a. Purpose of policy. To protect the University, its faculty, staff, and students, and members of the public who have dealings with the University from suffering physical, emotional, and financial harm while also protecting the privacy of individuals who apply to University positions. The policy enables the University to refuse to hire any individual with a criminal conviction that relates to the position for which that person has applied in such a way that hiring the person would be judged an unacceptable risk. Furthermore, the policy is designed to comply with federal and state regulations regarding certain types of positions.

b. Criminal background checks (CBCs) are obtained for all regular merit, professional and scientific, and faculty, including fixed-term visitors and adjunct positions at the time candidates are selected for hire per e(2) below. Candidates for temporary merit, temporary professional and scientific, and student staff (including graduate teaching and research assistant) positions that have been designated security sensitive by the appropriate dean or vice president also are checked at the time of hire.

c. Criteria and process for determining whether a temporary merit, temporary P & S or student staff position is security sensitive. There are two steps in determining whether a temporary or student staff position should be designated as security sensitive, thereby requiring a CBC:

   (1) At the time of a temporary staff or student staff vacancy, positions shall be evaluated by the hiring department in consultation with the Senior HR Leadership Representative or Associate Dean in each college or division, and a written recommendation shall be made to the appropriate dean or vice president providing specific justification for the determination that the duties and responsibilities are such that the position should be designated security sensitive. The dean or vice president shall determine whether or not the position is security sensitive and, if so, then the position shall be so indicated on the requisition.

   (2) At a minimum, the domains listed below should be considered for their relevance to the position; other domains also may be relevant.

   (3) If a domain is considered relevant to a particular position, then a determination must be made regarding whether the access, contact, or responsibility is of such a level that the University or persons in the University community would be at sufficient risk that a mandatory CBC on selected candidates for the position is warranted.

   (4) Domains to be considered:

      (a) access to secured or sensitive areas including, but not limited to, those containing cash or financial receipts;
(b) access to select agents (biological agents or toxins) and/or controlled substances;

(c) patient and/or child and/or dependent adult population contact, not including University students who are under the age of 18 (see also Youth Programs Policy Manual)

(d) cash/check handling and/or processing responsibilities;

(e) financial management and/or payroll processing responsibilities;

(f) security responsibilities;

(g) performance of duties related to critical infrastructure services or significant health or safety responsibilities;

(h) access to information technology: "root" or "administrator" access level to enterprise systems; "administrator" access level to institutional databases; unsupervised physical access to critical infrastructure services or systems such as telephone switch equipment, networking routers and switches, and data centers;

(i) supervisory duties related to the above.

d. Scope of check. The Senior Human Resources (HR) Leadership Representative in each college or division shall use the designated University vendor to verify social security number and conduct a CBC to include all counties and states of residence for the past seven (7) years. As appropriate in individual instances, an alternate designated by the vice president or dean or, in the case of faculty, the Associate Provost for Faculty, may conduct the check. Background checks for access to select agents will be conducted by the Department of Justice.

e. Designation, notice, and timing of check.

(1) Applicants subject to the CBC requirement shall be informed either in the advertisements for the position or when the applicant formally applies for the position that employment at The University of Iowa is contingent on a declaration of conviction history and a successful CBC.

(2) For staff: When a department has selected (a) candidate(s) to whom to make an offer, the department shall ask the candidate(s) to provide their conviction history to the Staff HR Coordinator (laura-schipper@uiowa.edu), a stamped and addressed envelope may be provided for this purpose, but most CBC’s will be conducted via the JOBS@UIOWA system), and remind them
that a background check will now be conducted.
For **faculty**: The form may be sent via email to the Faculty HR Coordinator in CLAS (wendy-evans@uiowa.edu) or the Associate Provost for Faculty.

*Since visiting faculty and adjunct faculty CBC’s will not be conducted via the JOBS@UIOWA system, you can either have them email the form to the Faculty HR Coordinator (wendy-evans@uiowa.edu) or provide a stamped addressed envelope addressed to Wendy Evans, 240 SH, University of Iowa, Iowa City, IA 52242.*

(3) The Senior HR Leadership Representative shall conduct a CBC(s) through the designated University vendor upon selection of the candidate(s) of choice and shall submit a request to the vendor for a standard check as soon as practicably possible but in any event no later than 15 days following the candidate's first day of employment. A more comprehensive check may require a longer period of time. In the case of faculty, the Associate Provost for Faculty may conduct the check.

