

# Background Check Policy

**Policy number:** 402

**Policy owner:** Chief Human Resources Officer

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## SECTION I. PURPOSE

The purpose of performing background checks is to determine and/or confirm the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered, and to provide a safe and inclusive environment for the University of St. Thomas community. St. Thomas reserves the right to perform background checks in any situation when it is deemed appropriate in order to protect the university's interests.

## SECTION II. SCOPE AND APPLICABILITY

This policy governs the background check requirements for St. Thomas faculty and staff employees and certain contractors, licensees and volunteers required by St. Thomas to undergo a background check. This policy applies to all St. Thomas employees (faculty, staff and student workers), and to all St. Thomas schools, colleges, divisions, departments and other units.

## SECTION III. BACKGROUND CHECKS REQUIRED

### A. Prospective Employees

To protect the university's employees, students and assets, St. Thomas requires background checks for prospective faculty and staff employees and temporary employees hired after the effective date of this policy. Background checks will be conducted on final candidates who have accepted a conditional offer for employment and will be used to evaluate the candidates' eligibility to be employed at St. Thomas. All offers of employment are contingent upon a satisfactory background check, and all employees must have passed a background check within 60 days prior to the date of hire. Employment will not be effective until the Office of Human Resources has notified the department that the candidate has satisfactorily completed the background check.

### B. Current Employees

St. Thomas may require post-hire background checks for employees in certain positions based on job duties, applicable laws and contractual obligations. In addition, employees who are considered for a promotion or internal transfer will be subject to background checks if a background check was not completed upon hire or if the new position requires a check that was not previously completed. In these cases, continued employment is contingent upon a satisfactory background check.

Any employee required to undergo a background check who subsequently is found to have provided false or misleading information related to the background check may be subject to disciplinary action, up to and including termination.

### **C. Non-Employees**

St. Thomas may require background checks for volunteers and contractors providing services to St. Thomas, and for licensees of St. Thomas property or facilities.

For licensees or contractors, applicable background check requirements will be set forth in the license agreement or contract. St. Thomas generally will include background check requirements for licensees or contractors whose work at St. Thomas involves the supervision of minors or access to confidential St. Thomas systems or records. St. Thomas may require background checks for other licensees, contractors and volunteers in its discretion, as determined by Human Resources in consultation with the responsible administrator and Office of General Counsel.

All volunteers required to undergo a background check must have passed the check within 60 days prior to the start of their assignment. Volunteers, contractors and licensees who are found to have provided false or misleading information related to a background check are subject to revocation of their opportunity to work at or with St. Thomas.

## **SECTION IV. BACKGROUND CHECK COMPONENTS**

### **A. Standard Background Check Components**

St. Thomas conducts a comprehensive background check, which includes the following:

- Social Security Trace
- Criminal Background Check (County/Statewide)
- National Criminal Record Search
- National Sex Offender Search

### **B. Enhanced Background Check Components**

In addition to the standard background check, an enhanced background check may be conducted based on the position. As part of the enhanced background check, the following checks may be completed:

- Education Verification
- Employment Reference Checks
- Motor Vehicle Check
- Pre-employment Physical
- Priest Protocol (See Priest Hiring Guidelines)
- Consumer Credit Report
- Fingerprint

## **SECTION IV. ACCEPTABLE USE AND CONFIDENTIALITY**

St. Thomas will comply with applicable laws regarding use of background checks. Information obtained from the background check is utilized for employment or volunteer-related decisions only, or as set forth in an applicable contract with contractors or licensees, and is strictly confidential. Only the Office of Human Resources and legal counsel will have the ability to review any background check report in its entirety. For purposes of making decisions, report contents or portions of the content may be shared with appropriate individuals who have a legitimate business need to know.

## **SECTION V. POST-EMPLOYMENT BACKGROUND CHECKS**

St. Thomas may conduct post-employment background checks on employees as needed, such as but not limited to the following: any workplace violence incident involving the employee, post incident, accident and injury situations, or when it is required to do so pursuant to state or federal laws, rules, regulations or contracts (such as faculty supervising students in a clinical placement). As a condition of continued employment, employees must consent to any post-employment background check as determined necessary by St. Thomas.

## **SECTION VI. EMPLOYEE SELF-DISCLOSURE REQUIREMENTS**

At all times while employed by St. Thomas, St. Thomas employees are required to promptly self-disclose any new convictions of either a felony or gross misdemeanor. In addition, all employees with responsibility for driving, as indicated in the position profile, are required to self-disclose any post-employment suspension or revocation of their driver's license. Failure to report such a conviction, suspension or revocation will be cause for immediate termination.

## **SECTION VII. REHIRES**

All individuals who have an employment status that has been terminated (whether voluntarily or involuntarily) and who subsequently seek re-employment by St. Thomas must undergo another background check, and any offer of employment will be contingent upon the successful completion of the check. However, education will not need to be rechecked if prior verification has been completed.

# Appendix A to Background Check Policy

## Implementation Procedures and Guidance

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The procedures and guidance set forth below are designed to ensure that persons covered by the Background Check Policy understand their responsibilities and obligations under the policy.

### SECTION I. ROLES AND RESPONSIBILITIES

- The **Office of Human Resources** is solely authorized to conduct and oversee the background check process. The Office of Human Resources is responsible for making decisions regarding what type of background check is appropriate, interpreting background check records and information, determining whether a candidate is eligible for employment, and for making personnel recommendations to the hiring officials.
- St. Thomas uses a **third-party background check provider** to conduct background investigation checks. A criminal check will be conducted on all new and re-hired employees, regardless of position. An education check may be conducted, dependent on the job classification.
- **All St. Thomas employees** are responsible for ensuring the integrity and confidentiality of the background check process.

