A. General. Criminal background checks confirm an individual’s fitness relative to the requirements of their employment or volunteer service at the University of Idaho (UI).

UI requires criminal background checks for all non-student positions, graduate student appointees, postdoctoral scholars, and temporary help positions (T1, T4, etc.). UI also requires criminal background checks for student positions (ST/SF/SI), interns, and volunteers if the work will involve contact with minors or the hiring authority determines the work to be security-sensitive. This list is not intended to be exhaustive. Questions on background check requirements should be directed to Human Resources (HR). [rev. 3-18]

The requirements of this procedure also apply to existing employees being considered for changes in position, transfers, and promotions. However, if an existing employee has a previous background check on file with UI, and that background check is applicable to the change in position, transfer, or promotion, a new background check will not be required. A background check is not required for general faculty promotions in rank pursuant to FSH 3560 where the faculty promotion does not involve an internal or external search. [rev. 11-12, 12-14, 3-18]

Non-compliance with this procedure will be communicated to the Office of General Counsel and the appropriate vice president.

B. Procedures for Criminal Background Checks. The UI will conduct criminal background checks on the recommended candidate(s) for all positions listed in Section A. Hiring authorities must request criminal background checks for student positions (ST/SF/SI), interns, and volunteers if the work will involve contact with minors or the hiring authority determines the work to be security-sensitive. Security-sensitive work may involve access to restricted facilities, resources, finances, data, confidential information, or research (as determined by the hiring authority). [rev. 3-18]

B-1. Required Notification of Criminal Background Checks. All advertisements, notices, and postings for positions listed in Section A must state: “This position is subject to the successful completion of a criminal background check.” No candidate for a position listed in Section A shall commence employment until a satisfactory criminal background check has been received by HR. Any offers associated with
these positions must be made contingent on a satisfactory criminal background check. [rev. 3-18]

For student (ST/SF/SI), intern, and volunteer positions for which a search was not necessary or was waived, the hiring authority will provide the candidate/volunteer with written notice of the criminal background check requirement prior to offering the position. The candidate/volunteer can only be offered the position contingent on a satisfactory criminal background check. The candidate/volunteer must not begin work or begin the new responsibilities until a satisfactory criminal background check has been received by HR. [add. 10-07, ed. 11-12, rev. 3-18]

**B-2. Required Authorization for Criminal Background Check.** If a search runs through the UI online recruitment system, the criminal background check is initiated during the hiring proposal process. For hires outside the online recruitment system, the hiring unit must submit a Department Request for Criminal Background Check via the on-line request for background check. The request shall include the following information: candidate name and email address, position title/action number, budget number, and unit. The candidate will receive an email to initiate the background check. The candidate must submit the required personal information at a secure website and electronically sign the Disclosure and Authorization forms. The candidate will then receive a summary of rights under the Fair Credit Reporting Act (FCRA), and the background check will begin. The third party consumer reporting agency will provide the background check results to HR. HR will review the background check’ results to determine whether the candidate meets the criteria for the position. HR will notify the hiring authority of the results of the background check. Costs associated with criminal background checks will be charged to the hiring unit. [rev. 11-12, 12-14, 3-18]

**B-3. Contingent Offer of Employment.** If circumstances require that a job offer be made prior to the completion of the background check, the hiring unit must use the approved contingent offer letter template found on the HR website, which includes the following language: “This offer is contingent upon the completion of a satisfactory criminal background investigation and other pre-employment requirements.” Although a contingent offer may be made, the employee may not begin work in any capacity, including attending orientations for the unit or University, without a completed satisfactory background investigation and other pre-employment paperwork. [rev. 3-18]
B-4. Prior Criminal Background Check Qualifies. If a candidate is being rehired or reappointed into the same position, has previously met the background check requirement for that position, and the break in service is less than one year, the background check requirement may be waived at the discretion of the senior HR executive, or designee. [rev. 10-07, 11-12, 3-18]

B-5. Day Care Centers Must Comply with I.C. § 39-1105. This procedure does not apply to employees or volunteers at day care centers who have direct contact with children. These individuals are subject to the criminal history check procedures set forth in I.C. § 39-1105, which are conducted by the day care centers in conjunction with the appropriate state agencies. [ed. 3-18]

B-6. UI College of Agricultural and Life Sciences Unique Requirements. The University’s College of Agricultural and Life Sciences (CALS) has implemented additional criminal background check procedures for volunteers who have significant contact with minors. Students and volunteers of CALS may be subject to additional screening requirements pursuant to those procedures. [rev. 10-07, 3-18 ed. 11-12]

B-7. J-1 Scholars and Exceptions. J-1 scholars are visiting temporary workers here by invitation to perform specialized work. The Department of Homeland Security performs background checks on all J-1 scholars. Therefore, these temporary workers are exempt from the requirements of this procedure. Senior HR executive, or designee, may provide exemptions for other employees in similar situations. [add. 3-18]

