

ILLINOIS STUDENT ASSISTANCE COMMISSION

Policy/Procedure/System Criminal Background Check		PPD #420 Page 1
Division/Department HRD	Category Employment	Effective Date: 4/18/08 Revision Date: 1/1/11
Originator(s) Vicki Baba Joanne D. Tolbert	Approved By John Sinsheimer	

1.0 PURPOSE OF CRIMINAL BACKGROUND CHECKS

Criminal background checks serve an important purpose in the selection process for new hires, transfers and promotions at ISAC. Criminal background checks assist in promoting a safe working environment for current and future staff and ensure the protection of confidential and private information related to ISAC, its various functions, its business partners and its student borrowers.

2.0 SCOPE

Criminal background checks will be required for all new hires for full-time and part-time positions, both classified and exempt, contract workers, and temporary staff.

3.0 POLICY

ISAC will ensure that all criminal background checks are conducted in compliance with federal and state laws and regulations.

- 3.1 Job postings and/or advertisements for all positions will include a notice that applicant(s) must consent to a criminal background check.
- 3.2 Human Resources management will review the results of all criminal background checks. If a background check reveals a conviction, an internal review committee (hereafter referred to as the IRC), comprised of the Interim Director of Human Resources / EEO Officer, the Deputy Executive Director, and the General Counsel (or designee) will review and recommend the applicant's or employee's continued eligibility for hire, reassignment, or promotion through posting or desk audit. Recommendations will be presented to the Executive Director for review and approval.


4.0 PROCEDURES

ISAC will obtain criminal background check results through the Illinois State Police or an approved vendor. All costs associated with the background checks will be the responsibility of ISAC.

4.1 New Hires:

Applicants will be informed at time of application that a criminal background check will be required. Applicants being considered for Community Worker or other outreach positions will be required to submit to fingerprinting and any additional testing as required by the local school district or schools to which they are assigned. An applicant

ILLINOIS STUDENT ASSISTANCE COMMISSION

Policy/Procedure/System		PPD #420
Criminal Background Check		
Division/Department HRD	Category Employment	Page 2
Originator(s) Vicki Baba  Joanne D. Tolbert	Approved By John Sinsheimer	Effective Date: 4/18/08 Revision Date: 1/1/11

can receive a conditional offer for hire, with the understanding that s/he will have to undergo a criminal background check.

4.1.1 Applicants will be expected to sign a Request for Release of Information Form (Attachment B) and provide other relevant information to complete a criminal background investigation.

4.1.2 An applicant's failure to disclose a criminal conviction on the employment application will be considered falsification of records. Such actions may be grounds for ISAC's refusal to consider the application and withdraw a job offer.

4.2 Current ISAC Employees:

All current employees will be asked to annually certify whether or not they have been convicted of a misdemeanor or felony within the past year. (See Attachment A, Annual Criminal Background Check Certification).

Rehired employees must authorize and consent to the release of information to ISAC (Attachment B) and provide other relevant information. In addition, current employees will be required to sign the Annual Criminal Background Check Certification (Attachment A). A current employee's failure to disclose a criminal conviction on an employment application or on the Annual Criminal Background Check Certification will be considered falsification of records, which is subject to disciplinary action up to and including dismissal or discharge.


4.3 Consequences if Criminal Conviction Revealed:

The existence of a conviction does not automatically disqualify an applicant or existing ISAC employee from hire, reassignment, or promotion. If the criminal background check reveals a conviction, the IRC will review and determine the applicant's or employee's continued eligibility for hire, reassignment, or promotion through posting or desk audit (only if the latter is initiated by the employee).

The IRC will consider the following factors in determining whether an external applicant or current ISAC employee with a criminal conviction will qualify to be hired, reassigned, or promoted through posting or desk audit:

- Nature and gravity of the conviction
- Relationship the conviction bears to the duties and responsibilities of the position
- Time elapsed since the conviction and/or incarceration
- Number of convictions

ILLINOIS STUDENT ASSISTANCE COMMISSION

Policy/Procedure/System		PPD #420
Criminal Background Check		
Division/Department HRD	Category Employment	Page 3
Originator(s)	Approved By	Effective Date: 4/18/08 Revision Date: 1/1/11
Vicki Baba  Joanne D. Tolbert	John Sinsheimer	

Current ISAC employees with prohibited criminal convictions may be subject to disciplinary action, up to and including dismissal or discharge. Decisions will be based upon a number of factors considered by the IRC, including (without limitation) the factors described above. In addition to those factors, the IRC will consider: 1) whether the conviction occurred during the employee's tenure with ISAC; 2) if the employee revealed the conviction on the original employment application; or 3) if the employee disclosed the conviction on the Annual Criminal Background Check Certification (Attachment A).