### SECTION II. APPLICANT BACKGROUND CHECK GUIDELINES

Candidates must consent to a background check to be considered for a position. Any candidate who refuses to consent to the background check, refuses to provide information necessary to conduct the background check, or provides false or misleading information will not be considered for the position for which they received an offer.

### SECTION III. FAIR CREDIT REPORTING ACT COMPLIANCE

Individuals subject to background checks must execute an authorization for a background check that complies with the Fair Credit Reporting Act ("FCRA") and any applicable state or local laws.

If St. Thomas takes adverse action, or considers taking adverse action, based on information obtained in a background check, St. Thomas will notify, or cause to be notified, the candidate in writing as required by the FCRA and applicable state law.

## **SECTION IV. EVALUATING BACKGROUND CHECKS**

### **A. Criminal Background Checks**

Criminal convictions, whether identified through the background check process, through an employee's self-disclosure, or through an administratively initiated background check of an existing employee, may not be an automatic bar or end to employment.

Convictions will be reviewed with respect to the nature and gravity of the offense(s); time since conviction; completion of sentence or any other remediation; relevance to the position for which the candidate is being considered/employee is performing; and discrepancies between the background check and what the employee/candidate self-reported. Providing inaccurate, incomplete or falsified information in response to the requirements of this policy may result in the candidate being ineligible for hire or in the employee being terminated.

Individuals will be given the opportunity to explain any discrepancies or omissions before a final decision is made regarding their hire/ongoing employment or other appointment. When a finding may adversely impact an individual's eligibility to be engaged by St. Thomas in a specific position, the individual will be notified of the decision by the appropriate Human Resources professional and given associated information that St. Thomas has received. If the determination relates to a faculty member, the chief human resources officer or designee will confer with the executive vice president and provost or designee and the applicable dean or vice president before making a final determination. For all staff employees, the Human Resources business partner will consult with the manager and other appropriate parties as needed before making the final determination.

### **B. Evaluating Education Verifications**

St. Thomas positions may be determined to have a minimum education requirement. Therefore, an education verification will be completed on highest level of degree completed and disclosed by the candidate. If a candidate has been found to falsify the information provided an offer will be rescinded.

### **C. Evaluating Motor Vehicle Reports**

"High Risk" drivers may not eligible for employment with St. Thomas if driving is a requirement of the position. A driver may be considered "High Risk" if they are convicted of one more of the following offenses in a three-year period:

- Reckless or negligent driving
- Driving while impaired or under the influence of alcohol or drugs
- Homicide, negligent homicide, or involuntary manslaughter, by vehicle
- Fleeing or attempting to elude police officers
- Driving without a license or while a license is suspended or revoked
- Hit and run or failure to stop after an accident
- Major speeding (20 or more miles per hour over the limit)

Other driving-related convictions or citations will be evaluated on a case-by-case basis.

#### D. Evaluating Pre-Employment Physicals

St. Thomas has contracted with a third-party vendor for all pre-employment physical testing. Physical requirements have been established by the vendor for each required position. The testing vendor delivers test results to the Office of Human Resources.

- The university's third-party vendor provides documentation indicating if the individual meets the physical requirements of the position based on the following:
  - If the candidate is medically recommended for the position
  - If the candidate has a designation of physical/functional strength of medium or above
- The assigned talent acquisition specialist is responsible for conveying the test results to the candidate and the hiring official in a pass/fail form. Should the candidate not meet the minimum expectations on the initial test, a second test may be taken within two weeks.
- The Office of Human Resources maintains test results in a confidential medical file, separate from the individual's application file and personnel file (if hired).
- If the candidate does not demonstrate an ability to safely perform the essential functions of the job, the offer of employment will be rescinded.
- The individual may begin work only after the candidate passes the physical capacity profile test, or a reasonable accommodation is agreed upon for a qualified individual.

#### SECTION V. ADVERSE ACTION NOTIFICATION PROCEDURES

If information is revealed in a criminal history, financial history, pre-employment physical or motor vehicle check report that could potentially result in an adverse employment decision, the university's third-party provider will take the following steps:

- a. **Pre-Adverse Action Notice:** The university's third-party vendor will notify the candidate in writing that negative information was revealed during the background check process which may impact the employment decision and will provide a copy of the supporting report to the candidate or employee along with a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." The candidate or employee will be provided no less than seven days to challenge the information provided in the report and take steps to correct inaccuracies or provide explanation.
- b. **Decision Stay:** A final employment decision will not be made until the individual's new information has been considered or such time that the individual fails to respond as required.
- c. **Adverse Action Notice:** If after considering the individual's response (if any), Human Resources personnel determines that the negative information revealed results in an adverse employment decision, a second written notification will be sent to the individual. This notice will include the following:
  - (i) The name, address and phone number of the Consumer Report Agency (CRA) that supplied the report.
  - (ii) A statement that the CRA supplying the report did not make the decision to take the adverse action and cannot give specific reasons for it.
  - (iii) A notice of the individual's right to dispute the accuracy or completeness of any information the CRA furnished, and their right to an additional free consumer report from the CRA upon request within 60 days and to dispute with the CRA, the accuracy or completeness of any information in a consumer report furnished by the CRA.