(4) The department shall secure from the candidate(s) of choice a signed release for the University to conduct a CBC. Refusal to sign the release may constitute grounds for withdrawal of the offer or termination of employment. If the offer letter is given to the candidate of choice prior to completion of the background check, the offer letter shall reiterate that a CBC is being conducted and that University of Iowa employment is contingent on its successful outcome.

f. Documentation and record keeping.

(1) Departments shall identify on the human resources transaction (appointment or transfer) whether the CBC is required and, if so, whether it has been completed.

(2) Human Resources Information System departmental reports will indicate incomplete CBCs. Senior HR Leadership Representatives are responsible for reviewing these CBC reports every two weeks and acting appropriately on incomplete checks to ensure completion of the CBC.

(3) The declaration form and materials acquired through a criminal background check shall be retained by the University only for those candidates who are hired or those who are not hired based on information acquired via the form or the background check.

(4) The Offices of the General Counsel, Hospital Human Resources, and, in the case of Carver College of Medicine faculty, the collegiate dean's office, shall maintain all acquired and supporting documentation in a
confidential and secure location. Such records shall be retained for seven years.

(5) All acquired and supporting documentation is confidential information, and individuals other than the applicant/employee requesting access must provide a compelling justification. The General Counsel, President, UI Health Care HR, or designee(s) shall determine whether a request for access to acquired and supporting documentation shall be granted.

(6) Every three years, University Human Resources, the Office of the Executive Vice President and Provost, and the Office of Equal Opportunity and Diversity will conduct an audit on positions checked and scope of checks to ensure reasonable consistency between colleges and divisions and to assess potential disparate impact for members of protected groups.

g. Existence of a criminal record.

(1) Subject to the circumstance described below, when the background check reflects a criminal conviction, the Senior HR Leadership Representative, in consultation with University HR and the Office of the General Counsel or, in the case of faculty, the Office of the Executive Vice President and Provost and the Office of the General Counsel, shall evaluate the conviction to determine whether it is relevant to the specific job responsibilities of the position and whether hiring the person may constitute an unacceptable risk. Specifically, the University will consider the nature, gravity, recency and frequency of convictions and the nature of the job duties. University HR, the Office of the General Counsel, and the Office of the Executive Vice President and Provost, in consultation with the Senior HR Leadership Representatives, may establish guidelines authorizing the Senior HR Leadership Representative to approve a hire without consulting the designated central administration offices in cases where a single, minor conviction is discovered. All records relating to the CBC in the University’s possession are not considered a public record and shall be treated as a confidential personnel record.

(2) If a preliminary judgment is made that the conviction has sufficient nexus to the position and that the hire may present an unacceptable risk such that further consideration is warranted, this information shall be discussed with the candidate to give the candidate a reasonable opportunity to provide clarifying information. Typically, the candidate will be contacted by the Senior HR Leadership Representative or the Office of the Executive Vice President and Provost.

(3) After the candidate has provided clarifying information (or has not done so after having had a reasonable opportunity to do so), the Senior HR Leadership Representative shall present the evaluation of the information
to University Human Resources or, in the case of faculty, the Office of the Executive Vice President and Provost, and the Office of the General Counsel prior to presenting the information to the dean or vice president. The dean or vice president shall then make a recommendation to University Human Resources (or the Office of the Executive Vice President and Provost, in the case of faculty) regarding whether the conviction is sufficiently closely related to the position and whether hiring the person may constitute an unacceptable risk such that denial of employment is warranted. University Human Resources or, in the case of faculty, the Office of the Executive Vice President and Provost shall make the final decision on this issue in consultation with the college or division, as appropriate.

(4) If the final decision is that the conviction has significant nexus to the position and that the hire may present an unacceptable risk such that the candidate will no longer be considered for employment, or if already employed should be terminated, the Senior HR Leadership Representative or the dean/vice president shall provide written notification to the candidate/employee immediately.

Revised: 12/13