

## Background Check

### POLICY CONTENTS

Scope  
Policy Statement  
Reason for Policy  
Procedures  
Additional Contacts  
Related Information  
History

### Scope

Individuals who are offered employment, staff promotional opportunities, or volunteer activities as outlined by the UNO Volunteer Policy.

### Policy Statement

1. A background check will be completed for all individuals offered employment, staff promotional opportunities, and volunteer activities as outlined by the UNO Volunteer Policy. A new background check will not be required for current UNO employees who have completed a background check within the past year. Background checks on student employees will be limited to those student employees with access to cash, keys, and minors. Background checks on adjunct faculty who teach multiple semesters will be limited to an annual check rather than one for each hire action.
2. On an annual basis, current UNO staff and faculty will be checked against the national sex offender registry.
3. As indicated on the job description, annual motor vehicle history checks will be conducted on employees responsible for driving university vehicles and those who drive personal vehicles for university business.

## Reason for Policy

In an effort to protect the campus community and its assets, this policy establishes parameters for criminal history and related background checks on individuals who are offered employment, staff promotional opportunities, or volunteer activities as outlined by the UNO Volunteer Policy.\*

## Procedures

### 1. Components of the Background Check

UNO will utilize a third-party vendor to conduct the criminal background check and the process shall comply with the applicable requirements of the Fair Credit Reporting Act (FCRA). The following are standard checks that will be performed prior to employment (both internal and external):

- Criminal Background Check
- National Sex Offender Registry (checked annually for all UNO employees)

**Emergency Hire Exception:** To avoid delaying the start date of an employee filling a position under emergency circumstances, a background check will be completed as soon as possible after the employee's start date rather than prior to that date. The hiring department will provide a written justification to the Human Resources Director for the emergency hire exception.

As indicated on the job description, the following checks may be performed as necessary:

Credit Checks will be utilized for positions with regular cashiering responsibilities, or that have been deemed to have a high level of access to university accounts. A position utilizing a purchasing card that is reconciled on a regular basis is not required to have a credit check.

Motor vehicle history checks will be performed for any positions responsible for driving university vehicles or those who drive personal vehicles for university business.

Fit-for-duty and/or pre-employment drug tests may be required for certain positions with physical and/or security sensitive requirements.

*\*Pending outcome of the proposed UNO Non-Faculty Volunteer policy*

### 2. Processing the Checks

Human Resources will be responsible for developing procedures for the administration of the criminal background check process.

Human Resources will be responsible for coordinating the receipt of background disclosure and authorization forms from the final candidate(s) and will serve as the custodian of the reports. Criminal conviction information will not be made part of an applicant's file or the employee's personnel file.

In order to be considered for an appointment, each selected candidate must provide information about his or her criminal conviction record using the prescribed form. A candidate who refuses to consent to a required criminal background investigation, refuses to provide information necessary to conduct the background investigation, or omits, conceals and/or provides false or misleading information in regard to the criminal background investigation will be determined ineligible for placement into a covered position.

If the candidate is a current employee, omitting, concealing and/or providing false or misleading information in regard to the criminal background investigation will subject the employee to appropriate administrative action up to and including termination of employment. A current employee who refuses to consent to a required criminal background investigation or refuses to provide information necessary to conduct the background investigation will be determined ineligible for placement into a position.

The Hiring Department in which the position resides will be responsible for any fees associated with obtaining criminal conviction information from a third-party vendor.

### **3. Evaluation of Background Checks**

The university will seek information on all prior criminal convictions based on information provided through a residency check. Prior arrests or detention orders that did not result in criminal convictions or pleas, or expunged convictions, will not be considered in the evaluation of the final candidate.

Criminal conviction information will be used solely for the purpose of evaluating a candidate (both external and internal) under final consideration for employment in positions. The information will not be used to discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, handicap or disability, genetic information, disabled veteran, Vietnam era veteran or other protected veteran status.

In accordance with federal and state laws, a previous conviction will not automatically disqualify an individual from consideration for placement into a position. The Human Resources Department will work with the hiring manager(s) to assess the potential risks and job-relatedness of each conviction in relation to the appointment being considered thus determining whether the results of the background check are relevant and sufficient to withdraw offers to hire. The Office of General Counsel will also be consulted as appropriate. In considering whether a criminal conviction may prevent the selected candidate from being appointed, the following factors will be considered:

- The context of the events surrounding the criminal conviction.
- The relationship of the criminal conviction to the appointment for which the individual is being considered.
- The length of time since the criminal conviction.
- The individual's behavior since the criminal conviction.
- Any other extenuating circumstances documented by the selected candidate or otherwise known to the university.

If a candidate is determined ineligible for placement into a position based on the results of the criminal background check, the Human Resources Department, in compliance with the Fair Credit Reporting Act, will give the candidate written notice. It will include:

- The name, address, and phone number of the Credit Reporting Agency that supplied the report.
- A statement that the Credit Reporting Agency that supplied the report did not make the decision to take the adverse action and cannot give specific reason for it; and a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

On an annual basis the Office of Equity, Access & Diversity will review the decisions made as a result of background checks to identify any disparate treatment or impact.

#### **4. Duty to Notify**

Current employees, regardless of the position occupied, who are convicted of a felony or a conviction which affects the ability of the employee to carry out the essential functions of their job (i.e. removal of a driver's license for a position required to operate a vehicle) are required to report the conviction, in writing or via e-mail, to the Director of Human Resources within five work days (Monday through Friday) of the conviction.

In addition, the university's appointing authority has the right to conduct a criminal background check when the appointing authority learns of a university employee's felony conviction. All external and internal applicants/employees being placed into positions will be given the opportunity to sign a release, granting UNO permission to conduct identity and criminal background checks. An employee who refuses to consent to a required criminal background investigation, who refuses to provide information necessary to conduct the criminal background investigation, who omits, conceals and/or provides false or misleading information in regard to the criminal background investigation will be subject to appropriate administrative action up to and including termination of employment.

#### **Related Information**

[Youth Activity Safety Policy](#)

#### **History**

This policy was developed and approved prior to the implementation of the campus policy development and approval process approved by the Chancellor's Cabinet in October 2015.

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The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.