

2.1.11 BACKGROUND SCREENING POLICY FOR FACULTY AND STAFF

PURPOSE

The purpose of this policy is to create and maintain a safe and secure environment for students, faculty, staff, volunteers, and visitors. The university will take reasonable steps to limit its risks and assure the hiring process for all positions incorporates minimum standards for background screenings. This policy describes the terms and conditions under which the university conducts background screenings on all new hires. The policy does not apply to most internal candidates; however, employees who change positions may need to undergo a background screening when position requirements specify. To assure applicants for employment and employees are not discriminated against unlawfully, the university will administer the background screening process in accordance with applicable state and federal laws, including the Minnesota Access to Consumer Reports law and the Federal Fair Credit Reporting Act.

DEFINITIONS

Background Screening: The process of acquiring and verifying employment, academic, and criminal history records on final candidates to determine their suitability for employment at the University of St. Thomas. Media searches are not adequate for pre-employment background screenings. The University conducts background screenings only on candidates to whom hiring officials have confirmed a job offer in writing.

Criminal Conviction: A person found guilty, entering a guilty plea, or pleading no contest to a felony, misdemeanor and/or ordinance violation other than a minor traffic violation (e.g. speeding is considered minor while driving under the influence is a serious offense).

Fair Credit Reporting Act: Federal law that regulates collection, dissemination, and use of consumer credit information.

Final Candidate: External applicant identified as the finalist for a vacant position. Employees who change positions may need to undergo a background screening when position requirements specify.

Hiring Official: Individual authorized to commit budget resources and extend a job offer to a final candidate.

PROVISIONS

The background screening process is intended to assist hiring officials in evaluating the suitability of a final candidate for employment at the University of St. Thomas. Newly hired staff and faculty, including adjuncts, and some internal candidates who change positions, may not begin work until they have successfully completed a background screening. The Human Resources Department is responsible for conducting all such pre-employment screenings. This

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policy incorporates the following provisions into the hiring process.

I. Search and Selection Process

- a. **Advertising the Position.** Job announcements posted through the university's Talent Management System (TMS) must contain the following disclaimer: *"In light of its commitment to create and maintain a safe learning and working environment, employment with the University of St. Thomas requires consent and successful completion of a background screening."*
- b. **Self-Disclosure of Criminal Convictions.** Individuals applying for employment at the university are required to self-disclose information about any criminal convictions. Generally, applicants complete the disclosure when applying for a position through the university's Talent Management System (TMS).
- d. **Extending the Job Offer.** Background screenings, especially the criminal history search, is completed only after the hiring official has extended a job offer to the prospective new employee, and he or she has accepted it. Except in the rarest of circumstances, a newly hired faculty or staff member may not begin work until his or her background screening is completed. Any exception to the pre-employment background screening provision requires prior approval of the appropriate Executive Vice President and the Senior Human Resources Partner. In these special cases when the faculty or staff member is hired before the background screening is completed, the background screening must be completed during the employee's first week of employment.
- e. **Offer of Employment Letter.** An offer of employment is confirmed in writing immediately following the verbal offer and is contingent upon the prospective employee successfully completing the background screening process. All written offers of employment must include the following statements:

This offer of employment is conditional pending acceptable results of a comprehensive background screening, including but not limited to academic and employment history, professional licensure, and criminal history searches. This offer may be withdrawn or terminated if the background screening produces unacceptable job-related findings.

Procedures

II. Final Candidate Authorization and Human Resources Department Responsibility

- a. The University of St. Thomas uses a third party vendor to perform background

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screenings on final candidates.

- b. Prior to the university authorizing a background screening, the final candidate must sign a *Background Screening Disclosure, Authorization, and Release* form. By signing this form, the prospective new faculty or staff member authorizes the university to conduct a pre-employment background screening. Failure to complete the form precludes him or her from further consideration.
- c. The Human Resources Department is responsible for activities related to background screenings, including determining the scope of the background screening, referring requests for background screenings to a third party vendor, and making recommendations to hiring officials on results. If questions arise about the fitness of the prospective new faculty or staff for employment at the University, the final decision rests with the appropriate Executive Vice President.

