



CRIMINAL BACKGROUND REPORT PROCEDURE FOR SPA POSITIONS

To provide a safe learning and working environment for our students, staff and faculty, the Human Resources Department has established the following procedure through which a criminal background report will be acquired for any applicant who 1) is not currently a UNC Charlotte employee, and 2) has been selected as the final candidate for a full-time or part-time permanent SPA position at UNC Charlotte.

Procedure

1. Employment materials, including Job Vacancy Listings, websites, and employment applications will advise applicants that a criminal background report will be completed on any individual who is selected as the final candidate for the position.
2. All applicants who complete an application for employment for an SPA position at UNC Charlotte will be required to answer the question: "Have you ever been convicted of an offense against the law (other than a minor traffic violation)?" The employment application contains a disclaimer that states, "A conviction does not mean that you cannot be hired. The offense and how recently you were convicted will be evaluated in relation to the job for which you are applying."
3. Disclosure/Authorization Statements for the procurement of criminal background reports (Attachment A) will be provided to applicants so that they can submit the Statements at the time they submit employment applications. Once the final candidate has been selected, the Human Resources Department will initiate procurement of the final candidate's criminal background report. A candidate's signed Disclosure/Authorization Statement must be obtained before the criminal background report is initiated. Refusal to provide a Disclosure/Authorization Statement will be considered sufficient grounds to discontinue any employment consideration for that candidate.
4. Every job offer will be conditional until a criminal background report is reviewed and the appropriate University official determines that no adverse action will be taken based upon information contained in the criminal background report.
5. A Human Resources designee will review the results of the criminal background reports to determine whether the candidate should work at UNC Charlotte. If a candidate's criminal background report reveals information that the Human Resources designee deems relevant to the candidate's appropriateness as an employee of UNC Charlotte, the designee will discuss the criminal background report with the hiring department. The following factors will be taken into consideration in determining whether the candidate should work at UNC Charlotte: 1) the relevance of the conviction to the duties and responsibilities that would be assigned to the candidate if hired, 2) the dates of any convictions, and 3) the candidate's record since the date(s) of the conviction(s).

6. To ensure that false or erroneous information has not been transmitted in a criminal background report, and to comply with the Fair Credit Reporting Act (FCRA), the Human Resources Department will inform SPA candidates of the criminal background report results if an adverse action, based upon information revealed in a criminal background report, is being contemplated. The Human Resources Department will provide the candidate pre-adverse action notification (Attachment B) along with a copy of the report and a copy of the candidate's rights under FCRA. The notification, report and description of rights will be sent via overnight express mail. The candidate will be given an opportunity to address the matters revealed in the criminal background report. The Human Resources Department will wait five (5) business days from the date the overnight mail is sent before making a final adverse employment decision. Once it is determined that a candidate may not be extended an offer of employment based upon information revealed in a criminal background report, the hiring department will be notified so that it may begin selection of another final candidate.
7. Once it is determined that a candidate will not be extended an offer of employment based upon information revealed in a criminal background report, the Human Resources Department will notify the hiring department of the decision and ask them to select another final candidate. The Human Resources Department will notify the candidate of the adverse action. If a conditional offer of employment has been made for an SPA position, the Human Resources Department will notify the candidate that the offer of employment is withdrawn. Notices to candidates must be sent via overnight express mail and contain the following information:
 - a) The name, address, and telephone number of the Consumer Reporting Agency (CRA) that provided the report, including a toll-free telephone number if the CRA compiles and maintains files on consumers on a nationwide basis.
 - b) A statement that the CRA did not make the adverse decision and is unable to give specific reasons why the adverse decision was made.
 - c) Notification that the candidate has the right to:
 - i. Obtain a free copy of the report from the CRA for sixty (60) days
 - ii. Dispute with the CRA the accuracy or completeness of any information provided in the report.
8. Should the criminal background report reveal criminal convictions that the candidate did not self-disclose, such falsification of the employment application will be considered sufficient grounds to discontinue any employment consideration for that candidate.

Position # _____

Department/Unit # _____

Attachment A

DISCLOSURE AND AUTHORIZATION STATEMENT

I understand that by this document the University of North Carolina at Charlotte discloses that a criminal background check may be obtained as part of my pre-employment background investigation or after employment has begun under a contract which makes employment contingent upon completion of a criminal background check. A consumer or credit reporting agency that has a contractual relationship with the University will provide this report. I understand that a criminal record does not necessarily eliminate a candidate from employment with UNC Charlotte. Each criminal background will be reviewed with respect to the nature and seriousness of any offenses in relation to the position for which a candidate has applied.

By signature on this document, I authorize UNC Charlotte to procure a criminal background report from a consumer or credit reporting agency and I hereby release the University of North Carolina, UNC Charlotte, the State of North Carolina, members of their boards, officers, employees, agents, and representatives from all liability or responsibility for this investigation. I further authorize any party or agency contacted by UNC Charlotte or its agent to furnish criminal background information and hereby release all such parties involved from any liability and responsibility for damages for having furnished such information in good faith.

I understand that the information requested below regarding sex, race, and date of birth is for the sole purpose of gathering the above-mentioned information about me accurately, and that it will not be used to discriminate against me in violation of the law. I understand that provision of my social security number on this form is voluntary and is for the sole purpose of obtaining a criminal background report. A facsimile or photographic copy of this authorization will be as valid as the original.

Applicant's Full Legal Name (Print)

Social Security Number

Maiden or Other Name Used

Driver's License Number/State

Current Street Address

Date of Birth/Race/Sex

City, State, Zip, County

Applicant's Signature

City(ies)/County(ies)/State(s) Where Applicant Has Lived During Past Ten Years

Attachment B

VIA OVERNIGHT EXPRESS MAIL

Dear _____;

Enclosed please find a copy of your criminal background report we have obtained as part of the UNC Charlotte employment application process. Also enclosed, you will find a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." An adverse employment decision may be made based upon the information revealed in your criminal background report. Please read the report and the Summary carefully. If you wish, you may respond in writing to the information revealed in the report. I must receive this written response via mail at [address] and/or facsimile [fax number] within five (5) business days of your receipt of this letter. Please contact me with any questions at (704) _____.

Sincerely,

[_____]

Attachment C

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DATE

Dear Mr./Ms. _____:

We regret to inform you that, based on our hiring criteria, we are unable to consider you for employment opportunities with the University of North Carolina at Charlotte. This decision was made in part due to information we received from a private agency [] that provides criminal background reports to UNC Charlotte. [] did not make this employment decision and is unable to provide you with the specific reasons for it.

You may obtain a free copy of the criminal background report from [] within sixty (60) days of receipt of this letter. You have the right to dispute the accuracy and/or completeness of information contained in the report by contacting [] at:

[]

Any dispute regarding the information on your report must be resolved with the agency above.

Again, we appreciate your interest in employment with UNC Charlotte.

Sincerely,

[]