

Criminal Background Check Procedure

Purpose

The University of Kansas (KU) strives to make employment decisions that are in the best interests of its teaching, scholarly and service mission and to provide a safe and healthy environment in which students, faculty, and visitors to our campus may engage in activities related to that mission.

Policy Reference

Pursuant to Kansas Board of Regents policy (Section II.F.2.f), the University of Kansas will comply with all criminal background check requirements for new employees (with limited exceptions.) The official University of Kansas Policy is available at <https://documents.ku.edu/policies/hreo/BackgroundCheck.htm>.

Positions Requiring Background Checks

Background checks are required for all prospective or rehired (break in service for one year or more) faculty, lecturer (temporary or regular), and staff employees appointed to regular or “serve at the pleasure of” positions, salaried student employees, and temporary appointments of six months or more. Temporary or limited term appointments and student hourly employees working with non-KU student minors (under the age of 18) are required, at minimum, to have a National Sexual Offender background check regardless of appointment duration. However, the nature and frequency of contact the student hourly appointment has with non-KU student minors will be taken into consideration if a department requests an exclusion from Human Resources and Equal Opportunity (HR/EO). A National Sexual Offender check will also be required for any surnames used by the candidate in the past seven years.

Certain departments (e.g., Office of Public Safety) require extensive background checks as a prerequisite of employment. These checks will be considered as satisfactory, if approved by HR/EO, in meeting the terms and conditions outlined in this policy.

Positions or circumstances that necessitate additional verifications due to federal or state law (i.e., child care, controlled substances, and selected agents) will not be superseded by this policy.

Positions Recommended for Background Checks

Although not required, departments may exercise their discretion to order a full background check or a check against the National Sexual Offender registry for a less than six month temporary or student hourly position as long as advertisements and candidates are given advance notice regarding the process. Examples of such positions may include the following job responsibilities:

- Employed or work within University Housing facilities (i.e., residence/scholarship halls)
- Provides Classroom Instruction (i.e., tutors)
- Facility and Operational positions that have keys/access to University facilities (i.e., custodial)
- Security personnel

Positions Not Requiring a Background Check

Background checks are not applicable to employees in existing positions, or current employees moving between staff, academic or faculty roles unless that role requires a “Serve at the Pleasure” designation.

In addition, background checks are not required for affiliate, adjunct, visiting scholars, and volunteer appointments unless they are hired into a regular faculty or staff position. Background checks are also not required for student hourly or less than six month temporary appointments not working with non-KU student minors under 18 years of age.

The employment of temporaries through external agencies (i.e., Addeco, Kelly Services) or external contractors are not required to have a background check completed by the University. However, departments may exercise independent discretion based upon the requirements of the position to request the external agency to either provide an outside background check, or request a copy of the vendor’s background check procedures prior to finalizing contractual negotiations.

Notification to Applicants

All vacancy announcements and website postings for applicable positions should include the statement: “**Any employment with the University is contingent upon satisfactory completion of a background check.**” Postings within PeopleAdmin will automatically have this language inserted. Applicants completing the online application process through PeopleAdmin will confirm their understanding of this requirement upon electronic signature prior to application submittal.

Graduate Teaching Assistant (GTA) Contracts and Graduate Research Assistant (GRA) Intent to Appoint forms will also contain language regarding the background check requirements prior to the student signature designation section.

Applicant Communication

All applicants, regardless of applicant type, will be required to provide a full name and current e-mail address at the time of application or collection of the Faculty and Academic Staff Applicant Data Form, GTA Contract, or GRA Intent to Appoint Form. All communication regarding the background check process will be communicated electronically by a third party vendor, HireRight thereafter. Failure to respond to electronic communications may lead to revoking the contingent offer of employment or terminating a position if the mandatory background check criterion is not fulfilled.

Self Disclosure at the Time of Application

Applicants for University Support Staff (USS) and Unclassified Professional Staff (UPS) positions are required to self disclose any history of criminal convictions or pending criminal charges at the time of application and when the HireRight e-consent form is completed.

If it is determined that an applicant has falsified his/her application or self disclosure on the HireRight e-consent form, it will result in the candidate's disqualification for employment, withdrawal of the job offer, or termination. If it is determined that an applicant has provided incomplete information at any point during the application or hiring process, it may result in the same actions as listed above.

Scope/Content of Background Checks

A full background check will be composed of the following for a minimum of seven years:

- Social Security Number Validation and Trace – This process validates the applicant's social security number and helps identify the scope of the check by identifying all residences and employment within the United States (US)
- Felonies and misdemeanors (excluding minor traffic violations) at locations of current and past residences
- Criminal History by county and state
- National Sexual Offender Registry
- Federal Criminal History Database check

A National Sexual Offender check will also be required for surnames previously used by the applicant within the past seven years.

