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DOC 2006-12 Faculty Background Checks

University of Dayton. Provost

University of Dayton. Office of Human Resources

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PROPOSAL TO THE ACADEMIC SENATE

TITLE: FACULTY BACKGROUND CHECKS

SUBMITTED BY: Office of the Provost and Department of Human Resources

DATE: December 1, 2006 (approved)

ACTION: Consultation

REFERENCE: Art. II.3.c faculty compensation and other conditions of service

I. Rationale

The purpose of this policy is to describe the terms and conditions under which pre-employment background checks for faculty are conducted.

In August of 2005, UD implemented a pre-employment background check policy that applies to all non-faculty employees and contractors. This effort began in response to issues on campus and a request from employees. After surveying a number of other colleges and universities, as well as public and private sector employers, it became evident that many employers had already adopted pre-employment background check policies, as a measure to help assure the safety of their employees.

The effort to provide the same for our faculty members followed. In consultation with the Academic Senate, the Office of the Provost and Department of Human Resources engaged in the development of a pre-employment background check policy and a set of procedures applicable to new faculty hires. The policy will help to preserve the integrity of the institution, as well as protect the safety of the entire campus community. The policy has been developed in light of Catholic and Marianist principles which recognize the dignity of all human beings, their ability to change, and the importance of forgiveness.

II. Implementation

Effective January 1, 2007, pre-employment background checks will be conducted on all faculty hires, including all part-time faculty who have not been employed by the University within the past two years. Funding for this initiative has been established
through the Office of Human Resources and there will be no financial commitment from individual hiring departments.

III. The Proposal

A. Purpose

The purpose of this policy is to describe the terms and conditions under which pre-employment background checks for faculty are conducted. The University of Dayton is a comprehensive Catholic university, a diverse community committed, in the Marianist tradition, to educating the whole person by linking learning and scholarship with leadership and service. The University of Dayton believes that pre-employment background checks provide an additional level of confidence during the process of selecting qualified individuals who contribute to the University's overall strategic success.

B. Policy

1. The University conducts pre-employment background checks on all faculty candidates, only after the selection process and a contingency offer is extended to the candidate. As a matter of routine, only a criminal background check will be administered. Other background checks may be conducted if relevant to the job description, such as driving records or credit histories. The incident of additional background checks is expected to vary across academic units, reflecting professional norms and applicable laws, however such checks shall clearly be delineated exceptions and not the rule. The hiring department shall be responsible for obtaining a copy of the selected candidate’s transcripts to verify receipt of terminal degrees. The University may also use a third party administrator to conduct background checks. This process is conducted to verify the accuracy of the information provided by the candidate and determine his/her suitability for employment at the University.

2. The University will ensure that all background checks are held in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act. All background checks are conducted post-offer (contingency offer). As part of Title VII of the Civil Rights Act, information arising out of the background check cannot be used as a basis for denying employment, unless it is determined to be job-related.

C. Procedures

1. Full-time faculty

   a. Once the Office of the Provost has approved a request to fill an open position, employment background authorization forms will be sent to the hiring department. The hiring department is responsible for supplying the form to all
finalists who are invited for on-campus interviews. To expedite the background check process, it is suggested that the hiring department provide finalist candidates with this document prior to their on-campus visit, at which time the documents can be submitted to the Office of the Provost. Once a final candidate has been identified for hire, the hiring department submits an employment recommendation to the Office of Compliance and Affirmative Action. Upon approval, the Office of Compliance and Affirmative Action forwards its approval to hire to the Office of the Provost. Upon approval from the Office of the Provost, the hiring department will be notified of approval to extend a verbal offer of employment to the finalist and the Office of the Provost will conduct the background check.

b. When verbally extending the employment offer to the selected candidate, the candidate will be informed that the offer is contingent upon the successful results of the background check.

2. Part-time faculty

a. Once an individual has been identified for hire, the hiring department directs that person to Human Resources for the completion of pre-employment documents. At this time, the individual will also be provided with a copy of the employment background authorization form. The Office of the Provost will conduct the background check. Note: No background check need be conducted if the individual has been employed at UD within the previous two years.

b. When verbally extending the employment offer to the individual, the candidate will be informed that continued employment is contingent upon the successful results of the background check.

3. General Guidelines:

a. NEW HIRES: Background checks are required for all new faculty. The background check will be completed and results verified by the Office of the Provost before any faculty contract will be issued. In the case of part time faculty, a person who has not been employed at the University of Dayton in the past two years shall be considered a new hire and employment will be contingent on a background check.

b. EMPLOYMENT CONTINGENCY: Background checks are to be processed after a contingent offer of employment has been extended to the applicant. Note: The offer of employment is contingent upon the successful results of the background check.

c. AUTHORIZATION BY APPLICANT: Only finalists, typically interviewed on campus, will be asked to complete authorization of background check forms. This form is available to the applicant on the
University of Dayton website and can be sent via e-mail to the candidate as well. To expedite the process, the candidate may fax the completed and signed form to the Office of the Provost. A background check will be conducted only on the finalist.

d. **PRIVACY:** In addition to compliance with the Fair Credit Reporting Act, the University will take measures to ensure the security and confidentiality of all information obtained resulting from background checks, and will maintain such records separately from the personnel files used for determination of promotion and tenure.

