

University Policy on Background Checks Related Documents

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APPROVE UNIVERSITY POLICY ON BACKGROUND CHECKS

Action: Approve University Policy on Background Checks

Funding: Nominal background check fees will be incurred by the hiring unit and/or campus/central human resources office

Currently, background checks are conducted on security sensitive positions only (e.g., working with minor children; direct patient care; access to University accounts or large amounts of cash; working with controlled substances; etc.) at the time of hire. In an effort to provide a safe and secure environment for all students, employees, and visitors at the University of Illinois; to safeguard the University's reputation, property, and resources; and to promote sound hiring decisions, a University Policy on Background Checks is recommended to the Board of Trustees for adoption. Under the proposed policy, background checks, including criminal background checks, will be conducted on new hires and employees transferring into security sensitive or critical positions, regardless of whether the individual is seeking a position as a faculty member (tenure track, non-tenure track, specialized faculty, or other academic), staff member (academic professional, civil service, extra-help, retiree, or academic hourly), or medical resident. Background checks also will be conducted with respect to individuals (including University

personnel, graduate and undergraduate employees, fellows, volunteers, and contractors) who are subject to the University of Illinois Protection of Minors Policy or who may be assigned to a security sensitive position, as defined by the University. A background check generally will not be conducted with respect to graduate or undergraduate student employees, fellows, volunteers, individuals appointed to non-paid positions, contractors or other individuals employed by another entity who are not subject to the University of Illinois Protection of Minors Policy or who will not be assigned to a security sensitive position, as defined by the University.

This policy was developed by a University-wide committee consisting of representatives from University human resources, campus human resources, UIC hospital human resources, campus offices of equal opportunity/access and equity, University counsel, and student employment, with input from a variety of University constituents including faculty, staff, and administrators. The development and implementation of the procedures to conduct background checks will be the responsibility of each campus and University administration central human resources office.

The Board action recommended in this item complies in all material respects with applicable State and federal laws, University of Illinois *Statutes*, *The General Rules Concerning University Organization and Procedure*, and Board of Trustees policies and directives.

The Vice President/Chief Financial Officer and Comptroller, and the Vice President for Academic Affairs recommend approval of the University Policy on Background Checks set forth in the attached document.

The President of the University concurs.

University Policy On Background Checks

I. Purpose

In an effort to provide a safe and secure environment for all students, employees and visitors at the University of Illinois, to safeguard the University's reputation, property and resources, and to promote sound hiring decisions, the University has established the following policy and guidelines for conducting background checks.

II. Overview

Commencing on October 5, 2015, offers of employment to prospective new hires, as well as offers to current employees who are seeking to transition into a position that requires a background check, will be made contingent upon the results of the criminal background check and other pre-employment assessments. The purpose of these background checks is to ascertain the suitability for employment.

The University may revoke any conditional offer of employment to an individual who refuses to consent to a background check and individuals whose criminal record or history creates an unacceptable level of risk to (1) maintaining a safe and secure University environment, or (2) the University's reputation, property or resources. If an individual's background check indicates a criminal record or history, the University may conduct an individual assessment of the criminal record or history, which may include asking the individual about his/her criminal record or history. A criminal record or history will not automatically exclude an individual from being considered for or being offered employment with the University, as consideration is given to such factors as, but not limited to, the nature and seriousness of the underlying offense/conduct, the relatedness of the offense/conduct to the position being sought, the length of time that has elapsed since the conviction/end of sentence/conduct, and demonstrated rehabilitative efforts.

III. Individuals Covered

Except as set forth below, these guidelines will be followed and a background check will be conducted with respect to new hires and employees transitioning into security sensitive or critical positions, regardless of whether the individual is seeking a position as a faculty member (tenure track, non-tenure track, specialized faculty, or other academic), staff member (academic professional, civil service, extra-help, retiree, or hourly), or medical resident. A background check also will be conducted with respect to all individuals (including University personnel, graduate and undergraduate employees, fellows, volunteers, and contractors) who are subject to the University of Illinois Protection of Minors Policy or who may be assigned to a security sensitive position, as defined by the University.

