Commonly Asked Questions

Q: Can an application form ask if I have had a conviction record expunged?
A: Yes, in some circumstances. Application for admission to the practice of law and a number of other professions can require disclosure of an Expungement.

Q: When an application form asks whether I have ever been arrested, how should I answer when I was “arrested” but received “Court supervision”?
A: This is a sneaky question. You have not been “convicted”, but you have been “arrested”. Seek an Expungement as soon as statutorily possible so you can legally answer the application with a “no”.

Q: Can I be denied rental housing based upon criminal conviction?
A: In Urbana, it is a violation of the Human Rights Ordinance to deny rental property based upon criminal conviction; in Champaign, it is similarly unlawful, unless you were convicted of a forcible felony; a felony drug offense; or sale, manufacture, or distribution of illegal drugs if you have not lived outside of prison for at least 5 consecutive years.

Public Housing, the University of Illinois, and most states and municipalities do not protect you against rental discrimination even for such minor offenses as underage drinking. Nothing prohibits landlords from asking about criminal convictions on a rental application in Champaign or Urbana.

Notes:

THIS PAMPHLET DOES NOT CONSTITUTE LEGAL ADVICE. STUDENTS WHO ARE CONFRONTED WITH LEGAL PROBLEMS OR WHO NEED SPECIFIC ADVICE ARE ENCOURAGED TO SEEK ASSISTANCE FROM A LICENSED ATTORNEY AT STUDENT LEGAL SERVICE.
It is generally lawful for employers to consider a potential employee's arrest or criminal record in making hiring decisions. A few states and municipalities do restrict use of criminal history, but they are rare exceptions to the general rule.

If you have an arrest record or record of conviction in Illinois, you should first determine if you are eligible to have the records expunged. While expungement does not cleanse your record for all purposes, it can lessen the impact of potential disclosure.

Assuming the record has not or cannot be expunged, there is still no need to panic. A single arrest or conviction for underage drinking is unlikely to cause an employer to reject you, whereas multiple convictions for this offense might give an employer cause for a more serious evaluation of your background.

It is important to evaluate the nature of the offense. Employers are generally looking for patterns of behavior rather than a single isolated minor infraction. A theft conviction, even if it was for shoplifting a pack of cigarettes, will be taken more seriously if you are applying for a banking job than would a loud noise violation.

The nature of the job and the offense are critical considerations. Know your offense and the nature of the job before you submit your application. The more serious the offense, the more likely the employer will be very cautious in hiring you.

Criminal arrests/convictions arising from previous employment are perhaps the most difficult context to overcome, but it is not impossible.

Before you begin your job search

✓ What types of jobs can you apply for at the present time? Consider the length of time that has passed since your criminal conviction.

✓ What is the nature of the arrest/conviction and how is it related to the responsibilities and duties of the job?

✓ Do not be too picky about your first few jobs. Focus on building your resume with new skills and employer references. Summer jobs successfully completed can diminish the impact of a criminal record with future permanent employers.

✓ A degree from the University of Illinois is an impressive credential, so go forward with your education post-conviction and make sure your academic and extracurricular activities are exemplary.

✓ Network! Utilize professors, friends, relatives, and previous employers in your job search. A glowing recommendation increases the likelihood that an employer will take a chance on you.

✓ Successful internships and externships can provide you with skills, references, and proof that you are not a hiring risk.

✓ Participation in organizations such as the Peace Corps, VISTA Volunteers, and other such projects can go a long way toward rehabilitating a checkered past. While most of these programs require a real commitment of your time, their rewards can prove well worth the effort.

Dealing with the Interview

✍ Always be well dressed and well groomed; it is not how you feel, it is how you look.

✍ Be honest and open when asked about your criminal arrest record. Avoid defensive responses. Candid and, yes, even embarrassed, responses show your credibility and basic decency.

✍ Empathize with the interviewer’s concerns and then emphasize why you would be an asset to the employer. Let the interviewer know you regret the incident and explain why it will never happen again.

✍ As much as possible, steer the interviewer toward the positives of your life as it is now, rather than the regrettable incident of the past. Explain you have corrected your behavior and move on.

✍ If you have committed a particularly serious offense (i.e., a fraudulent or dishonest act), consider recommending or providing the Federal Bonding Program to the employer. The program is sponsored by the U.S. Department of Labor and allows the employer or employee to obtain a fidelity bond at no expense that indemnifies them for loss of money or property sustained through dishonest acts of their employees. The employer must first extend an offer of employment to you before a bond can be issued. Most bonds are for $5,000.00, but higher bonds may be issued if deemed necessary. For more information, contact:

**Federal Bonding Program**

1725 DeSales St., NW, Ste. 700
Washington, D.C. 20036
Phone: 1-800-233-2258