Additional background checks may also be required or subject to additional policies and/or procedures if required by law or if the position resides in a laboratory registered with the Drug Enforcement Administration.

Background Checks for International Applicants

Background checks conducted by Federal Homeland Security (United States Citizen and Immigration Services) for international, non-citizen job candidates as part of the visa process will be considered adequate for University purposes **only if** KU is the candidate's first U.S. employment. International, non-citizen job candidates or students coming from a previous U.S. educational institution/employer, enrolled for one or more semesters at KU, or has been in the U.S. for 30 days or longer will be required to have a U.S. background check.

Timing and Ordering of the Background Check

A background check request is required for any candidate who has verbally accepted a contingent offer of employment. On average, a background check will take three working days or 72 hours after the applicant has submitted the Electronic Consent Form for a third party vendor compliant with the Fair Credit Reporting Act (FCRA) (identified as HireRight hereafter) to complete.

Prior to the integration between HR/EO's recruiting system (PeopleAdmin) with HireRight, the following time-frame and process will be initiated as for specific application types:

Timing of Background Check Order

Faculty, Lecturer (Temporary or Regular) Unclassified Professional, and University Support Staff Positions:

A background check will be initiated at the time the Hiring Proposal is completed in PeopleAdmin.

GTA/GRA Appointments:

A background check will be initiated upon HR/EO's receipt of GRA Intent to Appoint Forms and GTA Contract forms that indicate the following:

- Initial Appointment or Rehire after a One Year Period
- International Student Transferring from U.S. Institution/Employer or has been in the U.S. 30 days or longer

Salaried Student Positions:

Student salaried positions are required to be recruited through the PeopleAdmin recruiting system and contain the background check notification language in the posting for notification purposes. The background check process will be initiated by the Hiring Manager e-mailing their assigned HR/EO recruitment coordinator to place a background check order immediately following the student's verbal acceptance of the contingent offer of employment.

Temporary or Student Hourly Employees Working with Non-KU Minors:

A background check will be initiated for any temporary employee who works with non-KU minors. At the time the student has accepted a verbal offer of employment, the Hiring Manager will e-mail their assigned recruitment coordinator requesting that a student background check against the National Sex Offender list be placed.

In limited, specific situations, some temporary or student hourly employees working with non-KU minors may be excluded from the background check process if it is determined that the position does not pose a significant threat to the population it interacts with, or if a background check is being conducted by another party. Any exemption from the policy however, will require that a written request be submitted and approved by HR/EO.

Student Hourly Appointments

All student hourly appointments recruited through PeopleAdmin will be required to go through a State of Kansas Sexual Offender background check prior to employment. This check is provided by the University Career Center at the time the applicant status is changed to "Recommend for Hire-Student."

Background Check Order Process

1. At the time a verbal offer has been accepted by a prospective employee or a GTA Contract or GRA Intent to Appoint Form has been signed, the designated HR/EO recruitment coordinator will submit the identified candidate's name and e-mail address to HireRight to generate the Electronic Consent Form (e-Consent) as well as insert the e-mail address for the appropriate Hiring Department Manager for electronic notification purposes.
2. HireRight will send an e-mail to the prospective candidate requesting confidential information such as date of birth, social security number, electronic signature, etc. to be entered and submitted on their secure, encrypted website.
3. The HR/EO recruitment coordinator will verify with HireRight that the candidate has completed the e-Consent form in order to launch the background check process. The candidate will be given a reasonable identified timeframe (36 hours) to complete such information. If the candidate fails to respond within the identified timeframe, the recruitment coordinator will notify the Hiring Department Manager to make contact with the candidate. However, if the candidate fails to complete the e-consent form or repeated e-mail attempts go unanswered, the University has the right to withdraw the contingent offer of employment or terminate any existing contingent employment.
4. If it is identified that the social security number provided is not valid, the candidate will have three working days from the receipt of the notification sent by HR/EO to challenge the findings and then seven working days to resolve the matter with the Social Security Administration. If the matter is not resolved within the timeframe, the applicant will become ineligible for the position.
5. Background check results will be reviewed by HR/EO as identified in the procedures outlined below.

Offer Letters

All offers of employment are subject to the satisfactory outcome of the background check. As a result, faculty, lecturer, academic, UPS, and USS staff offer letters will note the following language "This appointment is contingent upon the satisfactory completion of a background check." All offer letters for temporary employees or limited term appointments that are specifically six months or less will state the following "After six months of employment in a temporary position, continued employment is contingent upon the satisfactory completion of a background check."

Background Check Results

Receiving the Results

Once the criminal background check is completed, HR/EO will review the results collected by the third party vendor and proceed as follows:

- If no criminal records are found, HR/EO will inform the hiring department as well as the candidate that the check has been successfully completed via e-mail.

