

**Northern Illinois University
Human Resource Services
Pre-Employment Background Investigations
Policy and Procedures**

Introduction

The Illinois Campus Security Act (PA: 88-6290) mandates that public institutions of higher education shall identify “security-sensitive positions and provide for criminal background investigations prior to employing individuals in those positions. Pursuant to the Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.) and the Illinois Campus Security Act, the following procedures have been implemented to ensure compliance in the attainment, disclosure and utilization of information as a result of conducting a pre-employment criminal background investigation as a pre-requisite for employment at Northern Illinois University (NIU). Human Resource Services has been delegated the responsibility of conducting these pre-employment criminal background investigations and for maintaining a list of security sensitive positions on campus. Positions identified as “security sensitive” will normally require that a preponderance of responsibilities be involved with one or more of the categories described below.

Policy Coverage and Description

The coverage of this policy extends to all NIU employees who have the responsibility for the following work-related responsibilities:

1. The care and supervision of minor children.
2. The safety of students, employees, or the general public.
3. Significant expenditures or control of university financial resources.

For the purposes of this policy, all NIU employees who are employed in “security-sensitive” positions will be subjected to a pre-employment investigation. This coverage pertains to all regular, temporary, extra help, student employees, graduate assistantships appointments.

The extent of the criminal background investigation will include identity verification, valid criminal convictions and may also include supplemental confirmations of other information including, but not limited to, verification of the applicant’s employment history, the highest degree attained, and/or personal financial records. Disclosure of legally protected personal information such as medical records will not be considered as a condition for employment. Following completion of a pre-employment investigation, any information therefore obtained shall be considered only to the extent that such information is relevant to the qualifications, fitness or suitability of the employee for the position.

All potential applicants for security-sensitive positions shall be notified that an offer of employment may be subject to a criminal background or other pre-employment investigation. Such notification must be provided as early in the recruitment process as is feasible. With the exception of positions identified above, criminal background investigation reports will be provided by the Illinois State Police or by a private organization selected by Human Resource Services. No offer of employment may be extended and accepted relating to a candidate selected for a security-sensitive position until the background investigation is complete and the candidate has been approved for hire by Human Resource Services. It is prohibited for departments to allow candidates to work prior to the completion of the background investigation process. Human Resource Services will promptly notify designated administrators of any prohibited unauthorized appointments.

Approved Exceptions to Policy Coverage

Positions with licensure agreements:

Employees seeking employment in positions that require licensure or which are already covered through official regulatory frameworks (i.e. DCFS regulations) shall continue to be subject to criminal background investigations through existing procedures associated with licensure agreements and will not be subjected to an additional background check as described by this policy. Such departments must provide documentation to Human Resource Services upon completion of the investigation and provide confirmation that the check has resulted in no criminal record or conviction. Investigations that result in criminal records and/or convictions must be approved by Human Resource Services prior to any offer of employment. Any violation of this provision by the applicable department/division will result in an automatic forfeiture of this policy exception.

Department of Public Safety: Employees seeking employment in the Department of Public Safety shall be subjected to the background investigation policy and procedures as adopted by the Department. The Department of Public Safety will be solely responsible for enforcement of the background investigation process, evaluation of the investigation reports and subsequent hiring decisions regarding the respective applicant and will not be required to provide information regarding the result of the background check to Human Resource Services. Human Resource Services shall not have any role in processing, review and/or evaluation of criminal background checks conducted by the Department of Public Safety.

Advertisement of Positions

The Hiring Unit designee is responsible for identifying positions that require a background investigation and must inform Human Resource Services of such selections immediately. The Hiring Unit is also responsible for ensuring that advertisements and position announcements for “security-sensitive” positions include the following statement:

“This is a security-sensitive position. Before any offer of employment is made, the University will conduct a pre-employment criminal background investigation, which includes a criminal background check”.

Pre-offer Contingency of Employment:

If the hiring unit wishes to conduct a pre-offer background investigation, the candidate must be notified of this requirement prior to conducting the interview with the applicant. The applicant must be provided with an Authorization and Consent for Release of Information form as well as a summary of his/her rights under the Fair Credit and Reporting Act during this discussion.

