



**THE UNIVERSITY of
NEW ORLEANS**

**ADMINISTERED BY: Office of Vice
President for Business Affairs**

Policy No:	AP-BA-42.3
TITLE:	Background Checks for Employment Purposes
EFFECTIVE DATE:	August 1, 2013* (*Policy Revised, see below)
CANCELLATION:	
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The University of New Orleans is committed to protecting the safety of employees, students, and the general public, as well as upholding the integrity and reputation of the University. UNO will conduct criminal and other background checks on each job applicant who has been offered a position and may conduct background checks on existing employees when appropriate.

PURPOSE

The purpose of this policy is to provide procedures for conducting background checks on new hires, internal candidates for jobs, and other employees.

AUTHORITY

Authority for this policy is derived from Article 10 of the Constitution of the State of Louisiana; and Chapter III, Section II of the Bylaws and Regulations of the Board of Supervisors of the University of Louisiana System.

DEFINITIONS

Background Check – For the purposes of this policy, a background check is an employment-related inquiry into an individual’s history that may include criminal activity, motor vehicle driving records, verification of Social Security Number, and similar types of information that may be relevant to the University’s decision to hire the individual or take some other employment-related action. These types of checks are conducted by Human Resource Management through a third-party firm engaged to perform this type of work.

The term “background check” and this policy do not refer to other types of checks that may be routinely conducted on job applicants such as reference checks with prior employers and colleagues, verification of academic records, and verification of professional credentials, all of which are typically conducted by the department hiring the individual.

GENERAL POLICY

Human Resource Management will conduct background checks on all job applicants who have been offered and accepted a position. The background check must be completed and deemed satisfactory before the job applicant can begin employment. Similarly, Human Resource Management may conduct background checks on existing employees who have been offered and accepted promotions or transfers to different positions within UNO. Additionally, Human Resource Management may conduct a background check on any existing employee when warranted by circumstances. Background checks will be conducted only after obtaining written consent from the individual to be checked.

All background checks will be conducted through a reputable background checking company engaged by UNO for this purpose. Background checks will be conducted, and the information will be used, in accordance with applicable laws which may include the Fair Credit Reporting Act and regulations of the Equal Employment Opportunity Commission.

PROCEDURES

Pre-Employment Background Checks

1. The University requires a background check on each final candidate for all staff and faculty positions except for the following:
 - a. Student Workers and Graduate Assistants do not usually require a background check. However, background checks may be conducted as needed at the discretion of the department head and Human Resource Management based on the duties to be performed by the Student Worker or Graduate Assistant.
 - b. Temporary WAE (intermittent) positions at the UNO Lakefront Arena do not usually require a background check. These positions include janitorial workers, administrative workers, ushers, door attendants, parking lot attendants, security, concession, and similar workers. However, background checks may be conducted as needed at the discretion of Arena management and Human Resource Management.
2. Background checks may not be used as a screening tool among multiple candidates for a position. Background checks will be conducted only on the final candidate and only after that candidate has accepted a job offer contingent on a satisfactory background check.
3. Background checks on new hires will be conducted after the candidate has accepted a job offer and before the candidate begins employment. The hiring manager should inform the candidate that the job offer is contingent on a satisfactory background check.
4. As soon as a candidate accepts a conditional job offer, the hiring manager should notify Human Resource Management of the candidate's acceptance and request that a background check be initiated. Human Resource Management will initiate the background check by authorizing the background checking company to collect necessary personal information directly from the candidate.

5. If a candidate fails to provide the necessary information for the background check in a timely manner, provides false information, or otherwise fails to cooperate with the background checking process, Human Resource Management may withdraw the job offer.
6. The background checking company typically needs three to five workdays to complete a background check and send the results to Human Resource Management. Occasionally, the company may need additional days, especially for candidates who have lived in multiple different areas or may have other complicating factors. Hiring managers should keep this time frame in mind when making plans for the candidate to start work.
7. A job candidate may not begin employment until after the background check is finished and the results are deemed to be satisfactory by Human Resource Management.
 - a. On very rare occasions, a job candidate may be allowed to begin employment before the background check is finished, but only if the hiring manager justifies an exception to the Associate Vice President for Human Resource Management and receives explicit approval to allow the job candidate to begin employment. Such exceptions will be granted only due to extraordinary emergency circumstances. An individual who is allowed to begin employment before the background check is finished is still subject to the requirement that the background check be deemed satisfactory when it is finished. If it is not satisfactory, the individual's employment may be terminated.

