

PROCEDURE NO. 623.1

Area: Human Resources

*Original signature on file in the
Office of General Counsel*

Adopted: June 21, 2019

Certified By: _____
Curtis Pettis, Vice President and CFO
Administration and Finance

Revision Date: April 26, 2024

SUBJECT: EMPLOYMENT BACKGROUND CHECK PROCEDURE

I. Responsibility

The University will conduct background checks on all newly hired employees and new volunteers. All candidates for full-time, part-time, and temporary assignments with the University, and all volunteers, must authorize the background check as part of the application packet. The background check includes an internal review by the University Police Department. An offer of employment or volunteer opportunity is contingent upon verifying the accuracy of the information provided by the candidate.

The background check results will determine suitability for employment or volunteer opportunity with the University. This same process applies to former employees who are rehired after a separation of one (1) year-or more, or individuals returning to volunteer after a break of one (1) or more years.

Background checks will include searches of criminal records, social security number, and sex offender registry in every instance. The hiring department will retain its obligation to perform reference and employment history checks or obtain copies of degrees, transcripts, licenses, or certificates required for a specific position. Individual departments may require additional checks relevant to the duties of specific positions. For example, a position with driving responsibilities may warrant a motor vehicle history check; a position in finance, accounting, and/or requiring access to University accounts and funds may warrant a credit check.

Department specific background check criteria must be in writing and approved by the Director of Human Resources. The authorization signed at the time of hire also authorizes the University to obtain additional background checks during employment, upon notification to the employee, under circumstances such as:

- Whenever the University learns that an employee is charged with or convicted of a crime (except for isolated and minor vehicle violations); and
- When an existing employee transfers into a lateral position, or is promoted, where additional information not needed in the original background check is now needed due to new responsibilities.

II. Background Check Reports

All background checks are conducted by a third-party service provider (or “vendor”). The University complies with all applicable federal and state laws, including but not limited to the Fair Credit Reporting Act.

The vendor forwards the background check report to the Office of Human Resources. The vendor also informs the candidate or existing employee of the results, provides the candidate or employee the opportunity to review the report, and informs the candidate or employee of their rights under the Fair Credit Reporting Act.

III. Background Check Results

If the results are satisfactory, Human Resources finalizes the hiring (or lateral/promotion) process.

If the results are unsatisfactory, the Office of Human Resources will consult with the department to determine the course of action.

- The candidate or employee will be notified of potential adverse action on the hiring or continued employment, or lateral transfer/promotion decision, and will be given an opportunity to challenge any misinformation in the report through the vendor.
- Additional consultation with the candidate/employee may also take place at this time.
- A final decision will be made at the conclusion of this process and the candidate or employee will be notified of the decision in writing.

IV. Individualized Analysis of Candidate/Employee

Upon receiving unfavorable criminal conviction information in a report, the University will consider each candidate or employee on a case-by-case basis in making hiring decisions for candidates, or continued employment or transfer/promotion decisions for employees. In doing so, the University will consider the following factors. The factors have no assigned weight and are not in any particular order:

- The facts or circumstances surrounding the offense.
- The number of offenses for which the individual was convicted.
- Patterns exhibited pertaining to lack of exercising good judgment.
- Age at the time of conviction, or release from prison.
- Evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct.
- The length and consistency of employment history before and after the offense or conduct.
- Rehabilitation efforts, e.g., education/training.
- Employment or character references and any other information regarding fitness for the position.
- Whether the individual is bonded under a federal, state, or local bonding program.
- The job duties, including exposure to co-workers, students, and the public, of the new position.
- Whether the job requires independent judgment or is more closely supervised.
- Whether the position requires the employee to drive (or travel) during the course of employment, including driving other employees or students.
- Other information relevant to the position or suitability of the candidate for the position.