

**BUTLER UNIVERSITY
POLICY & PROCEDURE**

POLICY NAME: Background Checks	POLICY NUMBER:
SCOPE: Faculty, Staff and Administration Applicants	DEPARTMENT: Human Resources Management & Development
EFFECTIVE DATE: August 12, 2010 APPROVED BY: Human Resources	REV. DATE: May 1, 2013

PURPOSE:

The safety and security of Butler University (University) students, faculty, staff and visitors is of paramount importance. One method of seeking this safety and security is to utilize background checks for prospective job candidates. The University seeks to hire individuals who are well qualified and have a strong potential to be productive and successful.

POLICY:

It is the policy of the University to conduct primary background checks of the employment history, references, credentials, criminal background (if any), names and previous addresses of candidates for employment, with their prior written consent. This primary background check will be conducted on all final job candidates. Where appropriate, secondary background checks of credit, motor vehicle driver's record, drug and alcohol, and other searches deemed necessary will be conducted with prior written consent. These secondary checks will be conducted only on final job candidates for certain positions, e.g., credit checks for those handling large amounts of cash or with access to University bank accounts, or driver's record checks for those regularly driving University vehicles. Likewise, drug and alcohol checks will be conducted for those final candidates for positions such as (but not limited to) driving University vehicles, the operation of firearms, or work performed in potentially hazardous locations. (See Attachment A for the "New Hire Reference Check" matrix.) The University also has the right to require existing employees to be subject to primary and/or secondary background checks where warranted by new job responsibilities such as those listed above. As of August 12, 2010 there will be no retroactive primary or secondary background checks of current faculty, staff and administrators, except when deemed necessary because of those new job responsibilities, or when specific information exists suggesting such a check is warranted. All background check activities initiated by the University are to be conducted in compliance with the Fair Credit Reporting Act (FCRA).

This policy applies to new employees, hired after August 12, 2010, in the following job classifications:

- All full-time faculty, staff, and administrators;
- Adjunct faculty;
- All employees in security-sensitive positions, including part-time, temporary and student workers, and casual labor;
- Employees who are returning to employment after more than a 12-month break in service;
- Employees who are changing status from part-time to full-time employment;
- Summer camp and conference workers;

This policy also may apply to current employees with new responsibilities that place them in security-sensitive positions.

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DEFINITIONS:

Adverse action: An action adverse to the individual that is taken, based in whole or in part, on a consumer report or court record obtained from an external background check company.

Adverse findings: Information in a consumer report or court record that may negatively impact and employment decision or otherwise affect an individual's employment. This information must be provided to the candidate, who will have the opportunity to dispute any incomplete or inaccurate information.

Background check company: An external vendor, selected by Human Resources Management and Development (HRM&D) to conduct confidential background checks, using public data sources and previous employment and/or educational information provided by a candidate.

Credential verification: Verification of degree, license or certification attainment, generally verified by the awarding institution or organization.

Credit background checks: Credit bureau or consumer report of a candidate's credit history.

Criminal background checks: State- and county-level searches of public court records for misdemeanor and/or felony convictions, including sex offender registry searches. These checks would cover the previous seven years. Candidates are not barred from employment simply due to a prior conviction. The type of conviction, when it occurred, and any other relevant circumstances also will be considered.

Drug and alcohol screens: Testing to determine substance abuse for certain positions, such as (but not limited to) positions requiring the operation of heavy equipment or University vehicles, or work performed in potentially hazardous locations. (See the University's Policy on Substance Abuse for a more detailed description.)

Employment history: Verification of dates of employment, position, duties, rehire status, salary and performance, generally obtained through previous employers' Human Resources departments.

Fair Credit Reporting Act: A federal law that promotes the accuracy, fairness and privacy of information in the files of consumer reporting agencies.

Motor vehicle record checks: Verification of the driver's license number, status, state of issuance and may include information such as full name and physical description, as well as recent moving traffic violations and accidents. These checks would cover the previous seven years.

References: Verification of personal, professional and academic recommendations.

Security-sensitive positions: Certain positions on campus with access to financial applications and cash, keys to certain campus buildings such as residential buildings and other positions deemed to be security-sensitive.

Sex offender registry search: Search of a state's registered sex offender lists.

Social security number trace: Verification of the candidate's name and name variations, current and former address(es) associated with that SSN, and date of birth. These checks would cover the previous seven years.

