

CRIMINAL BACKGROUND CHECKS: HOW AND WHEN TO USE THEM

People employed at the University are required to exercise good judgment in relation to the safety and security of people and resources. Some positions include duties that require a special emphasis in these areas to preserve in fact and perception a safe and secure environment. Conducting criminal background checks on candidates for these positions is appropriate and prudent. These positions are considered to be security-sensitive, and may include, but are not limited to, those that have responsibility for monies and/or properties, those in a public safety department, or those that are required by law based on interaction with certain populations; e.g. children or dependent adults. At this time there is not a UI campus policy regarding which specific positions should include a criminal background check as part of the final screening process.

If you are considering including a criminal background check on candidates as part of the hiring process for a position or positions in your area of responsibility, you may want to consider the following:

- The types of convictions that would be relevant to the work performed.
- How/when to inform applicants that a check will be conducted
 - At the time of advertising for the position
 - When an interview is set up
 - During the personal interview
- Will a check be done on candidates other than the final candidate?
- A waiver for release of information and a declaration of conviction form should be completed by finalist(s). Completion of this form should be done by the individual(s) prior to proceeding with any criminal background check; at the time of interview is suggested. You may access the forms from Kay Shie in CPH – HR.
- Will the offer be made only after the check is completed or be made contingent on receipt of a satisfactory review? If the offer is made prior to the completion of the check, the employment offer letter should contain a statement that informs the individual that the offer is contingent on a “satisfactory criminal background review.”
- The scope of the time period to be included; seven years is typical.
- The level of check to be conducted:
 - County
 - State
 - Federal
- Who conducts the check? Senior HR Leadership Representatives have the necessary information to do so.
- The University has identified a preferred vendor, HireRight, for conducting background checks, which typically cost \$40 - \$50.

Procedure to determine if a criminal background check is necessary:

- Departments determine the need for a criminal background check based upon the criteria set forth in the [Departmental Request to Conduct Criminal Background Check form](#): Please note: this form is customized to the College of Public Health. Do not use the generic Departmental Request form on the Central-HR website.
- When a vacant position is advertised, the Departmental Request to Conduct Criminal Background Check form must be completed by the department for which a background check is to be conducted and forwarded to the CPH-HR Director.

Similarly, when a temporary position is either advertised, or filled, the Departmental Request to Conduct Criminal Background Check form must accompany the appointment paperwork for positions in which a background check is to be conducted.

How/when to communicate this to applicants and/or contingent new hire?

- Option: indicate in the external advertising that “may/will be conducted” depending on specific requisition. During interview process; all interviewees complete a waiver for release of information http://www.uiowa.edu/~eforms/hr/criminal_release.pdf. Refusal to sign the release may constitute grounds for elimination from the candidate pool. Departments should inform candidates that the declaration of conviction form http://www.uiowa.edu/~eforms/hr/criminal_history.pdf will be requested of, and background check will be conducted on, only the candidate(s) of choice.
- All interviewees also receive a summary of rights under fair credit reporting act <http://www.ftc.gov/os/2004/11/041119factaappf.pdf>
- When a department has selected (a) candidate(s) to whom to make an offer, the department shall ask the candidate(s) to provide their conviction history to the CPH-HR Director (a stamped and addressed envelope should be provided for this purpose), and remind them that a background check will now be conducted.
- If no interview is conducted, i.e. temporary hires, the contingent hire should complete the waiver for release of information and a declaration of conviction form. All contingent hires also receive a summary of rights under fair credit reporting act.

Who conducts the check?

- The CPH-HR Director shall conduct (a) criminal background check(s) through the designated University vendor upon selection of the candidate(s) of choice and shall complete a standard check no later than 15 days following the candidate's first day of employment. A more comprehensive check may require a longer period of time.

When is the check conducted?

- Permanent positions: When the collegiate office receives the Recruitment Summary/Request to Hire Equal Opportunity and Diversity paperwork and candidate release form.
- Temporary positions: When the collegiate office receives the appointment transaction and candidate release form. This must be completed prior to 15 days following the hire.

What about offer letters?

- If the offer letter is given to the candidate of choice prior to completion of the background check, the offer letter shall reiterate that a criminal background check is being conducted and that University of Iowa employment in this security-sensitive position is contingent on its successful outcome (including the criminal background check and declaration of conviction history).

What criteria are used in conducting the check?

- Relevance to the position
- Access, contact, responsibility
- Types of convictions that would be relevant
- Scope of time period and geographic range

What if a criminal record exists?

- CPH-HR Director, in consultation with Central-HR or, in the case of faculty, the Office of the Provost, shall evaluate the conviction in the context of all other available information, including the declared conviction history, to determine whether it is relevant to the specific job responsibilities of the position and whether hiring the person may constitute an unacceptable risk. Such information in possession of the University for purposes of evaluating employment is not considered a public record and shall be treated as a confidential personnel matter.
- If a preliminary judgment is made that the conviction has sufficient nexus to the position and that the hire may present an unacceptable risk such that further consideration is warranted, this information shall be discussed with the candidate to give the candidate a reasonable opportunity to provide clarifying information. Typically, the candidate will be contacted by the Senior HR Leadership Representative, together with a representative of the Office of the General Counsel and/or Office of the Provost.
- After the candidate has provided clarifying information (or has not done so after having had a reasonable opportunity to do so), the Senior HR Leadership Representative shall present the evaluation of the information to the Dean. The Dean shall make a recommendation to Central-HR (or the Office of the Provost, in the case of faculty) regarding whether the conviction is sufficiently closely related to the position and whether hiring the person may constitute an acceptable risk such that denial of employment is warranted. Central-HR or, in the case of faculty, the Office of the Provost shall make the final decision on this issue in consultation with the college.
- If the final decision is that the conviction has significant nexus to the position and that the hire may present an unacceptable risk such that the candidate will no longer be considered for employment, or if already employed should be terminated, the CPH-HR Director or the Dean shall provide written notification to the candidate/employee immediately.

What information is returned to the departments?

- Departments will be told if they can or cannot hire the candidate. No further information will be shared with the departments. Candidates with convictions may be hired if the conviction is determined to not have relevance to the position.

Documentation?

- HRIS: Departments shall identify on the human resources transaction (appointment or transfer) whether the criminal background check is required and, if so, whether it has been completed.
- HRIS Reports: Human Resources Information System departmental reports will indicate incomplete criminal background checks. The CPH-HR Director is responsible for reviewing these criminal background check reports on a bi-weekly basis and acting appropriately on incomplete checks.
- What: Release forms, Declaration of Conviction forms, and supporting documents where no conviction is present are kept in the collegiate recruitment file or collegiate criminal background check file. Release forms, Declaration of Conviction forms, and supporting documents where a conviction is present (regardless of type of conviction or hiring outcome) are hand-delivered by CPH-HR to the University General Counsel's office within 30-days of the check.
- Where: CPH-HR and/or University General Counsel's office
- Who keeps it: CPH-HR and/or University General Counsel's office
- Who has access to it: As stated in the Release form, the applicant has a right to make a request of The University of Iowa or its agents, under the Fair Credit Reporting Act, upon proper identification and the payment of any authorized fees, for the information in its files on the applicant at the time of the applicant's request.