

Board Meeting
January 16, 2020

REVISIONS TO UNIVERSITY POLICY BACKGROUND CHECKS

Action: Approve the Revisions to University Policy as a Result of the Triennial Policy Review

Funding: No New Funding Required

The University of Illinois' Policy on Background Checks became effective on October 5, 2015, with amendments approved on January 12, 2016.

Revisions to the University policy are recommended as a result of the first triennial policy review since the policy was enacted in 2015. Minor language changes are recommended to update system and university nomenclature and to clarify responsibilities around the triennial review process and annual reporting.

The Board action recommended in this item complies in all material respects with applicable State and federal laws, University of Illinois *Statutes*, *The General Rules Concerning University Organization and Procedure*, and Board of Trustees policies and directives.

The Executive Vice President and Vice President for Academic Affairs recommends approval of the revisions to the University Policy on Background Checks set forth in the attached document.

The President of the University concurs.

University of Illinois System Policy On Background Checks

I. Purpose

In an effort to provide a safe and secure environment for all students, employees and visitors at the University of Illinois System; to safeguard the U of I System's integrity, property and resources; and to help ascertain suitability for employment, the U of I System has established the following Policy for conducting background checks (1) for new employees and (2) for current employees transitioning into positions that are security sensitive or critical, which require background checks. The Policy shall be implemented in a manner that is consistent with the U of I System's mission and vision, and guided by principles supporting its workforce diversity and international reputation.

II. Overview

Offers of employment made to prospective new hires, as well as offers made to current employees who are seeking to transition into a position that requires background checks by law or existing system or university policy or practice, will be contingent upon the results of the criminal background check and other pre-employment background checks, as applicable.

The U of I System may revoke any contingent offer of employment to an individual who does not consent to applicable background checks. For an individual who does consent to applicable background checks, the U of I System may revoke any contingent offer of employment if the results of the background checks represent an unacceptable level of risk in relation to the job responsibilities or if the background checks reveal the individual lacks requisite qualifications, thus not supporting a reasonable hiring decision. This policy does not purport to change or limit the authority of the Board of Trustees to approve or disapprove appointments, reappointments, or promotions as described in the University *Statutes*.

The system offices, the University of Illinois Hospital & Health Sciences System (UI Health), and each university have the obligation to set guidelines and/or procedures, which must comply and be consistent with this Policy, for conducting criminal background checks for their respective employees. If an individual's criminal background check results indicate that the individual has a criminal record, the U of I System will conduct an individualized assessment, which will include an opportunity for the individual to explain or provide additional information. A criminal record will not automatically exclude an individual from being considered for or being offered

employment with the U of I System, as consideration is given to such factors as, but not limited to, the nature and seriousness of the underlying offense/conduct, the relatedness of the offense/conduct to the position being sought, the length of time that has elapsed since the conviction/end of sentence/conduct, and demonstrated rehabilitative efforts.

In addition, the system offices, UI Health, and each university have in place guidelines and/or procedures as well as best practices for conducting pre-employment background checks other than criminal background checks for their respective employees, consistent with the job description and applicable federal and state law. These separate background checks may relate to such items as the verification of education and other credentials, verification of employment history, motor vehicle records or credit records, if such checks are required based on the specific position. The system offices, UI Health and university's guidelines and/or procedures will include an opportunity for the individual to explain or provide additional information.

III. Individuals Covered

Except as set forth below, this Policy will be followed and criminal background checks and other applicable background checks will be conducted with respect to new hires and current employees transitioning into security sensitive or critical positions, regardless of whether the individual is seeking a position as Faculty, Post-Doctoral Research Associates, Interns, Residents, Academic Professional (including academic hourly), or Civil Service (including extra help). Except when stipulated in the system offices, UI Health, and university's guidelines and/or procedures, background checks will not be conducted with respect to graduate or undergraduate student employees, pre- or post-doctoral fellows, volunteers, individuals appointed to non-paid positions, contractors or other individuals employed by another entity who are not otherwise subject to the University of Illinois System Protection of Minors Policy or who will not be assigned to a designated security sensitive or critical position.

The U of I System reserves the right to modify this Policy at any time, in consultation with appropriate governance bodies.

IV. Responsibilities

Candidates:

- Provide complete and accurate information relating to the subject of the background check(s) that will be performed, when requested.
- Provide authorization for applicable background checks when requested.

System Human Resource Services:

- Facilitate system-wide compliance with this Policy to ensure the system offices,

UI Health, and university's guidelines and procedures follow established provisions and protocols for background checks.

- Coordinate the triennial policy review process.
- Coordinate and deliver system-wide reporting to the Board of Trustees, when requested.
- Coordinate the process for soliciting and contracting, as necessary, with an outside vendor to perform background checks on specified individuals pursuant to this Policy.
- Oversee the development, administration, and implementation of this Policy and guidelines and/or procedures relating to background checks for individuals to be employed by or otherwise associated with System Offices or applicable University Related Organizations (UROs).
- Communicate and provide necessary training regarding this Policy with respect to individuals employed by or otherwise associated with System Offices or applicable UROs.

Each University/University of Illinois Hospital & Health Sciences System:

- Ensure that the guidelines and/or procedures developed by each university and UI Health for all of their respective units (e.g. Colleges, Departments, Offices) comply and are consistent with this Policy.
- Develop, oversee, administer and manage this Policy and the guidelines and/or procedures developed by each university and UI Health relating to background checks for individuals to be employed by or otherwise associated with their respective units.
- Communicate and provide necessary training regarding this Policy with respect to individuals employed by or otherwise associated with the university or UI Health.

v. Periodic Assessment of the Policy

The U of I System shall review this Policy at least every three (3) years. This review shall include an assessment of any impact of the Policy on the academic quality, workforce diversity, and international reputation of the University. This review will be conducted by representative stakeholders, including administration, faculty and staff from the system offices, UI Health, and each university and its results will be shared with appropriate governance bodies.

vi. Confidentiality

All records obtained through background checks will be maintained in accordance with record retention and other applicable policies and procedures established by the system offices, UI Health, or each university. All such records shall be deemed confidential, maintained in a secured, access-restricted file with access limited to only those U of I

System representatives who have a need to review or utilize those records in fulfilling their responsibilities under this Policy.

Effective date: October 5, 2015

Revision date: January 12, 2016

Revision date: January 16, 2020