



Policy Number: IV.11  
Policy Level: Operating Policy  
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Reviewed: September 13, 2016  
Revised: February 19, 2018  
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Policy Owner: VP for Financial Affairs

Policy Implementation: CHRO/Assistant Vice President for Human Resources

## **Background Checks and Self-Disclosure of Criminal Convictions**

### **I. Policy Statement and Purpose**

In an effort to protect the welfare and safety of our students, faculty, staff, visitors, and University resources and to ensure the hiring of suitable individuals for positions at the University, the University has established this policy for the review and confirmation of qualification and background information on final candidates applying for positions at the University. The University may also utilize background checks in connection with existing employees, as set forth in more detail in this policy.

### **II. Background Checks**

#### **A. Background Checks on Candidates for Employment**

Background checks may include a search of information about an individual (including but not limited to an individual's criminal history, sex offender history, work qualifications, work history and motor vehicle record (MVR) check) from a variety of sources, including publicly available social media. In some cases, the University may elect to accept a current copy of a government clearance and/or teaching certificate in lieu of a background check.

A criminal background check will be performed by the University (or an outside vendor at the University's expense) on candidates who are selected for potential employment by the University for all regular and temporary administrative, faculty and staff positions.

For purposes of this policy, a "final candidate" for employment, a position, or a role is a candidate that is being considered beyond an initial review or qualification and is being seriously considered for placement for employment, a position, or a role. Whether someone is determined to be a "final candidate" for employment, a position, or a role is determined by the University official responsible for selection.

Candidates for employment and positions requiring a background check (who are not current employees of the University) will be advised that, prior to being selected, the candidate must successfully pass a background check. When a background check is required, candidates must complete an authorization form. Failure to timely complete an authorization may result in termination of the



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University's consideration of the candidate's application for or other pursuit of a position. Falsification or omission of information may result in denial of employment or discipline, up to and including termination.

All offers for employment (whether for full, part-time, or temporary employment) for a position are contingent upon a background check that is acceptable to the University.

## **B. Background Checks on Existing Employees**

As a general rule, existing employees will not be subject to the requirement of a background check. However, a satisfactory background check may be required for any existing employee who is considered for a transfer or promotion. (The award of tenure to a faculty member shall be deemed such a "promotion" under this policy.) In addition, background checks may be performed on final candidates for other positions and roles associated with the University, in which the responsibilities are deemed to be sensitive in nature or when a background investigation is required by law, such as in the following cases:

- \* Any position involving regular or unsupervised contact with minors
- \* Any position with access to University financial and/or sensitive information
- \* Any position involving the security or safety of persons or property

A background check may also be conducted where alleged misconduct of an existing employee has been reported and investigated. The background check of a current employee may impact the current employee's employment, particularly absent full self-disclosure in the application process by the current employee. An existing employee must complete an authorization form should a background check be required.

## **C. Self Disclosure of Criminal Convictions by Current Employees**

Any current employee convicted of a crime, other than a minor traffic violation, must advise the President of the University within ten (10) days of such conviction (or any such post-employment convictions that have not been disclosed at the time of the effective date of this policy). Upon reasonable suspicion that a current employee has been convicted of a crime, other than a minor traffic violation, the employee may be subject to a criminal background check. If the background



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check reveals an unreported conviction, the current employee will be subject to disciplinary measures for failure to report.

Any current employee convicted of a crime, other than a minor traffic violation, will be subject to disciplinary measures, up to and including termination. The continued suitability of the employee for employment by the University in light of the crime will be determined on an individualized basis, given, among other things, the nature of the job and the seriousness of the crime.

#### **D. Miscellaneous**

With respect to criminal conviction information provided from a background check, the University will conduct an individualized assessment of the final candidate, considering the nature of the crime, the remoteness of the crime, and the nature of the position.

No use of a background check by the University, or any decision made involving the use of the same, is subject to review under the [Employee Grievance Procedure](#) policy, except any personnel decision that is subject to appeal and review under the [Employee Grievance Procedure](#) policy remains subject to such appeal and review.

### **III. Responsibility for this Operating Policy**

#### **Policy Owner**

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the Vice President for Financial Affairs is the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every two years or more frequently as needed by the Policy Owner. Revisions will be reviewed/affirmed by the Cabinet and approved by the University President. This policy will be updated/published in the University's Policy Library.

#### **Responsibility for Policy Implementation**

The President has assigned the responsibility of implementing this policy to the CHRO/Assistant Vice President for Human Resources, under the direction of the Vice President for Financial Affairs.