

THE LUTHERAN UNIVERSITY ASSOCIATION, INC.  
D/B/A VALPARAISO UNIVERSITY

**PRE-EMPLOYMENT CREDIT AND CRIMINAL BACKGROUND CHECK AND  
SEXUAL OFFENDER REGISTRY REVIEW POLICY**

Valparaiso University strives to provide the safest possible environment for students, visitors, faculty, and staff. In addition, Valparaiso University strives to protect and preserve its assets and hire the most qualified personnel to accomplish this objective. In an effort to maintain a safe environment, hire the most qualified personnel, and protect and preserve its assets, the University will conduct criminal background checks prior to hiring an employee, credit checks prior to hiring certain employees, and annually review the Porter County, Indiana, Sexual Offender Registry in order to ascertain if there are any registered sexual offenders working or enrolled at Valparaiso University.

A. Applicability of this Policy

1. To the extent it applies to criminal and credit background checks, this policy applies to any prospective employee that meets the following criteria:
  - a. Is a finalist for the position;
  - b. For any full-time, part-time, or temporary position at the University. This includes administrative graduate assistants, graduate teaching assistants, and graduate research assistants.
  - c. However, this policy does not apply to:
    - Student employees;
    - Employees who are promoted or transferred, except that driving record background checks will be conducted on employees being promoted or transferred to a position where the employee is required to drive an automobile on behalf of the University as a regular function of the job, and routinely thereafter, and credit checks will be conducted on employees being promoted or transferred as though they were a nonemployee applicant; or
    - Former employees to be less than one year from a prior background check applicable to the position to which they are being hired into.
2. All employees and students are subject to an ongoing review of the state or federal sexual offender registry.

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Background Check Policy – PC Approved December 4, 2012. Amended October 22, 2013, Amended June 21, 2016, Amended April 25, 2022.

Effective January 1, 2013

## B. Scope of the Credit, Criminal Background, and Sexual Offender Registry Review

1. Prospective employees will be subject to the following:
  - a. A criminal background check to determine felony and misdemeanor convictions at the county and federal levels in every jurisdiction where the prospective employee currently resides, has resided, or has been employed. Such searches should cover the last five years.
  - b. Driving record background check, but only if the prospective employee will be driving an automobile on behalf of the University on a regular basis.
  - c. A credit check, but only if the prospective employee's principle duties (i.e., 50 percent or greater) are fiduciary or will have a significant management responsibility over the University as a whole or who will manage a discrete segment that represents 10% or more of the activities, assets, income, or expenses of the University or will share responsibility for controlling or determining 10% or more of the University's expenditures or budget.
    - Fiduciary responsibilities include, but are not limited to, the duty to: handle, receipt for, or have custody of money, checks or securities; authorize (or make appropriations for) expenditures; approve, certify, sign or countersign checks, drafts, warrants, vouchers; maintain or audit accounts of money, checks, or securities; or take physical inventories of money, checks, or securities.
2. An annual review of the Porter County, Indiana, Sexual Offender Registry or a federal sexual offender registry will be conducted to determine if any registered sex offenders are working or enrolled at Valparaiso University.

## C. Purpose of the Criminal Background, Credit, and Sexual Offender Registry Review

1. The University will use the information obtained through a criminal background check to determine the prospective employee's ability to perform the functions of the job and for the safety or well-being of the university's students, other employees, and visitors.
  - a. Criminal history information will be used only for the purpose of evaluating applicants for employment and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability, or age. A criminal history does not automatically exclude the prospective employee from consideration for employment.

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Effective January 1, 2013

2. The University will use the information obtained through a credit check to determine if the prospective employee has a consistent history of failing to manage finances and financial obligations, as managing such is a function of the job.
  - a. Credit information will be used only for the purpose of evaluating applicants for employment and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability, or age. A substandard credit history does not automatically exclude the prospective employee from consideration for employment.
3. The University will use the information obtained through a sexual offender review to determine if there are any students or employees that might pose a threat to other members of the university community, visitors on campus, or participants in university activities.
  - a. The information obtained will be used only for the purpose of evaluating the safety risk of a person in the registry and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability, or age.

#### D. Procedures for Implementing Criminal and Credit Background Checks for New Hires

1. Human Resource Services or the search firm hired to find candidates for the applicable position, is responsible for implementing all Criminal and Credit Background Checks for New Hires.
2. All advertisements and position descriptions subject to only a criminal background check shall indicate that the applicant will be subject to a criminal background check with the statement, *“Employment will require a criminal background check.”*
3. All advertisements and position descriptions subject to a credit and criminal background check shall indicate that the applicant will be subject to a credit and criminal background check with the statement, *“Employment will require a credit and criminal background check.”*
4. Prior to conducting a credit or criminal background check, the prospective employee must complete a “Candidate Consent and Disclosure Form.” The hiring department or search committee will return it to Human Resource Services. The hiring department or search committee is responsible for obtaining the signed consent form from the prospective employee. If the prospective employee declines to provide the consent for the check, he/she can no longer be considered for employment.

