

# UIC POLICIES AND PROCEDURES

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MANUAL Human Resources	SECTION Employment Guidelines	PAGE 1 of 4
SUBJECT Criminal Background Checks – Applicants Selected for Security Sensitive Positions		EFFECTIVE 04/01/1997
		REVISED 06/25/2007
ISSUED BY Vice Chancellor for Human Resources	APPROVED BY Chancellor	

## PURPOSE

To ensure compliance with the State of Illinois Campus Security Act “Act” for positions identified as being security sensitive, and for the Medicare-Medicaid Anti-Fraud and Abuse Amendments and any other governmentally mandated programs requiring certification of non-exclusive backgrounds, by conducting criminal/sanctions background checks on all UIC prospective employees defined by the University of Illinois Board of Trustees as “related employees” and the Medicare Medicaid Anti-Fraud and Abuse Amendments and any other governmentally mandated programs requiring certification of non-exclusive backgrounds, employees” who perform services for the health care component of the University, as approved on July 17, 2003.

## SOURCES AND BACKGROUND

State of Illinois Campus Security Act  
State of Illinois Health Care Worker Criminal Background Check Act  
Uniform Criminal Information Act (UCIA)  
Medicare-Medicaid Anti-Fraud and Abuse Amendments  
Civil Penalties Law  
Medicare-Medicaid Patient and Program Protection Act  
Balanced Budget Act

## APPLICABILITY

All applicants considered for UIC faculty, academic professional support staff and student positions that have been identified as security sensitive will undergo a criminal background check and if the position is additionally identified as requiring certification of non-exclusive backgrounds, the applicant will undergo a sanction review.

Current employees working in positions requiring sanctions review as defined by the University of Illinois Board of Trustees on July 17, 2003, will undergo sanction review once every year.

## POLICY

UIC will not hire or retain individuals in any security sensitive/sanction position where risk to the campus may result. No person shall be hired into such a position at UIC until clearance of a criminal conviction/sanction check is received, with the exception of unusual circumstances. Given such circumstances and subject to approval by the appropriate vice chancellor or designee, an applicant may be conditionally hired into a position identified as security sensitive/sanction pending the results of the criminal/sanction background check.

The Human Resources Department, in conjunction with employing units, shall identify all positions within the campus that require security sensitive/sanction checks. A representative(s) of the Human Resources Department shall be designated to oversee compliance of these laws and shall serve as the Human Resources Criminal/Sanction Investigation Review Coordinator (HRCSIRC).

Applicants for security sensitive positions must be notified that UIC will request a criminal/sanction background check, must provide written authorization to conduct the check as a condition for employment, and will be informed of the right to obtain a copy of the criminal/sanction background check. If the criminal background check indicates a criminal conviction(s), applicants may challenge the accuracy and completeness of the report by requesting a fingerprint-based verification check by

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contacting the HRCSIRC within three (3) work days of receiving the conviction report results. Applicants who appear on the sanction listings may challenge the accuracy and completeness of the report by also contacting the HRCSIRC within three (3) working days of receiving the report results. Costs associated with criminal background checks will be paid by the employing unit. The cost for a fingerprint-based verification check will be the responsibility of the applicant (or conditionally hired employee).

If the check indicates criminal conviction/sanction activity, the applicant (or conditionally hired employee) will be denied employment in a position designated as security sensitive/sanction unless the vice chancellor responsible for the employing unit agrees to seek a review by the Conviction Records Review Committee (CRRC) to determine if employment in that security sensitive position is appropriate and consistent with UIC policy. The CRRC will review the results, giving consideration to the circumstances of the conviction, requirements of the security sensitive/sanction position, and UIC conviction review guidelines and procedures, and will make a recommendation to the vice chancellor responsible for the employing unit. The vice chancellor will review the CRRC recommendations and render a decision. The decision of the vice chancellor responsible for the employing unit is considered final.

Criminal activity as defined in Section 25 of the State of Illinois Health Care Worker Criminal Background Check Act may be a bar to employment at UIC under the Campus Security Act. Applicants/employees appearing on sanction listings are excluded from participation in federal or state healthcare programs because of having engaged in fraud, abuse or misconduct as well as any other mandated governmental exclusion listing, will be barred from employment at UIC.

## PROCEDURES

### RESPONSIBILITY

1. Human Resources Criminal/Sanction Investigation Review Coordinator (HRCSIRC)
2. Applicant
3. HRCSIRC
4. Vendor

### ACTION

Coordinates with units/departments/Vice Chancellors the identification of security sensitive/sanction positions, prepares forms needed to inform applicants of provisions of the Campus Security Act and the Medicare-Medicaid Anti-Fraud and Abuse Amendments, to obtain appropriate applicant authorization for criminal/sanction background checks, and coordinates the distribution of forms to applicants.

Completes the conviction/sanction check authorization form and returns it to the Human Resources Employment Office or designated employing unit representative for submittal to the HRCSIRC.

Submits list of individuals requiring a criminal/sanction background check to vendor. Coordinates entire process with vendor, including tracking submissions and informing departments and applicants of the results.

Processes criminal conviction check to Illinois State Police and initiates conviction check through the United States District Court, Northern District of Illinois and the sanction

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5. HRCSIRC

review through the Office of the Inspector General List of Excluded Parties Listing System and the Specially Designated Nationals list.

If conviction/sanction check does not identify any conviction(s) or appearance on the excluded listings, notifies HRCSIRC of results and notifies applicant by mail.

If conviction/sanction check does identify conviction(s) or appearance on the excluded listings, notifies only the HRCSIRC. (Convictions that will be reported include Class A and B misdemeanors and all felonies.

Regarding an applicant (or conditionally hired employee) with no convictions - Informs vice chancellor responsible for employing unit.

Regarding an applicant (or conditionally hired employee) with conviction(s) or appearance on the excluded listings - Provides confidential notification of the check results to the applicant (or conditionally hired employee) and the appropriate vice chancellor or designee. Informs applicant (or conditionally hired employee) of option to request a fingerprint-based verification check.

6. Applicant (or Conditionally Hired Employee) with Conviction

May request fingerprint verification of vendor findings within three (3) work days of obtaining conviction report through the HRCSIRC. The HRCSIRC will inform the employee on how to obtain necessary fingerprints through the Illinois State Police. Costs associated with the fingerprint verification check will be the responsibility of the applicant (or conditionally hired employee). HRCSIRC will inform applicant (or conditionally hired employee) of the fingerprint check results.

7. Applicant Appearing on Sanction Listings

Applicants appearing on sanction listings may challenge the accuracy and completeness of the report by contacting the appropriate federal or state agency.

8. Vice Chancellor Responsible for Employing Unit

Will determine if applicant (or conditionally hired employee) identified as having a criminal conviction(s) or appearing on the sanction listings should be given further consideration for employment. If further consideration is granted, will authorize a review by the CRRC.

9. CRRC

If review of conviction record is approved by the vice

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10. Vice Chancellor Responsible for Employing Unit

chancellor responsible for the employing unit, will consider the circumstances of the conviction, requirements of the security sensitive position, and UIC conviction review guidelines and procedures. Will make a recommendation to the vice chancellor.

CRRC will be comprised of Associate Vice Chancellor for Human Resources (AVCHR) or designee, Chief of Police or designee, and one additional member to be selected by the AVCHR.

Will render decision based on the recommendations of the CRRC. All decisions rendered by the vice chancellor are considered final.