



## **BACKGROUND CHECK PROCEDURE FOR PROSPECTIVE FACULTY**

Responsible  
Executive: Provost  
Responsible Office:  
Office of the Provost  
Issued: July 17, 2015

### **1. INTRODUCTION**

The University of Notre Dame is committed to providing a safe and secure environment for the University community in support of its overall mission. This procedure is intended to help the University achieve its goal of providing a safe and secure environment, especially for children, vulnerable members of the population, and those likely to be in subordinate positions, by requiring the use of Background Checks in the hiring process for all Faculty members.

The Background Check will be used solely to evaluate candidates' eligibility to be engaged in any work capacity by the University, and will not be used to discriminate on the basis of race, color, age, ethnicity, religion, national origin, pregnancy, sexual orientation, gender identity, genetic information, sex, marital status, disability, status as a U.S. veteran, political persuasion or intellectual viewpoints.

### **2. Scope**

Offers of employment for prospective Faculty shall be made contingent upon the successful completion of a Background Check. The Faculty member's first day of work will not commence until the Background Check has been successfully completed. In the rare circumstance where a Faculty member is hired to teach, and classes start before the results of the Background Check are received, reviewed and a determination is able to be made as to the Faculty member's eligibility for employment, the Office of the Provost has the authority to make an exception and allow the Faculty member to commence teaching, upon the Faculty member's execution of an agreement indicating his/her understanding that if the Background Check results in the decision that the Faculty member is not eligible to be employed, the Faculty member will be notified immediately and his/her employment will be terminated immediately without any recourse against the University for any costs or expenses incurred or for any injury or damages that are claimed to have been incurred. Faculty who have a Break in Service must consent to a Background Check when they return, as outlined herein.

### **3. Requirements**

The University of Notre Dame shall utilize a vendor that performs employment screening services to perform the Background Check. Prospective Faculty, and Faculty with a Break in Service, will be required to complete a release and to disclose to the vendor all Criminal Convictions and pending felony charges. Additional information required to be provided will include Social Security Number, Date of Birth, and current and prior residential addresses.

A Criminal Conviction, a pending felony charge, or a listing on a sex or violent offender registry or database is not an absolute bar to employment. Individuals with a Criminal Conviction, pending felony charge or sex or violent offender listing may be disqualified from employment at the University based on the relevance of the offense to the position and the business necessity to avoid an unacceptable level of risk. The University will consider the nature and seriousness of the offense, the length of time since it occurred, any mitigating factors, rehabilitation pursued, non-recurrence of criminal behavior and the nature of the position to determine whether the individual presents an unacceptable level of risk to the Notre Dame community if employed in the Faculty position sought.

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#### **4. Confidentiality**

All Background Check results shall be reviewed and handled in a confidential manner and in compliance with all applicable federal, state, and local laws including the Fair Credit Reporting Act (FCRA). The information obtained from the sources listed in section 3 will be shared with the Vice President and Senior Associate Provost for Budget and Planning and Vice President and Associate Provost for Faculty Affairs, and other authorized individuals identified in this policy with responsibility to evaluate an individual's eligibility to be employed as a Faculty member of the University community. The personnel file will contain information that the Background Check was successfully completed. However, the detailed background information obtained is retained by Human Resources electronically separate and apart from the personnel file in a location whose access is restricted to those who have a business need to access the information.

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#### **5. Process**

1. Faculty candidates, including candidates with a Break in Service shall sign a form authorizing a Background Check to be done. Upon finalization of the intent to employ, the department will notify the candidate and provide the candidate instructions to provide the University's vendor the information needed to conduct the Background Check (social security number, date of birth, current residential address and for the past seven (7) years, as well as a list of Criminal Convictions the candidate has sustained and any pending felony charges.
2. Human Resources will receive and review the results of the Background Check from the vendor. Domestic check results are generally received in one week. International checks take longer – 30 to 90 days, depending on the country.
3. If the Background Check reveals no Criminal Conviction in the prior seven (7) years, no Criminal Conviction involving violence or sexual misconduct at any time, no pending felony charge, and no sex or violent offender listing, Human Resources will notify the Provost's Office and the hiring department and college that the candidate is cleared to hire.
4. If the Background Check reveals a Criminal Conviction in the prior seven (7) years, a Criminal Conviction involving violence or sexual misconduct at any time, a pending

felony charge, or a sex or violent offender listing, Human Resources shall send the report to the candidate according to the FCRA guidelines. The candidate will be given seven (7) days to respond to Human Resources with information showing that the data should not disqualify the candidate from being hired (such as mistaken identity; report inaccuracies; background facts demonstrating mitigating circumstances, such as age at time of conviction; consistency, quality, and length of employment history before and after the offense or conduct; rehabilitation efforts and employment/character references, among other factors). Human Resources will review the information and if the candidate is deemed to be eligible for hire, Human Resources will notify the Provost's Office the individual has cleared the background check. If the data along with the information provided by the candidate is such that the candidate may be disqualified, Human Resources will provide the data and information to the Provost's Office.

