



45:002 Background Checks: Criminal History Convictions and Credit Checks

Responsible Executive: Vice President Finance and Business

Responsible Office: Human Resources

Related Policy:

Approved-On Date: April 1, 2004

Effective Date: April 1, 2004

Revision Date:

Policy Statement

Norfolk State University believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the University. Background checks (both criminal history and/or credit) serve as an important part of the final selection process. This type of information is collected as a means of promoting a safe work environment for current and future University employees.

Purpose

Background checks help the University to obtain additional applicant related information which helps determine the applicant's overall employability, ensuring the protection of the current people, property, and information of the organization. Convictions disclosed or discovered in the employment process will only influence the selection of the application where such information is job related or related to drugs, violence or sexual behavior.

Credit information on applicants may be collected at the request of the hiring department only on specifically identified positions at Norfolk State University. (position list attached) These positions have been identified as those which have contact with finances. Employees in these positions either collect money or are in a position to influence University payments.

Procedures

1. Employees Investigated:

At the University, extensive reference checks are conducted on all candidates who are offered a position in jobs which are designated sensitive. These safety sensitive positions have responsibility for safety

and welfare of the University. Candidates for safety-sensitive positions shall be subject to a finger-print based background check.

All newly hired, rehired fulltime, transfers and/or part time classified employees, wage/hourly employees as well as all newly hired or rehired Faculty and/or Faculty Administrators will undergo a criminal history background check. These checks shall encompass the Commonwealth of Virginia and all other counties or states of residence/employment for the past seven years.

Select positions in the University may also be subject to Credit background checks. These checks will be consistent with the guidelines set forth by the Federal Credit Reporting Act (FRCA). The Fair Credit Reporting Act requires organizations to obtain a candidate's written authorization before obtaining a credit report. The University shall make all forms and certifications available to the final candidate, prior to running the check.

Applicants shall be advised that a criminal history or credit check is a condition of employment and that all convictions must be included on the state application or listed on the background check form. Criminal and Credit history records shall be received and maintained as part of a confidential file in Human Resources, separate from employee personnel files.

2. Review Process

Criminal History Checks:

If convictions are found, the job-relatedness of the convictions will be determined by the Department of Human Resources in consultation with the hiring Unit. The decision to offer employment must be based on the following factors:

1. The nature and gravity of the offense or offenses.
2. The time that has passed since the conviction and/or the completion of the sentence;
3. The nature of the University job;
4. Whether the convictions were disclosed on the application form. Failure to disclose a conviction(s) is deemed falsification of application and may result in immediate termination.

The following positions have been identified as **safety-sensitive positions** requiring a **finger-print-based criminal history** check:

Law Enforcement

Law Enforcement Officer II
Law Enforcement Manager I
Law Enforcement Manager II
Security Officer III

Parking and Transportation

Transportation Operator II

Credit History Check

A hiring supervisor/manager is given the discretion to request a Credit check on a University position as long as the request is made to Human Resources prior to the commencement of the recruitment of the position. If a credit check is to be part of the hiring process the University:

Must certify to the reporting credit bureau that it is in compliance with the FCRA and will not misuse the information it receives.

Must disclose to the applicant, on a separate form that it plans to obtain a consumer or investigative consumer report and the information received will be used solely for employment purposes.

Will obtain written authorization from the applicant.

Will inform the individual or his or her right to request additional information on the nature of the report and the means through which such information may be obtained.

Will provide the individual with a summary of his or her rights under the FCRA.

The decision to offer employment will be based on the following review of the individual's credit check:

1. That an individual is current with paying their financial obligations.
2. Bankruptcies in one's credit background cannot be used to determine eligibility for employment as per the FCRA.
3. The number of overdue obligations will be reviewed.
4. Extenuating circumstances as put forth by the applicant, for the delinquency in paying obligations will be taken into account.

If the results of the credit check are negative, the University must inform the applicant that it plans on taking adverse action, provide the applicant with a Statement of Consumer Rights from the FTC before adverse action, provide the applicant the opportunity to review a copy of their credit report, and advise the applicant of their right to dispute inaccurate information. Applicants shall be granted five days to contest the accuracy of the credit information the University has received.

If Human Resources and the Hiring Unit agree on a decision to hire a candidate after review of the criminal and/or credit check, the results of the agreement shall be documented by Human Resources and

placed with the employee's application. If there is a disagreement between Human Resources and the Hiring unit over whether to hire a candidate, the Vice President for Finance and Business shall make the final decision in consultation with the appropriate Divisional Vice President. The written decision will be placed in Human Resources' official Criminal/Credit Check file. See attached list for positions eligible for Credit Checks.

Positions eligible for a credit check are those positions, which come into contact with (handle) money and financial matters of the University. The following positions have been identified for potential credit checks:

Finance and Business

Financial Services Manager I (Payroll Manager)
Financial Services Specialist I (Payroll Accountant – Cashier's Office Manager –
Financial
Services Inventory Specialist)
Financial Services Manager II (Assistant Controller)
Financial Services Manager I (Financial Services Manager)
Procurement Officer I (Material Management Supervisor)
Procurement Manager II (Material Management Director)
Financial Services Manager (Accounts Payable)
Administrative Office Specialist III (Cashier)
Administrative Office Specialist III (Administrative Staff Assistant)
Financial Services Specialist I (Accountant)

Ticket Center

Administrative Office Specialist III (Supervisor)
Administrative Office Specialist II

Internal Audit Department

Financial Services Manager III (Director)
Information Technology Specialist III
Administrative Office Specialist II
Financial Services Specialist I (Auditor)
Financial Services Specialist II (Auditor Senior)
Information Technologist Specialist III (Information System Audit Manager)

Administrative & Professional Faculty - inclusive of the following :

Vice President for Finance and Business
Assistant Vice President for Business
Assistant Vice President for Finance
Vice President for University Advancement

Vice President for Research and Technology
Vice President for Student Affairs
Vice President for Academic Affairs
Director of Residential Life
Assistant Vice President for Student Affairs (Student Activities – Judicial Services)
Associate Vice President for Student Affairs
Associate Vice President for University Advancement
Fiscal Officer/Budget Manager (University Advancement)
Executive Director – Planning and Budget
Associate Director – Planning and Budget
Admissions Director
Registrar
Bursar – Student Financial Services
Financial Aid Director

3. Additional Investigations

The University reserves the right to conduct criminal conviction investigations when a current employee is charged with any crime that reflects on his/her suitability for continued employment or during the course of an administrative investigation, when circumstances are identified that warrant further investigation.