

<b>MISSOURI SOUTHERN STATE UNIVERSITY POLICY</b>					
Policy #:		Effective:	<b>July 2017*</b>	Category:	<b>All University Employees</b>
Name:	<b>Background and Criminal History Check Policy</b>				

## 1.0 PURPOSE

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.

## 2.0 SCOPE

This Policy applies to the hiring and employment actions of University employees as set forth herein.

## 3.0 POLICY

### BACKGROUND CHECKS AND CRIMINAL HISTORY POLICY

#### I. Initiation of a Background Check

##### A. Background checks are required for the following:

1. A final candidate that will be newly-hired as a University employee (including full-time, part-time, faculty, staff, etc.).
2. A person being re-hired by the University if he or she has not been employed by the University in the past twelve (12) months.
  - a. Re-hires will be treated as new hires for purposes of this policy.
3. A volunteer whose volunteer activities will involve the individual working closely with or in close proximity to students, including, but not limited to, student-athletes.

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

1. Candidates for student employment positions absent unique circumstances as determined by the University.
2. A current employee who moves to a new position within the University that would typically require a background check but the employee has had a background check in the past six (6) months.
3. 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.
4. The person is hired as an independent contractor.

5. Promotions and those moving from part-time employment to full-time employment.
6. Volunteers who will not interact with students as a part of their volunteer activities.

The University reserves the right to require any individual to submit to a background check if the University determines, in its sole discretion, that the unique circumstances justify a background check.

## II. Interplay With Application Process

- A. Each applicant reviews and signs a *Disclosure and Authorization* form. An applicant that declines to complete the form will no longer be considered for employment.
- B. Falsification of application materials is grounds for termination of employment or non-selection of an applicant.

## III. Initiating a Background Check

- A. Human Resources will initiate a background check for a final candidate after an offer of employment is extended and accepted.
- B. A criminal background check will determine convictions and guilty pleas at the county, 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.
- C. 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.
- D. 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.
- E. 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

- A. Human Resources will review background checks 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.

B. If any negative information is found in a report, Human Resources will review the background results and if necessary will review the information with the appropriate unit or department and may jointly evaluate the information and make a determination as to whether an offer of employment will be confirmed or withdrawn.

1. 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.

2. 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.

3. Negative information in the report does not automatically disqualify the individual from being hired. 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.

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

C. 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* as required by the Act.

1. 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.

2. 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.

3. Once the final employment decision is made, Human Resources will send the individual an Adverse Action Notice as required by the Act.

D. If the candidate is determined to be eligible for employment or suitable for the intended employment action, appropriate parties are notified and the hiring of the individual is approved. The background check results are considered as part of the employee's personnel file, but will be housed electronically in Human Resources, outside of the personnel file.

E. 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.