C. Procedures for Criminal Background Checks for Security Purposes. If senior HR executive, or designee has reasonable grounds to believe that an employee or volunteer represents an immediate threat to the safety and security of the UI community, HR may conduct a criminal background check through the Idaho State Police or other appropriate agency. The written authorization of the employee to conduct this check will be obtained in most cases. However, in certain circumstances, it may not be possible or feasible to obtain written authorization. In those cases, a limited background check may be performed through the Idaho State Police or other appropriate agency. Any information obtained through this process will be used solely for the purpose of maintaining the safety and security of the UI community, and will be shared strictly on a “need to know” basis. [ed. 11-12, rev. 3-18]
D. Results of Criminal Background Checks.

Applicants New to UI: If the criminal background check identifies convictions, with the exception of D-1 below, determinations of fitness for employment will be made by Human Resources in consultation with appropriate hiring authority when applicable based on the nature and details of the conviction, date of the conviction, how the crime relates to the job in question, evidence of rehabilitation, and other relevant factors. [rev. 3-18]

Current Employees: When a current employee with convictions is considered for changes in position, transfers, or promotions, the senior HR executive, or designee, in consultation with the appropriate hiring authority, will determine whether to exclude the candidate. [rev. 3-18]

If, pursuant to this procedure, a criminal background check is conducted on a current employee and an event is uncovered that was not previously considered, UI may initiate personnel action against the employee. In these cases, the senior HR executive, or designee, in consultation with the Risk Management Officer and other applicable personnel, will determine what action, if any, should be taken. The senior HR executive, or designee may ask the employee for a written explanation of the offense(s). [rev. 11-12, 3-18]

D-1. Disqualifying Employment Convictions. A record of any of the following convictions will generally result in automatic exclusion of the candidate or termination of a current employee: [rev. 3-18]

i) Conviction of any crime against a child or vulnerable adult (including but not limited to child abuse, abandonment, neglect, and statutory rape);

ii) Conviction of any crime of violence;

iii) Conviction of any crime of a sexual nature, including but not limited to lewd conduct, sexual battery, sexual exploitation, rape, and statutory rape;

iv) Conviction of any crime involving unlawful use or possession of a weapon or firearm. [ed. 11-12]

D-2. “Conviction” Defined. For purposes of this procedure, the term “conviction” will be interpreted broadly and will include pleas of no contest, deferred adjudications, and similar dispositions. If a criminal history report indicates pending criminal charges that, if a conviction
resulted, would result in exclusion from employment, the candidate will be excluded from employment until final disposition of the charges. [ed. 3-18]

E. Communication of Results and Employee Rights

E-1. Consumer Reporting Agency. Procedures when the report has been provided by a consumer reporting agency (e.g., Verified Credentials). [ed. 12-14, 3-18]

i) If a determination has been made that a candidate should be excluded, or that adverse action should be taken against a current employee, based on an unsatisfactory criminal background check, HR shall, prior to taking any adverse action against the individual, provide a Pre-Adverse Action Disclosure that (1) notifies the individual in writing of the unsatisfactory result, (2) provides the candidate or employee with a copy of the report, and (3) provides the candidate or employee with a written description of his or her rights under the Fair Credit Reporting Act.

ii) After the adverse action has been taken, HR will provide the candidate with an Adverse Action Notice, which includes (1) the name, address, and phone number of the consumer reporting agency that supplied the report, (2) a statement that the consumer reporting agency that supplied the report did not make the decision regarding the adverse action and cannot provide the reasons for the adverse action, and (3) a notice of the individual’s right to dispute the accuracy or completeness of any information the agency has furnished, and his or her right to an additional free consumer report from the agency upon request within 60 days.

iii) A candidate or employee who has received an initial unsatisfactory result and who has sought correction of his or her report under the Fair Credit Reporting Act is not eligible for a listed position until the senior HR executive, or designee has confirmed the correction and determined that the result is satisfactory. The UI has no obligation to hold a position open to allow a candidate or employee to correct his or her report. [ed. 11-12, 3-18]
E-2. Government Reporting Agency. Procedures when the report has been provided by a governmental agency (e.g., Idaho State Police).

i) If a decision has been made to exclude a candidate, or initiate action against a current employee, based on an unsatisfactory background check, HR shall (1) notify the individual in writing of the unsatisfactory result, and (2) provide the candidate or employee with a copy of the report.

F. Record Keeping. Criminal history information collected under this procedure shall be kept electronically with the third party vendor or in accordance with record retention requirements (see APM Chapter 65). The information will be used solely for the purpose of maintaining the safety and security of the UI community and will be disclosed only as permitted or required by law. [rev. 10-07, 11-12, 3-18]