PROCEDURE:

- Advertisements for employment may contain language which states that, per University policy, background checks will be undertaken prior to any employment decision. At the point that candidate finalists are brought to the campus for an interview, each candidate must complete the "Personal

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Data” section of the *Butler University Employment Application*, which includes a self-disclosure form, asking whether the candidate has ever been convicted of a crime. The candidate has the opportunity at that time to explain any convictions in writing. He/she also must complete the separate form entitled “The Applicant Disclosure and Applicant Release Form”; failure to do so will result in the applicant not being considered further for employment. The release form informs the candidate of his/her rights under the FCRA. This release form is sent to HRM&D and shall be maintained by that department.

- The University may utilize an external background check company and/or HRM&D to conduct primary and/or secondary checks. If an external background check company is used, results are generally available within 2-5 business days. (International checks may take significantly longer, depending on the response time of international jurisdictions.) The University may utilize that company to do a variety of checks including, but not limited to, sexual offender registry search and social security number trace. If appropriate, the University may also perform these checks through HRM&D.
- The candidate is informed by the University of any adverse findings, and he/she shall be given the opportunity to challenge any information believed to be incorrect or incomplete.
- All information is kept in strict confidence by the University. Only the Provost or applicable Divisional Vice President and Executive Director of HRM&D have access to the details of adverse findings. The Provost, Vice President or Executive Director may contact the candidate to obtain more information regarding the adverse findings.
- If the University uses an external background check company to obtain information about a candidate, the University will comply with the FCRA. That law requires the University to follow certain procedures before it takes any adverse action in regard to the candidate (i.e., a decision not to hire the candidate). The FCRA requires the University, prior to taking any adverse action, to send a letter to the candidate stating that the University intends to take adverse action (“Intent Letter”). Among other information, the Intent Letter includes the name, address and telephone number of the agency that provided the information and a copy of the report provided to the University. Generally, five days after the Intent Letter is sent to the candidate, the University will then send the candidate a letter stating its decision (i.e., the decision not to hire the candidate) (“Adverse Action Letter”). Both the Intent Letter and the Adverse Action Letter must contain specific information required by the FCRA. It shall be HRM&D’s responsibility to ensure that these letters are sent to the candidate and that they comply with the FCRA.

RECORD RETENTION:

In all cases, background check information must be handled with care, and by as few people as possible. The procedure for record retention is as follows:

- For the successful candidate, the background check information must be retained as part of the personnel file, sealed in an envelope and opened only with the permission of the Executive Director of HRM&D.
- For the unsuccessful candidate, the background check information must be retained in a separate, secure file in HRM&D only if it resulted in a decision not to hire the candidate or other adverse action.. It should be retained for three years and then destroyed. If it had no bearing on the employment decision, it should be destroyed immediately.

EDUCATION AND DISTRIBUTION OF POLICY:

A copy of this policy is provided to all faculty, staff and administrators, as well as new hires during orientation. A copy of this policy also is available in print in HRM&D and online at the HRM&D website www.butler.edu/hr. A summary of this policy shall be provided in University faculty and staff handbooks

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and may appear in other publications prepared by HRM&D. Questions regarding this policy may be directed to your department head, vice president, college dean, or a representative of HRM&D.

NEW HIRE REFERENCE CHECK

TYPES OF CHECKS											
QUALIFICATIONS	SSN	PREVIOUS EMPLOYER	SEX OFFENDER REGISTRY	EDUCATION	DRIVING RECORD	PROF. LICENSE OR CERT	CREDIT	COUNTY/NAT'L CRIME REGISTRY	DRUG/ALCOHOL	PHYSICAL	HEALTH-CARE SANCTIONS
ALL NEW HIRES	X	X	X	X				X			
SPECIAL RESPONSIBILITIES											
Finance/Budget or Procurement Card	X	X	X			X	X	X			
Confidential Data	X	X	X					X			
Safety	X	X	X	X	X	X	X	X	X	X	
CDL Drivers	X	X	X		X	X		X	X	X	
Other Drivers	X	X	X		X			X			
Cash/Check Handling	X	X	X	X			X	X			
Contact w/ Minors	X	X	X	X				X			
Access to Residence Halls	X	X	X	X				X			
Professional License or Certification Required	X	X				X		X			
Degree Required	X	X	X	X				X			
Access to Controlled Substances	X	X	X	X				X	X		
Teaching	X	X	X	X				X			
Healthcare Providers	X	X	X	X		X		X			X