



Effective: December 2022
Last Revised: November 2022

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CRIMINAL HISTORY/BACKGROUND CHECKS

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Purpose

As part of its ongoing efforts to provide a safe and secure environment for its students, faculty, staff and visitors and in order to safeguard its property and other assets, the University of Nebraska (NU) requires background checks on certain employees and other individuals to assess their suitability for employment or affiliation with NU. This policy defines the standards for conducting such background checks.

Applicability

This policy applies to all regular, temporary, and on-call employees including those in administrative, managerial/professional and office and service positions.

Individual campuses also may elect to conduct background checks on individuals seeking to serve in academic-administrative, interim, ancillary, student employee and/or volunteer positions.

Some individuals holding certain positions or affiliations may require additional background checks, certification review and criminal history check processes.

Authority/Responsibility

Human Resources (HR) shall be responsible for implementing and administering this policy in a manner that is consistent with all applicable federal and state laws, as well as with NU's internal practices.

Policy

A background check shall be performed prior to placing an individual into any position covered by this policy. NU may be required by law to perform additional, periodic background checks for certain positions.

Individuals will be informed that any offer of employment is contingent upon the successful completion of a background check. A signed, written consent will be obtained before the background check is completed. Refusal to authorize the background check will make the individual ineligible for employment.

Compliance

Background checks will be conducted in accordance with all applicable federal and state laws, including without limitation the Fair Credit Reporting Act. Information obtained through a background check will be used solely for evaluating an individual's suitability for employment or affiliation with NU and will not be used to discriminate against an individual based on a protected characteristic of that individual.

Content of a Background Check

Information obtained as part of a background check will include, without limitation, information related to the individual's appearance on a sex offender registry, criminal history (including any undisclosed or self-disclosed felonies or misdemeanors), and may include orders of protection, driving record, educational background, employment history, and/or credit history.

Duty to Report

All NU employees covered by this policy have an ongoing duty throughout their employment to inform their supervisor and their system/campus HR Director of any felony or misdemeanor arrests within 3 calendar days. Additionally, all NU employees must inform their supervisor and the system/campus HR Director of any felony or misdemeanor convictions they incur or any pleas they enter acknowledging guilt or responsibility for a criminal offense within 3 calendar days. Non-compliance may lead to disciplinary action up to and including termination.

Utilization of Criminal History/Background Check Information

NU retains the right to make the final determination as to how information obtained during a background check will be considered or how it will impact the assessment of the individual's suitability for the employment or affiliation with NU.

Information obtained about an individual's past criminal record, whether disclosed or undisclosed, may be used as part of that assessment. Criminal offenses allegedly committed by an individual currently under investigation by law enforcement officials or which have resulted in pending criminal charges may be considered as well if they are appropriately related to or impact the individual's suitability for the position. A criminal record does not automatically disqualify an individual from being employed or affiliated with NU.

In reviewing an individual's criminal history/background information, consideration will be given but is not limited to the following:

- Significance of the information obtained;
- The number of criminal offenses;
- The nature and gravity of each underlying offense;
- The extent to which each offense or content relates to the duties and responsibilities of the position; and
- The length of time that has elapsed since each offense was committed or the resultant sentence was completed.

An individual's failure to self-disclose arrests with pending adjudication and prior convictions or the falsification of such information may result in the denial or rejection of the individual's application or, if discovered after the individual already is employed, may result in an adverse employment action being taken against the individual, up to and including termination of employment.

Confidentiality

Information obtained during a background check will be deemed confidential and will be disclosed or shared only with those who have a legitimate need to know as part of the employment process. Only relevant aspects of the background check will be provided to the hiring authorities. Any hiring authorities who receive background check information shall take appropriate steps to safeguard its confidentiality.

Individual Rights

Prior to a decision being made, individuals subject to a background check will be provided with a copy of any consumer report that is obtained, a copy of "Your Rights under the Fair Credit Reporting Act," and the name, address and telephone number of the company performing the criminal history background check. Individuals have the right to dispute any inaccurate or incomplete information and clear any negative information that may be contained within a background check report. NU may proceed forward with making a decision after affording the individual at least five business days to address any disputes with the report.

History

This policy replaces and supersedes all individual campus policies addressing criminal history and background checks.