

MISSOURI SOUTHERN STATE UNIVERSITY POLICY					
Policy #:		Effective:	July 2017*	Category:	All University Employee Policies
Name:	BACKGROUND CHECKS AND CRIMINAL HISTORY POLICY				

1.0 PURPOSE

The purpose of the policy is to provide guidance to University employees regarding the policy below in order to comply with the standards set forth by the University. This policy is necessary in order to maintain an effective and compliant workforce that meets the University mission.

2.0 SCOPE

University Employee Policy

3.0 POLICY

The University is committed to employing individuals consistent with its mission and to creating a University community that is as safe as possible for students and employees. Information discovered in the background check process will be used solely for the purpose of evaluating a candidate’s suitability for employment with the University and will not be used to discriminate against a finalist on the basis of any classification protected by law.

BACKGROUND CHECKS AND CRIMINAL HISTORY POLICY

I. Background Check Required

A. After an offer of employment has been made to a candidate, background checks are required for the following positions:

A final candidate that will be newly-hired as a University employee (including full-time, part-time, faculty, staff, etc.).

A person being re-hired by the University if he or she has not been employed by the University within the past twelve (12) months.

B. Background checks are not required for the following positions:

Candidates for student employment positions.

The person is an active adjunct faculty member, Law Enforcement (LE) Academy Instructor, or other individual who works at least once per year and has worked for the University within the last twelve (12) months.

Persons contracted as an independent contractor.

II. Background Checks and the Application Process

Each job applicant for an open position at the University must review and sign a Disclosure and Authorization form that authorizes the University to conduct a background check or have a background

check conduct. Applicants who decline to complete the Disclosure and Authorization form will not be considered for employment.

Falsification of application materials is grounds for termination of employment or non-selection of an applicant.

III. Initiating a Background Check

The Human Resources Office will initiate a background check for a final candidate for a position at the time an offer of employment is extended.

A criminal background check will determine convictions and guilty pleas at the local, state, and federal levels in every jurisdiction where the candidate currently resides, has resided, or has been employed and will cover the last 7 years. Convictions and guilty pleas include all felonies and misdemeanors.

A driving record check will also be utilized when an individual will be driving a vehicle on behalf of the University as part of regular employment responsibilities. A driving record check will determine conviction and guilty pleas related to operating a vehicle. With driving records, convictions and guilty pleas include all felonies and misdemeanors, including minor traffic violations. The University reserves the right to periodically check the driving record of individuals who are driving vehicles on official University business.

A credit check will also be performed for specific accounting positions, specific positions requiring the handling of cash and/or monetary transactions as a major aspect of the position, and specific positions with high level of fiduciary responsibilities.

Sex offender registry checks are part of the background check process. The University reserves the right to periodically perform sex offender registry checks as it deems appropriate.

IV. Background Check Results

The Human Resources Office will review background check results to determine if a final candidate is eligible for employment. The University will use information obtained through a background check only for the purpose of evaluating the individual's ability to perform the functions of the job and for the safety or well-being of the University's students, other employees, and visitors.

If substantial negative information is found in a report, Human Resources will review the report with the appropriate unit or department and, jointly, they will evaluate the information and make a determination as to whether an offer of employment will be confirmed or withdrawn or the intended employment action will be taken.

Human Resources and the appropriate unit or department may, but are not required to, ask the individual at issue for additional information prior to making their decision.

Human Resources and the appropriate unit or department may also gather and review other information that may be relevant and readily available, and they may consult with other University officials or legal counsel as necessary.

Negative information in the report does not automatically disqualify the individual from being hired or prevent another intended employment action from occurring. Human Resources and the appropriate unit or department will undertake an individualized assessment and consider relevant factors including, but not limited to, the seriousness of the negative information, the passage of time since the incident occurred, how the negative information affects the individual's ability to do his or her job, and safety

concerns. Negative information on a background check that is relevant and job-related is grounds for not hiring the candidate or not taking another previously-intended employment action.

Negative information in a background check will not be used to discriminate in violation of the University's Non-Discrimination/Equal Opportunity Policy Statement.

If information identified in a background check report is going to be used to disqualify a candidate from employment, Human Resources will send the individual a Pre-Adverse Action Notice and a copy of A Summary of Your Rights Under the Fair Credit Reporting Act (FCRA) and follow all other requirements of FCRA.

A final decision shall not be made until five (5) business days after the Pre-Adverse Action Notice has been sent out, giving the individual enough time to protest the results of the background check or claim they are in error. If the individual challenges the information contained in the background check with the screening agency, the University is not required to hold open a position. Once the final employment decision is made, Human Resources will send the individual an Adverse Action Notice as required by FCRA.

If the candidate is determined to be eligible for employment, appropriate parties are notified and the hiring will go forward. The background check results are considered as part of the employees personnel file, but will be housed electronically in Human Resources, outside of the personnel file.

If a final candidate is determined to be ineligible for employment, the candidate and hiring manager are informed. The hiring manager will then discuss with Human Resources the next steps to fill the position. The results of the background check shall be maintained by Human Resources for 5 years from the decision not to hire.

4.0 HISTORY

This policy may be revised, edited, changed or removed at any time with or without notice to applicable individuals.

5.0 RELATED DOCUMENTS