

EXECUTIVE MEMORANDUM

October 2009

P09-04

**SUBJECT: BACKGROUND AND CRIMINAL RECORDS CHECK POLICY
AND PROCEDURES**

Background

The California State University (CSU) has delegated authority to the campus presidents to establish campus requirements for background and criminal record checks for applicants and current employees hired into vacant positions (Chancellor's Office HR Technical Letter HR2005-10, <http://www.calstate.edu/HRAdm/pdf2005/HR2005-10.pdf>). Additional authorization information may be found in Education Code Section 89535 (g) and (h).

Effective January 1, 2009, the CSU mandated that background checks be conducted on all individuals hired to work at sports camps and clinics that take place on CSU campuses (Chancellor's Office HR Technical Letter HR2008-25, <http://www.calstate.edu/HRAdm/pdf2008/HR2008-25.pdf>).

The CSU recognizes that its obligation to investigate a prospective employee's criminal records must be balanced with the need to protect the individual's privacy.

Policy

In an effort to provide the safest possible environment for students, staff, faculty and visitors, and to enhance the security of physical resources, Humboldt State University (HSU) shall conduct background checks on all applicants who are under final consideration for staff, counselor (faculty unit), coach, and management personnel plan positions.

For purposes of this campus policy, the term 'background check' refers to a fingerprint comparison (AKA: Live Scan) with the fingerprints of people with criminal convictions both in the applicant's current state of residence and with the Federal Bureau of Investigation.

A new hire may not start employment until the required background check results are received and reviewed. Individuals refusing to undergo the background check will be eliminated from further consideration in the hiring process.

This policy applies to all Humboldt State University programs and functions. This policy excludes the campus auxiliary organizations, which include the University Center, Associated Students, Sponsored Programs Foundation and the Advancement Foundation. As determined appropriate, background check requirements may apply to volunteers and consultants.

Background Checks for Sports Camps/Clinics

As mandated by HR2008-25, background checks are required for **all** individuals at the time they are hired to perform any work at any sports camp/clinic that takes place on the HSU campus or is organized and sponsored by the campus, by an HSU auxiliary or by an outside entity.

This requirement also applies to all existing non-represented HSU employees, all student assistants and all HSU volunteers who perform any work at an HSU hosted sports camp/clinic operated by HSU, an HSU auxiliary or by an outside entity. Such background checks must be completed prior to the commencement of any work or volunteer duties. It is the responsibility of the Athletics Department to coordinate compliance with Human Resources (HR).

Policy Exception for Faculty

Generally, this policy does not apply to successful candidates for faculty positions. However, background checks may be required by a funding sponsor and/or other authority/compliance mandate for faculty, including but not limited to, instructional faculty or librarian positions. In the instance where it is determined that a faculty position requires a background check, the academic department will notify Academic Personnel Services (APS) or the appropriate administrator in order to initiate the background check process to ensure compliance with the applicable mandate.

Background Checks for Current Employees

Background checks will not be required of current Humboldt State University employees with the exception of HR and APS staff who will be responsible for overseeing the implementation of this policy. However, if a current employee applies for and is under final consideration for a vacant staff, counselor (faculty unit), coach or management personnel plan position, a background check will be required.

Policy Exception for University Police Department - Sworn and Non-Sworn Employees

These guidelines do not apply to the screening of sworn and non-sworn employees of the University Police Department. The Guidelines and Standards for these individuals are contained in Government Code 1031 et seq. and are enforced by the Commission on Peace Officer Standards and Training.

When More Extensive Background Checks are Required

There may be positions on campus where it is prudent to require a more extensive background check and/or bonding. Background checks may include checks of employment records, social security records, criminal records, civil records, credit reports, motor vehicle records, and sex offender registries. Information regarding the extent of the background check or bonding requirements must be included in the vacancy announcement for the position. The hiring authority must consult with the Director of Human Resources when requiring more extensive background checks or bonding for a position. It must be clear why bonding or a more extensive background check is required and why the information being requested is pertinent to the position.

This policy does not automatically exclude from consideration for employment individuals with criminal convictions. Information received from the background check results shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability or age.

Procedures

1. All advertisements, notices, and postings/position announcements for staff, counselor (faculty unit), coach, and management personnel plan positions shall include the following: *The successful candidate is required to pass a pre-employment background/fingerprint check as a condition of employment.*
2. Once the completed recruitment packet is returned, either HR or APS will provide the finalist with the Request for Information form and LiveScan form/fingerprint requirements. The cost of the background check is borne by the hiring department.
3. Whenever possible, the University Police Department should be used to process the fingerprints for the background checks. When national searches are conducted it may be more practical to have all finalist candidates who are brought to campus undergo the LiveScan while on campus or to have successful candidates fingerprinted at their local law enforcement agency. HR and APS will work with the hiring departments in these situations regarding the most appropriate screening process.
4. A written conditional job offer may be made and must state that the offer is contingent upon the completion of a satisfactory background check. The new hire may not start the position until the results of the screening are received and reviewed.
5. If the candidate's screening reveals convictions, the Director of Human Resources, the Associate Vice President of Faculty Affairs and the Chief of Police, or their designees, will review and make a final determination regarding the suitability of individuals for specific positions. When appropriate, they will consult with General Counsel. It may be recommended that additional controls be implemented before a department employs an individual with a conviction.
6. If the results of the background check preclude an individual from employment, HR or APS will notify the candidate. Copies of the results will not be provided to the

candidate. However, upon request, HR or APS must provide information on how applicants can contact the Department of Justice to obtain their background check information and learn of their rights and the procedures to appeal the results of their background check. Such results can be received directly from the Department of Justice.

- A. Either HR or APS will serve as the Office of Record for background check results. It is also the responsibility of these offices to maintain the confidentiality of background check results. All HR and APS employees who have access to background check results must undergo a background check through the California Department of Justice.
- B. Either HR or APS will notify the Department of Justice when a person is no longer being considered for employment or is no longer employed by Humboldt State University.