



## **XAVIER UNIVERSITY Background Check Policy**

**Effective:** July 1, 2017

**Last Updated:** July 1, 2017

**Responsible University Office:** Office of Human Resources

**Responsible Executive:** Associate Vice-President for Human Resources

**Scope:** Faculty and Staff

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### **A. REASON FOR POLICY**

Xavier University takes meaningful and reasonable actions to promote a safe and secure environment for the entire University community. This policy explains the University's use of background checks to verify credentials, criminal history, credit status, and other information related to employment decisions.

### **B. POLICY**

Effective July 1, 2017 all offers of employment will be made contingent upon successful completion of a background check.

### **C. PROCEDURES**

#### **Employees Starting Work On or After July 1, 2017**

All candidates who are offered employment to start work on or after July 1, 2017 shall have a background check completed as a condition of employment with Xavier University.

#### **Current Employees as of July 1, 2017**

Individuals already employed by Xavier University as of July 1, 2017, will not be subject to retroactive background checks, except as described within this Policy. A background check may be conducted if a promotion, change in assignments or activities, or transfer is contemplated; except that a change in rank for faculty is not considered a promotion warranting a background check. An employee whose relationship to the University is severed-either through resignation or termination, but not for an unpaid leave of absence and who subsequently re-applies, will be considered a new hire and subject to a background check.

## **Other Circumstances Warranting Background Checks**

In the event that the University has reason to believe that a University employee has engaged in criminal conduct, conduct that raises questions about his/her ability to execute the duties of their position, conduct that may pose a danger to others, or any other reason deemed sufficient by the University to warrant a background check, the University reserves the right to require the employee to submit to a background check as a condition of continued employment.

## **Process for Conducting Background Checks**

Background checks for new hires, transfers, changes or promotions must be conducted post-offer and pre-employment. For purposes of this Policy, faculty promotion and tenure does not warrant a background check. In certain circumstances deemed necessary by the relevant Senior Executive Team member, there may be variances from the timing of the background check to allow it to occur pre-offer after the hiring process has progressed. All offers of employment shall be made contingent upon satisfactory clearance of the required background check. No employee may begin work until Human Resources has indicated that the background check has been satisfactorily cleared. However, in the case where for business reasons, like classes are starting before the background check can be completed, the individual may start work; however, the person must be notified in writing that continued employment will be based on the outcome of the background check process. Credit checks as part of a background check are not normally required unless the individual will be in a position that involves finances.

The hiring department is responsible for advising the candidate that the job offer is conditioned upon satisfactory clearance of a background check and for notifying Human Resources to make arrangements for the candidate to authorize the background check. All written offers of employment shall include the following statement: “Your position requires a background check. This offer is conditional upon your consenting to a background check and the results being satisfactory to the University.” Similarly, hiring managers shall advise candidates of this requirement at the time a verbal offer is made.

Human Resources will obtain background checks through a third-party vendor which shall conduct the background checks in accordance with local and federal law, including the Fair Credit Reporting Act, as amended (FCRA).

## **Timing and Fees for Background Checks**

It typically takes at least 72 hours from time of request for Human Resources to receive the completed background check report.

Human Resources will have oversight of a budget that will be used exclusively for background check expenses.

## **Verification of Background Checks**

Human Resources will receive and review the background check report from the third-party vendor.

If the report reveals no adverse information or unfavorable results, Human Resources will advise the hiring department that an individual has “satisfactorily cleared” the background check.

If the report includes adverse information or unfavorable results, the appropriate Senior Executive Team member will consult with Human Resources and the hiring department (including the Dean and the Department Chair for faculty) for an individualized assessment, taking into account the following:

- the nature of the finding;
- the job for which the applicant is being considered;
- the underlying event(s) that occurred;
- the time elapsed since the finding;
- the applicant’s employment history and other evidence of his or her activities in the intervening time since the finding; and
- other relevant information.

A prior conviction shall not automatically disqualify an applicant for employment, but shall be considered using the criteria identified above.

After consulting with Human Resources and the hiring department, based on relevant available information, the Senior Executive Team member will determine whether the hire will proceed or the offer will be rescinded.

### **Adverse Action Notifications and Appeals**

If the results of the background check result in a decision to rescind an offer of employment or take other adverse action, Human Resources will then send a letter to the candidate, as required by the FCRA, notifying him/her that Xavier University intends to take an adverse action based on the results of the background check, along with a copy of the background check report and a summary of his or her rights under the FCRA.

If the candidate does not dispute the accuracy of the information contained in the background check report within five days, then Human Resources will inform the candidate in writing that the University is rescinding its conditional offer of employment or taking other adverse action. This letter will be accompanied by information and disclosures required by the FCRA.

### **Address Discrepancy**

Xavier complies with the requirements of the Fair and Accurate Credit Transactions Act of 2003, as amended. If Human Resources receives a notice of address discrepancy from its third-party vendor in response to a background check that informs the University of a substantial difference between the address provided by the post-offer job candidate and the address (es) on file with the third-party vendor, Human Resources will take reasonable steps to verify the correct address. To verify the address, Human Resources may contact the post-offer job candidate directly, review University records (including the job application) to confirm the address, verify the address through third party sources, or use all other reasonable means. Human Resources will then respond to the third-party vendor and provide confirmation of the accurate address.

### **Confidentiality and Record Retention**

Background check information will only be shared on a need to know basis. It will be retained by Human Resources in files separate from the personnel files and will be retained and disposed of in accordance with Human Resource's records retention guidelines and applicable law.

## **E. EXHIBITS**

Xavier University Notification and Disclosure Form

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**Other applicable policies and/or resources:**