- If the check discloses a pending charge or conviction for a felony or misdemeanor, HireRight will initiate the first in the series of adjudication letters as required by FCRA to notify the candidate. The candidate will have three days to respond to HR/EO and present additional information or contest the results presented. HR/EO will immediately proceed with a review to determine if the criminal activity is substantially related to the functions of the specific position for which the candidate is being appointed. Assistance with such reviews will include HR/EO, General Counsel's Office, and the appropriate University designated administrator or office.
- If during this process it is determined that the applicant provided false or incomplete information at the time of self disclosure, the review may terminate and the contingent offer of employment will be immediately withdrawn.

Results of all background checks will be treated as confidential and discussed with restrictive parties on a need-to-know basis only.

Determining if the Criminal Record Substantially Related to the Position

A criminal record will not automatically disqualify a candidate from University employment. HR/EO in consultation with the General Counsel's Office, and the Office of the Provost will review each applicant identified with a criminal history on a case-by-case basis. (Hiring departments may be consulted if further information is needed in regard to the position duties.) Arrests or detention orders not resulting in convictions or pleas and expunged convictions will not be considered.

During the review process, HR/EO will consider the following factors in order to determine if there is a substantial relationship between the position and the pending charge/conviction; and whether the applicant should be given further consideration. An interview with the candidate may also be conducted.

Offense Consideration Factors Such As:

- Nature and severity of the offense
- Individuals age at the time of the offense(s)
- Number and type of offenses (felony, misdemeanor, traffic, other)
- Time elapsed since last offense
- Probation or parole status
- Circumstances of the offense and if they were directly related to employment
- Offense pattern
- Subsequent employment after the offense and the employee's performance and conduct in those jobs.
- Other circumstances that would reasonably conclude that the candidate is not trustworthy, or cannot perform the functions of the position in a manner safe to the university, its employees, students or visitors.

Position Consideration Factors Such As:

- Key access to residential facilities and campus buildings
- Access to cash, financial systems, deposits, or other financial transactions
- Access to vulnerable populations including minors under the age of 18
- Interpersonal contact with students, staff or public
- Autonomy and discretionary authority
- Scope of supervisory authority to subordinates and level of supervision from superiors
- Access to sensitive data, records, etc.
- Position presents an opportunity for the commission of additional offenses
- Trust/confidence by the employer that acceptable job performance will result

Non Criminal Records

Any non-criminal record irrelevant to the criminal background check process will not be considered. An exception for tickets or fines for traffic, rule or municipal ordinance violations may be considered if the offense is substantially related to the job (i.e., a DUI offense for a position that requires driving).

Outcome of the Criminal Conviction Review

If at the conclusion of the review it is determined that the applicant has satisfactorily completed the background check, HR/EO will notify the hiring department. Documentation related to the review process will be stored in a secure, confidential location and maintained separately from any employment files.

If at the conclusion of the review it is determined that the applicant has not satisfactorily completed the background check, HR/EO will consult with the appropriate Dean, Vice Provost, or Director regarding the results of the review and a decision will be made to withdraw the existing employment offer or terminate employment if the candidate is already working. If the Dean, Vice Provost, or Director does not agree with the results or recommendation made by HR/EO they may appeal such decision with the Provost.

HR/EO will alert HireRight to submit a final adjudication letter to candidates that do not satisfactorily complete the criminal conviction review. The electronic notification will state that they are immediately disqualified for employment in the recently offered or filled position. The hiring department will receive notification of the official outcome of the review and may work with HR/EO to immediately repost or begin the background check process for a previously selected alternate candidate.

A candidate/applicant may not appeal the University's decision regarding the satisfactory completion of the background check.

Note: Recruitment Coordinators will key into the position checklist in HRSA the date in which the background check was completed for tracking purposes.

Vendor and Background Costs

All associated costs with conducting the check will be the responsibility of hiring department. Costs should be charged to the appropriate funding source relating to the position (i.e., state, income, fee, sponsored project). Departments initiating recruitments will receive monthly invoices electronically, disseminated by HR/EO on behalf of the contracting vendor.

Document Retention and Security

All background check records produced by HireRight will be kept in a secure, encrypted environment maintained by the vendor for a period of seven years. Any additional records produced as a result of a criminal background check will be kept confidentially by HR/EO in a secure location and destroyed according to FCRA and University Privacy Policy requirements.

Confidentiality

HR/EO will maintain criminal background check records as confidential to the extent allowed by the law. In respect of individuals' privacy, information will only be shared only with those responsible for the hiring decision.

Related Links

[Criminal Background Check General Overview](#)

[Criminal Background Check Policy](#)

[Criminal Background Check FAQ \(PDF\)](#)