

## **Criminal Background Check FAQ**

### **1. *Why does the University need to conduct background checks?***

It is in the best interest of the University of Kansas to make employment decisions that are conducive to provide a safe and healthy environment in which students, faculty, staff and visitors can productively engage in areas related to our mission of teaching, research and service. Requiring background checks for prospective new hires also puts the University in compliance with Kansas Board of Regents policy, Section II.F.2.f.

### **2. *Who is subject to a criminal background check?***

A background check is required for any newly hired or rehired (after a break in service for one year or longer) faculty, lecturer (regular or temporary), and staff employees appointed to regular (or temporary for lecturers) positions, current or new faculty/staff members appointed to “serve at the pleasure positions”, salaried student employees (including Graduate Teaching Assistants and Graduate Research Assistants), and temporary or limited term appointments of six months or more.

### **3. *Are background checks required for temporary faculty or staff appointments?***

Background checks are required for newly hired faculty and staff positions serving on a temporary appointment for six months or longer. If the position is for less than six months, it is at the discretion of the hiring department to perform a background check. However, background checks are encouraged for positions with job responsibilities that have direct contact with students or broad access to campus facilities (i.e., working in residence halls, classroom instruction, working as tutors, custodial staff). Please note, all positions working with non-KU student minors under the age of 18, must at minimum, have a background check against the National Sexual Offender list.

### **4. *Are Student Hourly positions subject to the completion of a background check?***

All student hourly positions recommended for hire through the PeopleAdmin system will be subject to the satisfactory completion of a background check against the State of Kansas sexual offender list. If the position works with non-KU student minors under the age of 18, candidates will be required to satisfactorily complete a background check against the national sexual offender list.

Background checks for other student hourly positions are at the discretion of the hiring department but encouraged for positions with job responsibilities including: working in residence halls, classroom instruction, tutors, or custodial staff.

### **5. *Who performs the “background check” and what does it consist of?***

Background checks will be coordinated by Human Resources and Equal Opportunity with the hiring department and an external vendor (HireRight) who meets the provisions of the Fair Credit Reporting Act. The background check will consist of a social security trace, a criminal history in county and state records, a national sexual offender check, and a check against the federal criminal history database at both current and past residences for a minimum of seven years. A national sex offender check will also be made on any surnames previously used within the last seven years by the applicant.

Results of background checks will not include any expunged or civil court records.

**6. Are international (non U.S. citizens or permanent residents) applicants subject to background checks?**

Yes. In the event the international applicant's previous employer or institution is based in the United States or the individual has been residing within the U.S. for 30 days or longer, the applicant will need to have a U.S. background check completed. In the event the international applicant is not coming immediately from a U.S. based employer or institution, but from a country outside of the U.S., the background check requirement will be fulfilled by the extensive check conducted by the United States Citizenship and Immigration Services upon receipt of the visa application.

**7. Is this the only background check completed on prospective employees?**

No. If the position is associated with a laboratory registered with the Drug Enforcement Administration or if the position is required by law to include subsequent background checks, such procedures and regulations will be conducted as required.

**8. Are background checks required for Affiliates, Adjunct or Volunteer Appointments?**

Not at this time.

**9. Will the applicant be notified that he or she is subject to a background check?**

Candidates will be informed via the application posting as well as at the time of application or completion of the GTA Contract or GRA Intent to Appoint form, that employment is contingent upon the successful completion of such. Campus departments are encouraged to notify potential GTA/GRAs of the background check requirement when awarding graduate financial support. Campus departments must also include the background check notice on any departmental recruitment websites and in any offer letters provided to candidates in addition to those provided by central administration offices.

**10. Does the background check need to be completed before verbally offering the employee the position?**

It is not required to complete the background check prior to making the verbal offer. However, all verbal offers made are conditional based upon the candidate's successful completion of the background check.

**11. When will the background check order be placed and by whom?**

HR/EO will order a background check at the time the department completes the Hiring Proposal for faculty, lecturer and staff positions. A background check will be ordered for GTA and/or GRA appointments upon the receipt of the applicable Contract or GRA Intent to Appoint Form at HR/EO. Hiring departments will be required to notify their HR/EO recruitment coordinator for all new student hourly hires which are required to have the national sex offender check.

**12. What if any subsequent information will be required by the candidate?**

Candidates will receive an electronic notification from HireRight (to their e-mail address as identified on the application form) on behalf of the University of Kansas providing them with instructions to complete an e-consent form. Candidates will be required to provide contact information such as address and phone numbers, date of birth, social security number, etc.

**13. How long does it take for a background check to be processed?**

On average, background checks for U.S. citizens and permanent residents generally take up to 72 hours or three working days.

**14. The results of the background check have shown that the applicant has falsified or provided incomplete application materials. Are there consequences?**

Yes. If it is determined that at any step during the hiring process that an applicant has falsified or provided incomplete information, it may result in the candidate's disqualification of employment, withdraw of the job offer, or termination.

**15. What happens if a criminal conviction is identified during the background check process?**

If the background check shows criminal convictions for the candidate selected, the criminal record(s) will be reviewed by staff at HR/EO in consultation with General Counsel's Office and the Office of the Provost. A criminal record will not automatically disqualify a candidate from University employment. Criminal records are reviewed for factors such as: severity of the offense, the length of time since the offense, and nature of employment offered. An interview with the candidate may also be requested.

**16. An employee has started work prior to the completion of the background check. What happens if the University determines that the employee does not satisfactorily complete the background check?**

The employee will be terminated immediately.

**17. Will there be a financial impact to the Department, Center, Unit, College, or School when running a background check?**

Yes. Units will be expected to cover the costs of all background checks administered through the HireRight system. Only the State of Kansas sexual offender check process required for student hourly appointments is currently free of charge.

**18. May the results of the background be appealed?**

In the event the Dean, Vice Provost or Center Director disagrees with the decision that a prospective candidate is ineligible for hire based upon results of the background check, he/she may appeal to the Provost for final determination. However, the decision of a failed background check is not subject to appeal by the candidate or existing employee.

**Related Links**

- [Criminal Background Check General Overview](#)
- [Criminal Background Check Policy](#)
- [Criminal Background Check Procedure \(PDF\)](#)