



BACKGROUND CHECK GUIDELINES

Every prospective hire, whether full-time, part-time, regular or temporary, must undergo a mandatory criminal background check as part of the new hire process. Our offers of employment are contingent upon the clearance of this check. The background check has a 7-year “look-back”, and covers the following searches:

SSN Trace: This trace not only confirms, or tries to confirm, the applicant’s identity, but also locates jurisdictions where the applicant has resided within the past 7 years.
County Court Search: Each County Court where the applicant resided is checked for criminal records, as well as New Castle County regardless of residency. New Castle County is added to each check based on our large student employee population who lives in New Castle County, but may not officially have residency in Delaware.
Federal Court Search: Each Federal District Court based residency is checked for criminal records.
Locator Select: Nationwide search for arrests that might be pending adjudication, or might be through the prison system. (Probation and Parole, etc.)
DOJ Sex Offender Search: Nationwide sexual offense registry search.
Enhanced Nationwide Criminal Search: Comprehensive search, to capture records in a jurisdiction where an individual has neither lived nor established credit.

The Human Resources Background Check Coordinator initiates the background check via our third party vendor, Sterling. The process begins with the Coordinator sending an email invite to the prospective hire. Once the check has been completed, the results are processed by the Coordinator.

All checks with an arrest “pending adjudication” status or checks with misdemeanor and felony convictions are reviewed by the Coordinator. This review entails a discussion with the prospective hire. All communications, written and verbal, are in keeping with FCRA and EEOC regulations.

In cases involving misdemeanor convictions, the Coordinator reviews the results, and then offers guidance to the hiring manager on the hiring determination. The hiring manager makes the final decision. In cases involving felony convictions, a Felony Review Panel is convened to review the charges and to determine if the prospective hire should be cleared to work at the University of Delaware. The Felony Review Panel includes an HR employee and members of the UD community. The decision of the panel is final. The Office of General Counsel is kept apprised of any felony convictions that may cause risk to the university.

In addition to the background check mentioned above, additional checks are required for employees who interact with minors. The checks are in keeping with the University’s Protection of Minors Policy, Joseph R. “Beau” Biden III Child Protection Act, and other Delaware state child protection laws.

A minor is defined as a person who has not reached their eighteenth birthday, and for the purpose of this guideline document does not include a person who is enrolled full-time or part-time as a matriculated or continuing education student at the university.

To accurately capture the population of new hires that require the protection of minors clearances, we have implemented changes to our Talent Link system. These changes are as follows:

- Inclusion of language in the job description
- Addition of a question in the TL job card related to interactions with minors

We have several circumstances where UD employees interact with minors. These situations are described below.

I. Employees working with external entities at off-campus locations

Examples:

- K-12 Schools
- Child Care Centers



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Background Checks Required:

- Employees must meet the requirements of the school/district or outside entity.
- Employees, volunteers, etc. must satisfy those requirements prior to conducting work off campus with minors.

UD Procedures Required:

- The program does not need to go through the POM registration process.
- The home departments, OEI, and HR do not need to obtain and store copies of the background checks.

Who Pays:

- Employee or External Entity: No reimbursement from UD

Responsible Parties:

- For UD Employees:** Responsibility falls to the school/district/or child care facility to ensure that all the required background checks are completed. Once the person has provided their documentation to the school/district usually they are provided a letter/email stating they have been cleared and met the requirements of the school/district.
- For UD Students:** If a UD student has a field placement for a program/course associated with UD and that includes interaction with minors at an off-campus location, they must go through the Office of Clinical Studies to complete the required clearances for off-campus field placements. For additional information, please visit the Office of Clinical Studies' website at <https://www.ocs.udel.edu/> or contact a member of the OCS team via email at clinicalstudies@udel.edu.

II. Employees working in UD affiliated sites

Examples:

- Early Learning Center: registered as childcare provider/facility
- Lab Preschool: registered as a childcare provider/facility
- The College School: registered as a Delaware private school
- New Directions Early Head Start

UD Procedures Required:

- The program does not need to go through the POM registration process.
- The home departments, OEI, and HR do not need to obtain and store copies of the background checks.

Who Pays:

- The Criminal Background Check (Sterling) is done at time of hire. UD HR pays for the check.
- ELC:** The Office of Child Care Licensing pays for the background clearances.
- College School:** The College School has been a bit inconsistent in the reimbursement process. The College School has provided reimbursement in cases where a student has struggled to pay for the additional check.
- Lab School:** The state (Office of Childcare Licensing) covers the cost of the fingerprint background check.
- New Directions Early Head Start:** New hire pays for the initial fingerprint background necessary for employment. The unit pays for the subsequent checks done every 5 years.

Responsible Parties:

- Entities are licensed with the state, and must adhere to state licensing requirements for childcare facilities.
- Responsibility falls to the entity to ensure that all the required background checks are completed.



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III. Employees and volunteers working on-campus locations

Examples:

- Minors participating in research studies without a parent/legal guardian present
- UD Clinics without a parent/legal guardian present
- Hiring of high school students to work/volunteer in a program or lab
- Summer Camps, including Athletic Camps, Pipeline Program (CHS), Echo (previously Tide) Camp (CEOE)
- HOSA Event Days (CHS), 4H Summer Camp (CANR Cooperative Extension)
- After-School program – K-8 (CANR)
- School of Music Instrument lessons for minors without a parent/legal guardian present
- Community Music School

Background Checks Required:

- State/County Criminal History Check (10-year “look-back” period)
- Criminal background check through the Delaware Justice Information System (DELJIS)
- Child Protection Registry Check through the Department of Services for Children, Youth and their Family (DSCYF)
- Protecting Youth Training

UD Procedures Required:

- Program should be registered per the Protection of Minors Policy, <https://sites.udel.edu/oei/protection-of-minors-policy/> with OEI. All questions related to the policy should be directed to protectionofminors@udel.edu.
- Once registered, all employees, volunteers, student workers associated with the program need to complete the required training and certify the clearances noted on the Protection of Minors website according to the POM policy.

Who Pays:

- UD HR pays for all clearances.
- HR/OEI also runs the clearances for camps organized by an external entity but held on UD premises. The external entity may be required to provide reimbursement to the university.

Responsible Parties:

- All clearances related to on-campus activities and related to UD work, goes through OEI.
- Any felony convictions are reviewed by the Felony Review Panel.
- When Idealogic is implemented, the Background Check Coordinator will have access to view these clearances.

Relevant Policies Related to Background Checks:

Criminal Background Checks

<https://sites.udel.edu/generalcounsel/policies/criminal-background-checks/>

Protection of Minors—Programs for Minors on University Property or in University Facilities Sponsored or Organized by the University

<https://sites.udel.edu/generalcounsel/policies/protection-of-minors-programs-for-minors-on-university-property-or-in-university-facilities-sponsored-or-organized-by-the-university/>

Protection of Minors—Programs for Minors on University Property or in University Facilities Sponsored or Organized by Third Parties

<https://sites.udel.edu/generalcounsel/policies/protection-of-minors-programs-for-minors-on-university-property-or-in-university-facilities-sponsored-or-organized-by-third-parties/>