Results of Background Checks

1. Human Resource Management will review the results of all background checks to determine if the results are satisfactory and therefore allow the candidate to be hired.
 - a. A background check may be considered unsatisfactory if it contains information indicating the candidate is dishonest, could pose a risk or danger to others, or would reflect poorly on the reputation of UNO if hired. Examples of information in a background check that might be considered unsatisfactory include, but are not limited to: conviction for a significant crime; a current open charge of a significant crime; inclusion on a sex offender registry; inclusion on a violence registry; a fraudulent Social Security Number; evidence that the candidate was not truthful about their past; driving offenses if driving a vehicle is an essential duty of the job; or a poor credit history if significant financial authority is an essential duty of the job.
 - b. When reviewing background checks to determine if they are satisfactory, Human Resource Management will comply with regulations of the Equal Employment Opportunity Commission in order to ensure that all job applicants are treated fairly and without illegal discrimination. In brief, the Equal Employment Opportunity Commission requires that the existence of a conviction should not automatically disqualify an individual from employment. Rather, the employer must consider all information in the background check results on a case-by-case basis relative to the specific position for which the job applicant is being considered. The employer must consider multiple factors, including, but not limited to:
 - The nature, number, and gravity of the conviction(s);
 - Its relevance to the particular duties and responsibilities of the position;

- The time elapsed since the conviction;
- Whether there is a pattern of offenses;
- The truthfulness of the candidate in disclosing the conviction(s).

c. If Human Resource Management believes the results of a background check are unsatisfactory, they may confidentially review the information with the appropriate members of management, the University's legal counsel, or others with a need to know.

Adverse Employment Actions Based on Results

1. If an individual is to be denied employment, promotion, or transfer wholly or partly because of information obtained in a background check, the individual will be so informed in advance of any adverse action. In addition, when required by law and to the extent applicable, the individual will be given:
 - a. A copy of the relevant background check report.
 - b. A summary of the individual's legal rights concerning the background check report.
 - c. The name, address and telephone number of the background checking company if the individual has questions about the results of the report or wants to dispute the accuracy of the report.
2. At any time after an individual is hired, if UNO should learn the individual provided false or misleading information, or omitted significant information during the background checking process, UNO may terminate the employment of that individual.

Types of Background Checks Conducted

1. The standard background check conducted by UNO consists of the following:
 - a. Parish/County criminal history record search - A criminal history search of counties/parishes in which the candidate has worked, attended school, or resided within the last seven years. Reports include felony convictions, misdemeanor convictions, and related activity on record including open arrests or charges for failure to appear in court.
 - b. National criminal history search - A check of various sources across the United States including security sources, state sex offender registries, state departments of corrections, and court records.
 - c. Name and address records – A check of various records across the United States to identify names used by the individual and addresses at which the individual resided.
 - d. Social Security Number search – A check to determine if a Social Security Number is authentic.
2. Human Resource Management may authorize additional checks beyond the standard background check when warranted. Additional checks may include:
 - a. Consumer credit report - A record check providing information on an applicant's current and previous financial credit history. This will be authorized only if the position for which the job applicant is being considered includes significant financial authority.

- b. Department of Motor Vehicles search - A record check including validation of driver's license, as well as accidents and violations on record. This will be authorized only if the position for which the job applicant is being considered includes driving a motor vehicle as a significant duty.
- c. Other types of checks that may be justified by the specific duties and responsibilities of the position for which the job applicant is being considered.

Background Checks Are Conducted Only by Human Resource Management

1. Only Human Resource Management and employees authorized by Human Resource Management may initiate background checks and receive the results.

Confidentiality

1. Background check results will be kept confidential except to the extent necessary to administer this policy. Generally, results will be shared only with individuals who have a need to know. However, UNO reserves the right to release background check results to others as may be warranted by litigation, investigations, and concerns about public safety.

Background Checks on Current Employees

1. UNO may conduct background checks on current employees when needed. Background checks will be conducted only after obtaining written consent from the employee to be checked. UNO may require an employee to consent to a background check as a condition of continued employment. Examples of situations that might lead to a background check include, but are not limited to, the following:
 - a. The employee is being promoted or transferred to another job with UNO.
 - b. There is a significant change in duties or responsibilities of the employee's existing position such as driving a motor vehicle, greater financial authority, or other significant change.
 - c. A background check is required for a grant submission, award, or credentialing and licensing requirements.
 - d. UNO has reason to believe the employee may have been charged with or convicted of a significant crime.
 - e. UNO has reason to believe the employee may not have been truthful about their past.

Reemployment and Reappointments

1. A background check may be waived at the discretion of Human Resource Management when UNO is rehiring a former employee or retiree who is returning to a similar position within six months of their departure from UNO and a background check was conducted in the past.
2. Background checks are not required for adjunct appointments each semester or academic year if a background check was completed in the past.
3. Nothing in this policy precludes Human Resource Management from conducting a background check on a returning former employee or retiree, or adjunct faculty member, when Human Resource Management determines that a background check is necessary.



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** Policy Updates: 07/20/2020
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