A key component of the role of the Human Resources Department is keeping information confidential except on a need-to-know basis. A breach of confidentiality or the inappropriate use of criminal background screening information may constitute a work violation and may be grounds for disciplinary action.

III. Conducting Background Screenings

The University conducts a background screening only on a candidate to whom the hiring official has extended a written job offer. Background screenings generally include social security number traces, search of criminal records, sexual offender registries, education and credentials, employment history, professional licenses/certifications, and employment references. Not all types of screening are appropriate for every job classification. However, certain types of screenings are mandated by state and/or federal law.

IV. Making the Decision Regarding Substantial Relationship

Once the criminal background screening is completed, the Human Resources Department representative communicates the results to the hiring official. If the results are favorable, the hiring official may solidify the offer of employment. If unfavorable, the hiring official, in consultation with his or her Human Resources Partner, will need to make a decision based on the background screening results but using the following principles:

- A. The Offense. The nature, severity and intentionality of the offense(s) including but not limited to:
 - 1. The statutory elements of the offense (rather than the individual's account of the facts of the offense);

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2. Relevancy of the conviction to the job the prospective employee was offered;
 3. The individual's age at the time of the offense(s);
 4. Number and type of offenses (felony, misdemeanor, traffic, other);
 5. Time elapsed since the last offense;
 6. The individual's probation or parole status;
 7. Whether the circumstances arose out of an employment situation; and
 8. Whether there is a pattern of offenses.
- B. Convictions. Only convictions are taken into account when reviewing a final candidate's criminal history.
- C. Open Criminal Cases. An open criminal case may preclude a final candidate from eligibility for employment depending on the relevancy of the charge to the job responsibilities. The hiring official, in consultation with the Human Resources Partner, is responsible for determining job relevancy.
- D. Failure to disclose criminal convictions, which later are revealed during the background screening, may render the prospective employee ineligible for hire.

VI. Candidate Notification of Negative Results

If a candidate is not hired based on background screening results, the appropriate Human Resources Partner will provide the prospective employee a copy of the report within three working days so that he or she may refute the information if he or she so desire. At the sole discretion of the University, the prospective employee may be given a reasonable time extension to respond to the background screening results. The university shall ensure compliance with Minnesota statute and the Federal Credit Reporting Act.

VII. Background Screening Records

Candidates not hired based on information revealed on the background screening report must be provided a copy of that report along with a copy of the Summary of Your Rights under the Fair Credit Reporting Act. This responsibility rests with the Human Resources Department. The University is statutorily required to retain all background documentation for at least three years. This includes the background screening results, Background Screening Disclosure Authorization and Release form, and a copy of the letters to the candidate communicating the adverse hiring decision and transmitting a copy of the background screening report.

All other documents related to background screenings are confidential and maintained in the Human Resources Department according to the universities document retention schedule. Background screening documentation is not stored in an employee's personnel file but rather in a separate file maintained for such purpose.

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VIII. Responsibilities

All parties involved in the background screening process have specific responsibilities. Those are delineated below:

Individual or Unit	Responsibilities
Prospective New Employee (including some internal candidates who change positions)	<p>A. Provide truthful, accurate, and complete information.</p> <p>B. Consent to the background screening by signing the Background Screening Disclosure, Authorization, and Release form. Refusal or failure to complete the form may void the employment offer.</p> <p>C. Provide requested information and/or documentation within timelines specified.</p>
College, School, or Unit	<p>A. Inform final candidate verbally and in the letter of offer that employment is contingent on successfully completing and passing a background screening.</p> <p>B. Work closely with the Human Resources Department to ensure that the new employee submits all required paperwork and documentation within three business days after accepting the offer of employment.</p>
Human Resources Department	<p>A. Review with the hiring unit the background screening process and policy.</p> <p>B. Assure compliance with relevant state and federal laws governing background screenings.</p> <p>C. Facilitate and manage the background screening process.</p> <p>D. Communicate results of background screenings to the hiring official within 24 hours of receipt. Work closely with the hiring official to reach final hiring decision when results of the background screening raise questions about the fitness of the candidate for UST employment.</p>