

## **CRIMINAL BACKGROUND INVESTIGATION INSTRUCTIONS for PER COURSE FACULTY**

### **Per Course Instructors**

1. The signed and completed Applicant Disclosure Form for Faculty and Academic Administrators must be provided to General Counsel prior to forwarding the appointment letter and the Personnel Action Form to the Provost office for approval.
2. A copy of the signed Disclosure Form for all per course hires must accompany the PAF and the appointment letter.
3. The Provost's office will contact the Department Heads if there is a problem or concern associated with the appointment.

### **Procedure if an applicant indicates conviction of a felony**

1. If an Applicant Disclosure Form indicates conviction of a felony, the General Counsel's office shall consult with Human Resources and the Provost's Office.
2. The Provost office will request HR conduct the background check on the applicant.
3. HR will send applicant the Notice and Authorization Regarding Consumer Report (Criminal Background Investigation) and collect any other necessary information. Such information shall be maintained in a limited access file, apart from the application.
4. HR will have Consumer Reporting Agency (currently DeVan) conduct the investigation.
5. After HR receives the results of the background check, if there is any indication of a felony conviction, HR will provide the report to Provost's office and General Counsel.
6. Before taking any adverse employment action, the Provost's office will request that HR send out a pre-adverse action notice to applicant. Said notice will include a copy of the report and a summary of the applicant's rights under the FCRA.
7. The Provost's office shall wait five days after the above-notice (pre-adverse action) is provided before making a final decision and sending the adverse action notice.
8. If an adverse action is taken, the Provost's office shall request that HR send applicant an adverse action notice which provides the following:
  - a. Notice of the adverse action taken;
  - b. The name, address and telephone number of the consumer reporting agency that provided the consumer report;
  - c. A statement that the CRA did not make the adverse decision and cannot provide the consumer with the specific reason why the adverse action was taken;
  - d. A notice of the consumer's right to obtain a free copy of the consumer report from the CRA within 60 days;
  - e. A notice of the consumer's right to dispute the accuracy or completeness of the report.