4. **Verification of Background Checks**

a. The results of the background check will be reviewed by the Office of the Provost, specifically the Associate Provost for Faculty and Administrative Affairs.

b. If no criminal convictions are noted, the Office of the Provost will notify the hiring department that the candidate is approved to begin employment.

c. If any discrepancies or criminal history are noted, the Office of the Provost will determine the candidate’s employment eligibility. The University reserves the right to consult with any other pertinent office such as the Office of Legal Affairs, or Office of the President in making the final determination. Convictions that are not job related, are minor, or the age and severity is not relevant to the job will not result in ineligibility nor be recorded in the personnel file of the employee.

d. Given that this policy will require that judgments be made in some cases, these judgments are to be made consistent with applicable labor regulations and guided by Catholic and Marianist principles. Decisions are to be made in the context of the recognition of the dignity of all human persons and their ability to change, the importance of forgiveness, and the responsibility to preserve the integrity and safety of our campus community.

5. **Adverse Action Notifications**

a. When a criminal conviction(s) that may result in an adverse employment decision is found, the Office of the Provost will provide the candidate in writing, notice of the impending action, a copy of the background check, a summary of consumer rights under the Fair Credit Reporting Act, and instructions on how to dispute inaccurate information contained within the report. The candidate will have 5 business days from notification to dispute any inaccurate information.
b. If after 5 business days following notification the candidate has not disputed the report, the Office of the Provost will contact the candidate to inform him or her that the University is rescinding its contingent offer of employment. If inaccurate information is reported, and after 5 business days the corrected information still remains sufficient to deny employment, the Office of the Provost will contact the candidate to inform him or her that the University is rescinding its contingent offer of employment.
EMPLOYMENT BACKGROUND AUTHORIZATION

1. I certify that all information provided in this application, any accompanying resume or communicated in an interview is true and complete. I understand that any falsification, misleading or omission of information, may disqualify me from being considered for employment, and may also be considered sufficient justification for dismissal from employment if later discovered.

2. I understand that an investigative report may be generated on me that may include information as to written, oral, or other -- from a consumer reporting agency reference to financial /credit history and State Department of Motor Vehicle/Drivers’ License Records to include traffic citations and registration,* criminal history records from any criminal justice agency in any or all-federal, state, city and county jurisdictions, as well as the Social Security Administration and the Immigration & Naturalization Service. I fully give my consent to and understand that the University of Dayton and/or their agent Gall & Gall Company, Inc. may be requesting information from public and private sources about any of the information noted.

3. According to the Fair Credit Reporting Act (FCRA), I am entitled to know if the considerations for which I am applying are denied because of information obtained from a consumer-reporting agency. If so, I will be notified and be given the name of the agency providing that report.

4. I agree that a photocopy or telephonic facsimile of this authorization shall be valid as the original. This release is valid for most federal, state and county agencies including the Minnesota Department of Labor.

5. Minnesota, Oklahoma, and New York applicants only: Please check this box if you want a copy of the consumer report if one is obtained by the University of Dayton .

6. California applicants only: By signing below, you acknowledge receipt of the “Notice Regarding Background Investigation Pursuant to California Law.” Please check this box if you would like to receive a copy of the investigative consumer report or consumer credit report if one is obtained by the University of Dayton at no charge whenever you have the right to receive such a copy under California law.

7. I hereby authorize, without reservation, any one contacted by the University of Dayton and/or their agent Gall & Gall Company, Inc., to furnish the information described on this form. * only to be accessed for positions where they are critical job requirements.

APPLICANT COMPLETES THE FOLLOWING:

________________________  __________________________
Signature  Today’s Date

Position Applied For:

________________________
APPLICANT COMPLETES THE FOLLOWING:

Please, print full name

The following information is required by law enforcement agencies and other positive identification purposes when checking public records. It is confidential and will not be used for any other purposes.

________________________  __________________________
Social Security Number  Date of Birth

________________________
Home Address

________________________  __________________________
City  State  Zip

________________________
Driver’s License Number and State

________________________  __________________________
Name as it appears on License

Have you ever been convicted of or plead guilty to a crime?  ☐ No  ☐ Yes  If yes, please explain: (A conviction will not automatically disqualify you from being considered as a candidate for employment.)
I understand that I have a right to request disclosure of the nature and scope of the report if it involves personal interviews with sources such as my friends, acquaintances, or others who may have relevant information. I understand that I have the right to receive a copy my information report.

THIS IS NOT AN EMPLOYMENT CONTRACT

FAIR CREDIT REPORTING ACT NOTICE: In accordance with the Fair Credit Reporting Act, this information may only be used to verify a statement(s) made by an individual in conjunction with legitimate business needs. The depth of information available varies from State to State. Status of updates is available on request. Although every effort has been made to assure accuracy, Gall & Gall Company, Inc.’s policy requires purchasers of these reports to have signed a Service Agreement and maintain original release forms of the applicant for seven (7) years to comply with the F.C.R.A. This assures Gall & Gall Company, Inc. that users are familiar with and will abide by their obligations, as stated in the FCRA, to the individuals named in these reports. Gall & Gall Company, Inc., 8555 N. Dixie Drive, Dayton, Ohio 45414, 937-264-4900 or 1-800-759-4255.