

# Background Check Procedures

## University of Illinois Springfield

### Purpose

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- These Procedures implement the University of Illinois Policy on Background Checks available on the UIS Human Resources Policies web page ([www.uis.edu/humanresources/policies/policies/](http://www.uis.edu/humanresources/policies/policies/)) and the University Board's website (<https://nessie.uihr.uillinois.edu/pdf/Policy/UniversityBackgroundCheckPolicyBoardItem.pdf>)

### Applicability

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- All new hires, rehired retirees, and all current employees transitioning into security sensitive or critical positions must submit to a background check regardless of whether the individual is seeking a position as a faculty member or staff member (See [Policy](#) for more details.)
- For UIS, security sensitive positions include those positions that require employees to be entrusted with: the care or close contact with minors (includes the [University's Protection of Minors](#) Policy), cash handling, firearms, access to security sensitive data or university accounts, keys to multiple offices or buildings, assigned university vehicle, controlled substances or direct patient care, and access to inventories of food, beverages, or equipment, etc. Confidential Employees as defined in collective bargaining agreements are also considered security sensitive positions. This list is not exhaustive, and a unit should seek approval from the Campus Office of Human Resources (Campus HR) and/or guidance from Legal Counsel prior to requiring a background check for a position with other risk factors.
- Background checks will generally not be required for graduate or undergraduate student employees, pre- or post-doctoral fellows, individuals appointed to non-paid positions, or contractors, unless such persons are assigned to a security sensitive or critical position or otherwise subject to the University's Protection of Minors policy. <http://www.uis.edu/humanresources/policies/policies/protection-of-minors/>

## Pre-Conditional Offer Stage

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- All advertised position vacancy notices shall include the following statement: “The University of Illinois conducts background checks on all job candidates upon acceptance of a contingent offer of employment. Background checks will be performed in compliance with the Fair Credit Reporting Act.”
- Costs of conducting background checks shall be borne by the employing unit except as set forth below. A hiring unit should include the costs associated with background checks when budgeting for the position.

## Conditional Offer Stage

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- Once a unit identifies a preferred candidate as a new hire or an employee transitioning into a security sensitive or critical position, it may extend a conditional offer of employment. The offer (whether written or verbal) shall be contingent upon, among other things, satisfactory background check results.
- If the candidate accepts the conditional offer, Campus HR will provide a “Disclosure of Intent to Obtain Consumer Report and/or Investigative Consumer Report for Employment Purposes form” to the candidate either electronically via e-Link, by email, or by providing a hard copy in the Office of Human Resources.
- The candidate must provide authorization to conduct the background check as a condition of employment by completing the “Authorization and Consent to Obtain Consumer Report and/or Investigative Consumer Report for Employment Purposes” form, either electronically via e-Link, or hard copy form in the Office of Human Resources.
- Candidates must cooperate with University personnel and the University’s background check vendor during this process and shall self-disclose any criminal convictions upon request to the vendor.
- Candidate must be informed of the right to obtain a copy of the results of a background check.
- Campus HR will submit the order to the University’s background check vendor. The standard criminal history check includes the following:
  - National, state, and county criminal records
  - National and State Sex Offender Registries (SOR)
  - Social Security Number verification

- Campus HR may, with proper authorization by the candidate, also request additional checks based on the specific circumstances:
  - Education Verification
  - Employment Verification
  - Credit Check
  - Motor Vehicle Records
  - International Checks

## Background Check Results

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- Campus HR will receive the background check results and notify the hiring unit that results have been received.
- If Campus HR determines the results are acceptable, Campus HR will notify the hiring unit that the person is “clear” and the hiring process may continue.
- If campus HR determines that further consideration is necessary, Campus HR will notify the hiring unit that further consideration is necessary but will not disclose the details of the background check results.
- When it is determined that further consideration is necessary, the affected candidate will receive a letter of pre-adverse action. The University will not make a final decision regarding a candidate’s potential employment for at least five (5) business days after the candidate receives the pre-adverse action letter.
- The pre-adverse action letter will include: 1) a copy of the background check report; and 2) a copy of the “Summary of Rights under the Fair Credit Reporting Act” document. The candidate will be advised that they can submit a letter of explanation within five (5) business days of receiving the background report. The candidate will be encouraged to provide information regarding: 1) whether the negative information is accurate; 2) the facts and circumstances surrounding the negative information; 3) whether the candidate has worked in jobs similar to the job sought after the incident; 4) the candidate’s rehabilitative efforts; 5) the candidate’s view regarding why he/she would be a good fit for the position despite the negative information; 6) whether the candidate is bonded; and 7) other information the candidate believes will be helpful to the University in making an assessment of the candidate’s suitability for employment.
- A candidate wishing to challenge the accuracy of the background report may request a fingerprint-based verification and/or contact the reporting entity. The candidate will be

so advised in the pre-adverse action letter. Any expenses associated with challenging the accuracy of the report shall be borne solely by the affected candidate.

- The Senior Director of Human Resources or his/her designee will consider the background check results and any explanatory information provided by the candidate to conduct an individualized assessment. The assessment will take into consideration factors that include the nature and gravity of the offense(s) or conduct, the time that has passed since the offense(s) or conduct and/or completion of any sentence, and the nature of the job sought. Consistent with Illinois law, the fact of an arrest will not result in disqualification of a candidate. However, consideration will be given to the candidate's conduct, apart from the fact of arrest, underlying an arrest or any pending prosecution.
- The Senior Director of Human Resources or his/her designee will make a recommendation to the Vice Chancellor responsible for the unit contemplating the hire (or the Chancellor, if appropriate) as to whether or not the candidate's background check results suggest the individual presents an acceptable or unacceptable level of risk for the University community. To preserve the confidentiality of the report, the report will not be shared with the hiring unit; however the general nature of the information may be discussed as part of the decision-making process.
- The Vice Chancellor (or Chancellor, if applicable), may accept the recommendation, reject the recommendation, or request additional inquiries be made, subject to applicable law.
- If the University concludes that the candidate presents an unacceptable risk, it may withdraw the conditional offer of employment by email to the affected candidate from the Senior Director of Human Resources or his/her designee. The rejected candidate will also receive the adverse action notice required under Section 615(a) of the Fair Credit Reporting Act (FCRA) formalizing the University's decision.

## Conditional Hires

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- In extraordinary circumstances such as delays in requesting and/or receiving background check results due to circumstances beyond the candidate's control, and if both the Senior Director of Human Resources and the appropriate Vice Chancellor (or Chancellor, if applicable) approve, an individual may commence work on a conditional basis.

- A signed Conditional Hire Form must be submitted by the unit and approved by Campus HR prior to work commencing.
- Other applicable pre-employment checks (reference checks, licensing verification, etc.) must be satisfied before a Conditional Hire will be approved. Positions that require a physical agility exam and/or drug screen will not be approved as a Conditional Hire.

## Record-Keeping; Privacy

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- Information that Campus HR receives regarding background checks will be collected and maintained in files separate and apart from personnel files and the third party vendor system.
- All such records will be kept confidential and released only in accordance with provisions of applicable laws and university policies, including the records retention policy. Nothing herein shall prevent campus officials from consulting with appropriate University and campus resources (Legal, Police, OEA, Counseling Center, Risk Management, etc.) when assessing evaluation information.