A background check generally will not be conducted with respect to graduate or undergraduate student employees, fellows, volunteers, individuals appointed to non-paid positions, contractors or other individuals employed by another entity who are not subject to the University of Illinois Protection of Minors Policy or who will not be assigned to a security sensitive position, as defined by the University.

The University reserves the right, however, to modify at any time the categories or groups of individuals who may be subject to a background check.

IV. Responsibilities

Candidates

- Provide complete and accurate information relating to any past criminal convictions, when requested
- Provide consent to a background check, when requested

University Human Resources

- Facilitate University compliance with this policy to ensure campus policies and procedures follow established provisions and protocols for background checks
- Oversee the administration of, and the development and implementation of the policies and procedures relating to, background checks for individuals to be employed by or otherwise associated with University Administration
- Communicate and provide necessary training regarding this policy with respect to individuals employed by or otherwise associated with University Administration
- Coordinate the process for soliciting and contracting, as necessary, with an outside vendor to perform background checks on specified individuals pursuant to this policy

Campus/Central Human Resources

- Develop, oversee, administer and manage the background check policy, guidelines and procedures relating to background checks for individuals to be employed by or otherwise associated with their respective campuses, colleges, departments and units
- Ensure the background check policies, guidelines and procedures developed by that office for its respective campus, colleges, departments and units comply and are consistent with this policy
- Communicate and provide necessary training regarding this policy for individuals employed by or otherwise associated with their respective campuses

V. Confidentiality

All records obtained through a background check will be maintained in accordance with the background check and record retention policies and procedures established by each campus and by University Administration. All such records must be deemed confidential, maintained in a secured, access-

restricted file and be limited in access to only those University representatives who have a need to review or utilize those records in fulfilling their responsibilities under these guidelines.

From: Faculty Union related messages for all full-time faculty [UICUF-GENERAL@LISTSERV.UIC.EDU] on behalf of UIC United Faculty [uic.unitedfaculty@GMAIL.COM]

Sent: Friday, September 18, 2015 5:01 PM

To: UICUF-GENERAL@LISTSERV.UIC.EDU

Subject: [UICUF-GENERAL] UIC United update: health care and background search policies

Dear colleagues:

We've heard from many members about their concerns regarding two recent communications from Administration:

2) Regarding "required background checks for new hires and current employees transitioning into security sensitive or critical positions" (<http://illinois.edu/emailer/newsletter/79477.html>): UIC United Faculty has contacted the Administration's bargaining team, notifying them of our intention to exercise our right to bargain over the impact of the change as permitted by Article XXII of both the TT and NTT Collective Bargaining Agreements. Echoing the AAUP and UIUC Senate we are asking for a policy that would guarantee:

- that a candidate must authorize a background check in writing;
- that the candidate must be given a copy of the final report;
- that no adverse action may be taken on the basis of the report unless and until the prospective employee has had an opportunity to contest or clarify its accuracy;
- that if a report is retained in a successful candidate's file, it should be corrected to remove all inaccuracies; and
- that all irrelevant personally identifiable information in a faculty member's file should be destroyed.

**UNIVERSITY OF ILLINOIS
CHICAGO SENATE**

Criminal Background Check Policy
September 24, 2015 Resolution

WHEREAS the University of Illinois Board of Trustees formally adopted a criminal background check policy on September 10, 2015;

WHEREAS the new policy on criminal background checks does not adhere to the standards recommended by the American Association of University Professors (AAUP) as stated in its 2015 Policy Documents and Reports on balancing the need for proportionality of institutional risk with individual's rights of privacy because it does not state:

1. that a candidate must authorize a background check in writing;
2. that a candidate must be given a copy of the final report;
3. that no adverse action may be taken on the basis of the report unless and until the prospective employee has had an opportunity to contest or clarify its accuracy;
4. that if a report is retained in a successful candidate's file, it should be corrected to remove all inaccuracies;
5. that all irrelevant personally identifiable information in a faculty member's file should be destroyed;

WHEREAS the new background check policy does not clearly define the term "history" and includes vague language in describing the implementation of the policy;

WHEREAS the information generated by the background check happens before the official hire and should be clearly excluded from Freedom of Information Act and regulations;

WHEREAS the proposed databases consulted and checked are often inaccurate and unreliable;

BE IT RESOLVED that the Senate of the University of Illinois at Chicago requests the Board of Trustees to urgently and immediately postpone implementation of the new criminal background check policy until these problems and inconsistencies can be discussed, addressed and resolved with input from the Senate.

