

<b>Policy:</b> Pre-Employment Screening & Post-Hire Disclosure	<b>Policy Number:</b> I-1.6
<b>Policy Owner(s):</b> Human Resources	<b>Original Date:</b> 7/26/2016
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- I. **POLICY:** John Carroll University will conduct pre-employment screenings including a criminal background check for all final candidates selected for employment. This policy shall apply, without limitation, to all final candidates for full-time and part-time faculty and staff positions to be eligible for employment at the University. In addition, all current employees are obligated to notify the Human Resources Department of any criminal conviction or pending criminal charge while employed at the University.
- II. **PURPOSE:** The University is committed to protecting the health and safety of all students, employees and visitors on our campus by conducting pre-employment criminal background checks and other pre-employment screenings on all final candidates and requiring employees to disclose criminal convictions and pending charges.
- III. **SCOPE:** All John Carroll University Employees

IV. **DEFINITIONS:**

**Criminal Conviction:** For purposes of this policy, “criminal conviction” means: (1) all criminal convictions and pleas of guilty or no contest before a court, jury or referee that are acknowledgements of or acquiescence to criminal responsibility; (2) registration as a convicted sex offender with any governmental authority as a result of any prior conviction for a sex offense; and/or (3) any convictions or pleas of guilty or no contest that are acknowledgments of criminal responsibility subject to the jurisdiction of a military court.

**Pending Criminal Charge:** For purposes of this policy, “pending criminal charge” means any criminal charge or indictment: (1) before a court, grand jury or other judicial body that alleges criminal responsibility; (2) that, if convicted of the charge, could result in the requirement to be registered as a sex offender with any governmental authority as a result of a conviction for a sex offense; and/or (3) that alleges criminal responsibility subject to the jurisdiction of a military court.

Criminal convictions or pending criminal charges related to routine traffic-related infractions (e.g., speeding, unsafe movement, improper equipment) are not required to be reported under this policy unless driving is a part of assigned or required job duties of the position. In these circumstances, the employee must report any traffic-related conviction or charge under the provisions of this policy.

**V. PROCEDURES:**

- A. Pre-employment screenings including criminal background checks will be performed once a final candidate has been identified for employment.
- B. All final candidates for employment will be required to provide a written release to authorize a pre-employment screening using the authorized University form.
- C. It is a condition of employment that all final candidates submit to the required pre-employment screening procedures.
- D. All verbal employment offers will be conditional upon successful completion of all appropriate pre-employment screenings.
- E. All written employment offers will be extended only after the review and successful completion of all required pre-employment screenings.
- F. Results of pre-employment screenings will be reviewed by the Human Resources Department in conjunction with the hiring manager and other appropriate University administrators.
- G. Human Resources, in consultation with the hiring manager and other appropriate University administrators, will determine whether any information on the pre-employment screening results would preclude the candidate from being employed with the University. Determinations will be made on a case-by-case basis. The Executive Vice President and Chief Financial Officer (for staff positions) or the Provost and Academic Vice President (for faculty positions) ordinarily will be consulted as to whether a final candidate will be hired related to any pre-screening issues.
- H. In determining whether a candidate for employment with a criminal conviction will be eligible for employment at the University, the following factors will be considered:
  - 1. The nature, frequency, circumstances, and gravity of the offense(s); and
  - 2. The time since the conviction and/or completion of the sentence or probation; and
  - 3. The nature and specific duties of the final candidate's position in relation to the criminal conviction(s), including any health, safety, risk management, or operational issues that the conviction may pose.

4. If the review indicates a pattern of repeated criminal convictions, the pattern of behavior will be treated as an indication of poor judgment. Therefore, the candidate normally will not be eligible for hire in these instances.
- I. If at any time during the employment process, a candidate attempts to withhold information, fails to disclose, or falsifies information pertaining to previous criminal convictions or pending criminal charges, the candidate will immediately be removed from consideration for employment and/or any conditional offer of employment will be rescinded, or employment terminated.
- J. Additional criminal background checks may be performed throughout employment, as warranted. At any time during employment, employees are required to disclose to Human Resources any criminal conviction or any pending criminal charge.
  1. Human Resources, in consultation with other appropriate University administrators, will review the information concerning the disclosure or discovery of the criminal conviction utilizing the factors outlined in Paragraph H above.
  2. When a pending criminal charge is disclosed or discovered, Human Resources, in consultation with other appropriate University administrators, will review the underlying conduct related to the pending criminal charge and the factors outlined in Paragraph H above in determining whether the individual may continue employment or not, and/or whether the employee should be placed on administrative leave pending further information on the underlying conduct or the outcome of the pending criminal charge.
- K. Human Resources will coordinate the appropriate notices to a candidate concerning any adverse action being considered or taken as a result of a pre-employment screening. If, as part of the pre-employment screening process, a conviction or pending criminal charge is discovered that may result in adverse action concerning the candidate's possible employment with the University, the candidate will be given an opportunity to respond to the findings of the pre-employment screening.
- L. Candidates and current University employees for certain positions may be required to successfully complete other pre-employment screenings (i.e. credit checks, drug screens, fitness-for-duty exams, driving record, etc.) as required for the position and approved by the Human Resources Department.
- M. Only Human Resources may approve and coordinate additional pre-employment screenings (i.e. internet, social media, etc.) for final candidates.
- N. Human Resources may request or obtain relevant information concerning educational, licensure, or other credentialing documentation from any candidate as part of the hiring process.

O. The Human Resources Department shall maintain records regarding pre-employment screenings, including criminal background checks, in as confidential a manner as possible.

**VI. CROSS REFERENCES:**

Employment-At-Will Policy

Employee Records and Information Policy

Employment Verification Policy

Minors on Campus Policy

University Vehicles Policy