Post-offer Contingency of Employment

Upon selection of a candidate for a security sensitive position and prior to authorization to employ from Human Resource Services, the candidate must complete an Authorization and Consent for Release of Information form and forward it to the department. This form must be completed in totality by the applicant and hiring unit and must be forwarded to Human Resource Services for processing and review. For faculty and SPS positions, a copy of the candidate’s resume must also be forwarded to Human Resource Services for review. The Authorization and Consent for Release of Information form can be obtained from the hiring unit, Human Resource Services and is also located on the HRS website at www.hr.niu.edu.

Conducting the Pre-Employment Investigation

Upon receipt of the Authorization and Consent for Release of Information form, Human Resource Services will request criminal background information from the investigation firm utilizing the information contained on the form. Depending upon the position, the investigation firm will verify, including but not limited to, the following information:

- The identity of the applicant:
- The existence of any criminal conviction:
- The applicant's employment history for a minimum of 5 years (upon request only):
- The applicant's highest degree attained (upon request only).

Upon completion of the pre-employment criminal investigation, the investigation firm will forward the results of the investigation to Human Resource Services for review.

Conducting the Information Review

The information obtained as result of the pre-employment criminal background investigation will be reviewed to determine authorization of employment as generally stipulated below:

Absence of criminal conviction information: In the absence of any negative criminal conviction information, the hiring unit shall be informed that no information was revealed which would preclude an offer of employment. The Authorization and Consent for Release of Information form will be maintained by Human Resource Services. A copy of this form will be forwarded to the department only upon request by the department. A copy of the pre-employment criminal background report will be maintained in Human Resource Services at all time.

Presence of criminal conviction information: If the pre-employment criminal background investigation results in criminal conviction information, the applicant will be given a reasonable amount of time to respond to the reported information prior to any adverse employment action. At the expiration of this period, the information will be forwarded to the Associate Vice President, Administration and Human Resources, or designee.

In the event the results of the criminal background investigation indicate a record of criminal conviction, the Associate Vice President, Administration and Human Resources (or designee) will consult with the Office of Legal Services. In the case of faculty and SPS positions, the appropriate Vice President or designee will be consulted. Any decision to exclude the candidate on the basis of a criminal background record will take into account the nature of the criminal conviction, relevance of the conviction, qualifications, responsibilities of the position, and any supporting documentation from the hiring unit official(s).

Each Authorization and Consent for Release of Information form will include a box in which the applicant may elect to receive a copy of the report(s). A copy of the report will be forwarded to the applicant only if h/she indicates such by "checking" this box unless an adverse employment decision is anticipated by Human Resource Services. In this event, prior to an adverse employment decision the applicant shall receive a pre-adverse employment notification, a copy of the report(s) and a copy of his/her rights under the Federal Fair Credit Reporting Act. The applicable department will have the opportunity to review the information and, if desired, have the opportunity to provide additional information with respect to the candidate's application for employment. The applicant shall have five (5) business days to respond to the reported information prior to the implementation of any adverse employment action by the University.

If the applicant for a faculty or SPS position is disqualified from employment on the basis of the pre-employment criminal background investigation, the university reserves the right to prohibit employment of the applicant for subsequent positions at the university. If the applicant for a civil service position is disqualified from employment on the basis

of the pre-employment criminal background investigation, the applicant will be removed from the employment register in accordance with Rule 250.60 h.4 and may be prohibited from future employment with the university at its own discretion.

General Provisions

The following information pertains to the general pre-employment criminal background check policies and procedures and is intended to be fully incorporated and made a part of this policy.

Policy Violations:

An offer of employment cannot be extended to a candidate for a security-sensitive position prior to the completion of the background investigation and approval by Human Resource Services (with the exception of positions covered by the Department of Public Safety background check policies and procedures) of the candidate's qualifications pursuant to the Campus Security Act. Departments who fail to adhere to this provision may be subjected to applicable penalties and sanctions.

Fees:

Any fees associated with the pre-employment criminal background investigation process will be remitted to Human Resource Services from the respective hiring unit on a charge-back basis.

Confidentiality Statement:

Information obtained as a result of the pre-employment criminal background investigation will be maintained on a confidential basis in Human Resource Services and may be shared with the hiring unit or applicable university official upon request and/or pursuant to applicable provisions as stipulated by this policy.

As determined to be reasonable and applicable to this process, Human Resource Services, may from time to time, revise this policy and/or make good-faith judgments with respect to the review of information resulting from this process.