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5. Credit and Criminal background checks shall be conducted by an outside third party at the request of Human Resource Services. Human Resource Services will determine, based on the job description, if a driving background check (as part of the criminal background check) or credit check is necessary.
6. If the prospective employee is hired, the results of the credit or criminal background check shall be kept in the employee's official personnel file.
7. If the prospective employee is not hired, the results of the credit or criminal background shall be maintained in Human Resource Services for three years from the date of the decision not to hire.
8. The resulting credit and/or criminal background check report shall be reviewed by Human Resource Services. If any negative information is found in any report, as defined below and determined by Human Resource Services, in consultation with the General Counsel, a three person committee consisting of a Human Resource Services director, manager, or officer, General Counsel, and the University police chief shall review the report, gather additional information that may be relevant and readily available, review the job duties and determine if the negative information will negatively affect the prospective employee's ability to perform the job, or if the information tends to indicate that the prospective employee might pose a danger to others and make a recommendation to the appropriate Vice President or to the President, if applicable. When formulating its recommendation, the committee shall also take into account the lapse of time from when any criminal offense occurred and any evidence that indicates rehabilitation.
  - a. Negative information is information from a criminal background check indicative of any criminal background, a driving record (if the applicant will be driving an automobile on behalf of the University as a regular function of the job), or information from credit check indicative of a consistent history of failing to manage credit or financial obligations.
9. If information identified from the background check is going to be used to disqualify the candidate, Human Resource Services, or its delegee, will send the applicant a Pre-Adverse Action Notice and a copy of "*A Summary of Your Rights Under the Fair Credit Reporting Act*" as required by the Act. A final employment decision shall not be made by the hiring department or search committee until seven (7) days after the Pre-Adverse Action Notice has been sent out, giving the applicant enough time to protest the checks' results or claim they are in error. Once the final employment decision is made, Human Resource Services, or its delegee, will send the applicant an Adverse Action Notice or any notice, as required by the Act.

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## E. Procedures for Implementing the Sexual Offender Registry Review

1. By law, any sexual offender (as defined by law) who works or enrolls at Valparaiso University must register with local law enforcement. Upon registering, that person's name will appear in the Porter County, Indiana Sexual Offender Registry.
2. Every year, the names in the registry will be cross referenced with the names of employees and students in the University's database to determine if there are any employees or students in the registry.
3. If a student is in the registry, a three person committee consisting of the General Counsel, Vice President for Student Affairs, , and the University police chief will meet. The committee will review the information about the student in the registry; gather additional public information if necessary; review any relevant applications to determine if the student falsified their application by not disclosing the purported crime that resulted in their registration in the registry; determine if the student may pose a danger to others on campus; and make a recommendation to the appropriate Vice President or to the President, if applicable, on how to proceed. Recommendations may include immediate suspension, termination, or prohibit the person from living on campus or participating in certain university events or activities.
4. If an employee is in the registry, a three person committee consisting of the Human Resources director, manager, or officer; General Counsel; t and the University police chief will meet. The committee will review the information about the employee in the registry; gather additional public information if necessary; review any relevant applications to determine if the employee falsified their application by not disclosing the purported crime that resulted in their registration in the registry; determine if the employee may pose a danger to others on campus; and make a recommendation to the appropriate Vice President or to the President, if applicable, on how to proceed. Recommendations may include immediate termination.

### **CRIMINAL, DRIVING, AND CREDIT BACKGROUND CHECKS:**

- Must be completed *before* hiring a new employee, as applicable. However, on a limited and necessary basis, the relevant Vice President or Provost may hire a new employee

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without the proper background check but their continued employment shall be contingent upon being subject to a credit or criminal background check, which shall take place as soon as practical, and passing it as otherwise required under this Policy.

### ***The Process***

1. During the interview process, each finalist must fill out a Candidate Background Check Consent Form. This will include consent to conduct a criminal (including driving) background check and credit check.
2. The completed form must be immediately returned to Human Resource Services in Kretzmann Hall, Room B7 or may be e-mailed or faxed to Human Resource Services.
3. After choosing a candidate for hire, contact Human Resource Services office to run the background check. Human Resource Services will determine, based on the job description, if a driving background check (as part of the criminal background check) or credit check is necessary.
4. Checks *typically* take 3-4 business days to process. An additional 5-7 business days may be needed if the check results in negative information.
5. Human Resource Services or the applicable Vice President (or Provost) will notify the administrator in charge of hiring the applicant and inform them if it is appropriate or not to go forth with job offer. Results of the background checks will not be discussed.
6. Human Resource Services, or its delegee, is responsible for sending the applicant any required Pre-Adverse Action or Adverse Action notices as required by law.

### **DRIVING BACKGROUNDS**

As set forth above, applicants and employees being promoted or transferred to a position where the person is required to drive a vehicle on behalf of the University as a regular function of the job will be subject to a driving background check. Also, all employees that drive an vehicle on behalf of the University as a regular function of the job will also be subject to a driving background check on a routine basis. The following shall be used as guidance to determine if an applicant/employee is qualified for a position that requires driving on a regular basis. If a driver's record contains one of the following violations within the past three (3) years, he/she is ineligible to serve as an institution driver:

- a. Driving under the influence of alcohol/drugs
- b. Failure to stop/report an accident
- c. Reckless driving

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- d. Driving while impaired
  - e. Making a false accident report
  - f. Homicide, manslaughter, or assault arising out of the use of a vehicle
  - g. Driving while license is suspended/revoked
  - h. Speeding contest
  - i. Attempting to elude a police officer
- Also, should a record that falls outside of the number of accidents or violations below:

# of Moving Violations Within the Past 3 Years	# of At-Fault Accidents Within the Past 3 Years			
	0	1	2	3
0	Yes	Yes	No	No
1	Yes	Yes	No	No
2	Yes	Yes	No	No
3	Yes	No	No	No
4	No	No	No	No

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