UNIVERSITY OF ILLINOIS
URBANA-CHAMPAIGN SENATE
Prefiled Resolution

RS.16.02 Resolution on the Postponement of the Criminal Background Check Policy

WHEREAS academic departments on the Urbana campus conducting employment searches in Fall 2015 have been instructed that their advertisements must include the sentence “The University of Illinois conducts criminal background checks on all job candidates upon acceptance of a contingent offer”; and

WHEREAS some but not all of the advertisements for open faculty positions listed on the University Job Board (<https://jobs.illinois.edu/academic-job-board>) include this sentence; and

WHEREAS the University of Illinois Board of Trustees formally adopted a criminal background check policy on September 10, 2015 only after such instructions were issued to academic departments; and

WHEREAS the new policy on criminal background checks does not adhere to the standards recommended by the American Association of University Professors (AAUP) recommendations as stated in its 2015 Policy Documents and Reports on balancing the need for proportionality of institutional risk with individual’s rights of privacy because it does not state:

1. that a candidate must authorize a background check in writing;
2. that the candidate must be given a copy of the final report;
3. that no adverse action may be taken on the basis of the report unless and until the prospective employee has had an opportunity to contest or clarify its accuracy;
4. that if a report is retained in a successful candidate’s file, it should be corrected to remove all inaccuracies;
5. that all irrelevant personally identifiable information in a faculty member’s file should be destroyed;

WHEREAS Senate Resolution RS.15.08 of March 9, 2015, as adopted by the Senate, noted that “substantive reviews of candidates’ qualifications,” by bodies other than duly appointed faculty search committees and deans would damage the competitiveness of the University in hiring the best faculty and undermine shared governance, “in particular the faculty’s responsibility to maintain academic excellence and the high professional standards appropriate to one of the world’s premier research universities”;

BE IT RESOLVED that the Senate of the Urbana-Champaign Campus requests the Board of Trustees to urgently and immediately postpone implementation of the new criminal background check policy until these problems and inconsistencies can be discussed, addressed and resolved with input from the Senate.

BE IT ALSO RESOLVED that the Senate Executive Committee will refer the policy to the appropriate Senate committees.

Signed and submitted by senators:

Teresa Barnes, History and Gender & Women’s Studies

Jessica Greenberg, Anthropology

Harriet Murav, Slavic Studies

Mark Steinberg, History

UNIVERSITY OF ILLINOIS
Urbana-Champaign • Chicago • Springfield

Office of the President
364 Henry Administration Building
506 South Wright Street
Urbana, IL 61801-3689

Timothy L. Killeen
President

To: Chancellor Michael Amiridis _____
From: President Timothy Killeen / *TK*
Re: Background Check Policy
Date: October 2, 2015

In order to clarify issues from the UIC campus surrounding the Background Check Policy, I have spoken with Chair McMillan and we wish to state the following:

The Background Check Policy that was approved by the University of Illinois Board of Trustees on September 10, 2015 to provide a safe and secure environment for all students and employees of the University will go into effect on October 5, 2015.

The UIC Senate has asked to review implementation of the policy at the Chicago campus with the faculty. As discussed with the Urbana campus, the Chicago campus will implement the Policy fully by November 1, 2015. In order to maximize student and employee safety during the intervening period, no hires will be made until formal implementation procedures are in place. In the event that hires are absolutely required between October 5 and November 1, they will be subject to background checks.

In addition, please be advised that I have asked Vice President for Academic Affairs Christophe Pierre to convene an ad-hoc working group, with representatives from campus faculty and administration, campus and University HR, and University Counsel, in order to revise the Policy in response to faculty concerns and input. The goal will be to recommend a revised Policy to the Board at the January 21, 2016 meeting.

Please let me know if you have any questions.

c: Patrick Fitzgerald
Susan Kies
Edward McMillan
Maureen Parks
Catherine Vincent