5. The Provost's Office will proceed with the appointment process if the candidate is cleared for hire by Human Resources. Otherwise, the Provost's Office will review the information, and if it determines that the candidate is eligible for hire, the Provost's Office will proceed with the appointment process. If there is a question as to whether the candidate is eligible for hire, the Provost's Office will invite a review committee consisting of two faculty members from the Faculty Senate, the Department Chair and Dean of the College or the Vice President or Director of the Institute seeking to hire the candidate, along with the Vice President and Senior Associate Provost for Budget and Planning, and Vice President and Associate Provost for Faculty Affairs to convene and discuss all perspectives. The Provost's Office will then make the final decision and either proceed with the appointment or issue a letter notifying the candidate that he/she is not eligible for hire based on the results of the Background Check.

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## **6. Responsibilities**

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- A. Prospective Faculty and Faculty with a Break in Service are responsible to submit an accurate and complete Release of Information form to Human Resources in a timely manner, providing all required documentation and information to the vendor to complete the Background Check. Failure to cooperate fully and in a timely manner, failure to disclose required information, or the provision of inaccurate information may eliminate a candidate from eligibility for hire.
- B. Department heads, Department hiring committees, Deans, Vice Presidents and Directors of Institutes are responsible for ensuring that all new Faculty appointments are made contingent upon the results of the Background Checks. They are also responsible to assist Human Resources in securing the necessary consent from the candidate.

- C. Human Resources is responsible to manage the Background Check, reviewing Background Check results and making an initial determination of eligibility to hire. Human Resources will make the appropriate notifications to the candidate, department, college or Provost's Office.
- D. The Provost's Office is responsible to ensure that all recommendations for appointment are made contingent upon the results of the Background Checks; that all appropriate forms are obtained; and that all required Background Checks are completed satisfactorily, and to make the final eligibility decision.

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## 7. DEFINITIONS

<b>Background Check</b>	For purposes of this procedure, a Background Check will consist of validating that the social security number was issued, identifying the year and state of issuance and verifying that the candidate's name and the social security number match and belong to the candidate, a search of the national sex offender registry maintained by the Department of Justice, state sex and violent offender registries, and federal and state and county court records for Criminal Convictions and pending felony charges in the jurisdiction of the individual's current residence and all jurisdictions where the individual has resided for the past seven (7) years. Equivalent records for foreign nationals will be searched.
<b>Break in Service</b>	Any period of eighteen (18) months or more during which the candidate is separated from the University and does not maintain an employment relationship with the University. An approved leave of absence is not considered a Break in Service.
<b>Criminal Conviction</b>	A final judgment on a felony (as defined by the jurisdiction in which the conviction occurred) by virtue of a guilty verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere. This shall not include a final judgment which has been expunged or sealed, reversed, set aside or otherwise determined to be invalid or unconstitutional.
<b>Faculty</b>	All regular full-time and part-time faculty (tenure or tenure track), teaching faculty, professor of the practice faculty, clinical faculty, advising faculty, research faculty, library faculty, visiting faculty, adjunct faculty, or guest faculty appointed for one semester or longer.
<b>FCRA (Fair Credit Reporting Act)</b>	A Federal law designed to promote the accuracy, fairness and privacy of information provided to potential creditors and potential employers by third parties - codified at 15 U.S.C. § 1681 et seq.

## 8. Responsible Parties

Responsible Party	List of Responsibilities
Vice President and Senior Associate Provost for Budget and Planning	1. Administer Procedure. 2. Review adverse findings.
Vice President and Associate Provost for Faculty Affairs	1. Administer Procedure. 2. Review adverse findings.
Office of General Counsel	1. Provide advice and consultation as requested.
Office of Human Resources	1. Administer Background Check on behalf of the Provost's Office 2. Complete the initial review of results 3. Make appropriate notifications

## 9. Contacts

Subject	Office or Position	Telephone Number	Office E-mail or URL
Procedure Clarification	Office of the Provost	(574) 631-9488	<a href="http://provost.nd.edu/">http://provost.nd.edu/</a>
Web Address for this Procedure			<a href="https://facultyhandbook.nd.edu/assets/277474/faculty_background_check_procedure_7_17_15_.pdf">https://facultyhandbook.nd.edu/assets/277474/faculty_background_check_procedure_7_17_15_.pdf</a>