7. In the event that the criminal background check reveals that a faculty applicant has been convicted of a felony, the Provost or his/her designee will consider the following factors in reaching a decision of whether or not to consider the individual for employment:
 - o The nature and severity of the offense;
 - o The date of the offense relative to the date of the employment application;
 - o The individual's age at the time of conviction;
 - o What the individual has accomplished since the conviction;
 - o Alignment with the position for which the individual has applied.
8. If the Provost or his/her designee should decline to authorize employment on the basis of a disqualifying felony conviction he/she 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 his/her 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: 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, and a notice of the applicant's right to dispute the accuracy or

completeness of any information the vendor furnished to the university and the applicant's right to an additional free report from the vendor upon request within 60 days.

10. If, after receiving the report, it is confirmed that there are no felony convictions, the employment contract will stand in effect.

Procedures for Adjunct Faculty

1. All procedures listed above in the full-time faculty category apply.
2. Adjunct faculty members will not be subject to a criminal background check as long as they have no break in service. After a break in service, adjunct faculty members will be required to complete a new background check if they are rehired three or more years after their last assignment.

Procedures for Full/Part-Time Staff

1. The final selected applicant is required to sign an electronic background check release form authorizing the university to conduct the criminal background check.
2. The Talent Acquisition Coordinator will request a required electronic background check notice and authorization form along with the notice titled "Summary of Your Rights under the Fair Credit Reporting Act" be sent to the selected applicant for review and completion. The electronic background consent form will be sent concurrently to the final selected applicants with the official written offer of employment. If a final selected applicant refuses to authorize the background check, the applicant cannot be considered for employment at the university.
3. If a DePaul staff employee transfers into a new position outside of his/her current department at the university and does not have a criminal background check on record; he/she will be required to undergo a background check.
4. The background check vendor will advise the final selected applicant 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.
 - o 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.

- If the final selected applicant disputes the accuracy of the reported convictions, the burden of proof 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 final selected 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 his/her 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;
 - 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;
 - 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 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, and a notice of the applicant's right to dispute the accuracy or completeness of any information the vendor furnished to the university and the applicant's right to an additional free report from the vendor upon request within 60 days.

Temporary Agency Hires

When a hiring manager works with the Talent Acquisition Consultant to fill a temporary job vacancy, the temporary agency will be responsible for conducting the criminal background check according to our 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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Next Review Date: N/A