4.4 **CONTESTING THE BACKGROUND CHECK RESULTS AND IRC DECISION**

External applicants and current employees will be advised if the criminal background check reveals a conviction. External applicants who contest the results of background check must contact the external vendor to contest the results. Instructions on how to contest a criminal background check with the third-party who conducted the check will be provided to the applicant/employee.

Current ISAC employees may contest the eligibility determination of the IRC, by submitting a written letter of contest to the Deputy Executive Director within two (2) calendar days after being notified of the eligibility results. The Deputy Executive Director will review the contest letter and provide a final determination, in writing, within a reasonable time after receipt of such request, but no later than fourteen days (14) days. The final determination may indicate that additional time is necessary to review the applicant's or employee's written letter of appeal. In that case, the Deputy Executive Director will identify the estimated date s/he will deliver the final determination.


ISAC may place current ISAC employees on a paid administrative leave pending the final determination of the Deputy Executive Director.

5.0 **CONFIDENTIALITY**

The Executive Director, Deputy Executive Director, General Counsel or their designee, and HRD management staff are the only persons authorized to review criminal background check documents or have knowledge of the specific nature of convictions. Division management will not be: 1) informed if an applicant or employee's background check reveals a conviction; 2) entitled to review the criminal background check documents; nor 3) made aware of the specific nature of or any details concerning any convictions.

5.1 All documents related to the background check process will be retained by Human Resources.

ILLINOIS STUDENT ASSISTANCE COMMISSION

Policy/Procedure/System Criminal Background Check		PPD #420 Page 4
Division/Department HRD	Category Employment	Effective Date: 4/18/08 Revision Date: 1/1/11
Originator(s) Vicki Baba  Joanne D. Tolbert	Approved By John Sinsheimer	

Attachment A: Criminal Background Check Policy Certification Form

Attachment B: Request for Release of Information



ILLINOIS STUDENT ASSISTANCE COMMISSION

Criminal Background Check Policy Certification Form

As stated in PPD# 420, criminal background checks serve an important purpose in the selection process for new hires, transfers and promotions at ISAC. Criminal background checks assist in promoting a safe working environment for current and future staff and ensure the protection of the confidential and private information related to ISAC, its various functions, its business partners and its student borrowers.

In accordance with by PPD# 420, I certify that:

1. I have read and understand the Criminal Background Check Policy (PPD# 420).
2. I have/have not (circle one) been convicted of any crime (felony or misdemeanor) within one (1) year prior to the date of this Certification. If yes, please explain below or on the reverse side of this form, if necessary.

Note: A criminal record will not necessarily bar your continued employment with ISAC. ISAC takes several factors into account when making a determination. They include: 1) the age of the conviction; 2) the time since release from incarceration; 3) the nature and gravity of the conviction; and 4) the relationship between the conviction and the job at issue. Misrepresentations or omissions of fact in your response to this question may be a cause for immediate termination of employment.

Please sign below and return this form to HRD. It will be placed in your personnel file.

Signature

Date

Print Name

REQUEST FOR RELEASE OF INFORMATION

TO: Director
Illinois State Police

I, _____, do hereby authorize the Illinois State Police to release information relative to the existence or nonexistence of any criminal record which it might have concerning me to any Department of the State of Illinois solely to determine my suitability for employment or continued employment with the State of Illinois. I further authorize any agency which maintains records relating to me to provide same on request to the Illinois State Police for the purpose of this investigation.

I certify that the Illinois State Police, and its officers or employees who furnish this information concerning me, and any agency and its officers and employees which provides these records to the Illinois State Police, shall not be held accountable for giving this information. I do hereby release and save harmless the Illinois State Police, its officers and employees, and any other agency and its officers and employees which provides records concerning me for the purpose of this investigation, from any and all liability which may be incurred as a result of releasing such information.

A photocopy of this release form will be valid as an original thereof, even though the said photocopy does not contain an original writing of my signature.

I have read and understand the contents of this Request for Release of Information.

Witness

Signature (include maiden name)

Address

City, State

Zip Code

Date of Birth

Social Security Number

Driver's License Number

COMPLETE AND SIGN BOTH SIDES FOR THIS FORM

APPLICANT BACKGROUND INFORMATION

Please complete the following question:

Have you ever been convicted of a criminal offense other than a minor traffic violation?

Yes

No

If you answer to the foregoing question is "yes," please provide a detailed statement for each such occurrence.

Signature

Date _____

Complete and sign both sides of this form.