

Salisbury University
VII 1.15 Background Check Policy and Procedures

I. POLICY

Salisbury University (“University”) is committed to maintaining a safe environment for members of the University community, as well as its property, funds, and other assets. The background check process is intended to help the University evaluate whether individuals are eligible for employment or other service with the University. The University requires, obtains, analyzes, applies, and retains background check information in a manner that is fair and consistent with applicable laws.

II. SCOPE OF THE POLICY

- A. The University will conduct a background check only after a candidate for employment has been offered and accepted a conditional offer of employment with the University. An offer of employment at the University is contingent on satisfactory results of the candidate’s background checks as determined below.
- B. The following individuals are subject to background checks:
 - 1. Newly hired and rehired employees, including regular and contractual faculty, regular and contingent staff and student employees;
 - 2. Current employees who change jobs due to promotion, lateral transfer, or reassignment and whose new duties (e.g. access to controlled substances, financial responsibilities, or other sensitive jobs) may be subject to a new background check;
 - 3. Rehired contractual employees who have had a break in service of more than three years;
 - 4. Individuals who work or volunteer as part of a University-sponsored program or summer program that is offered to minors (individuals under the age of 18);
 - 5. Volunteers; and
 - 6. Contractors, consultants or others working at the University, on University property, or in University-affiliated programs, if, in the University’s determination, the background checks conducted by their agencies are not satisfactory to the University.
- C. Students who work or volunteer at the University or in University-affiliated programs are not generally subject to background checks unless the nature of their position involves working with minors, access to large amounts of funds, access to highly confidential information or in other cases in which the University may determine a background check is necessary.

III. TYPES OF BACKGROUND CHECKS

- A. For all individuals subject to background checks for employment, the University will conduct the following:
 - 1. Criminal background checks;
 - 2. Sexual offender registry checks; and
 - 3. Employment history checks, including verification of employment references.

- B. Candidates for employment may be subject to additional background checks depending on the duties and responsibilities of the position. Additional background checks may include, but are not limited to:
 - 1. Verification of educational degrees, academic transcripts, licenses, and/or certifications;
 - 2. Credit reports;
 - 3. Motor vehicle checks;
 - 4. Social security reports;
 - 5. Sexual offender registry checks;
 - 6. Examination of federal debarment lists;
 - 7. Drug screenings.

IV. PROCEDURES

A. Authorization Form

Candidates for employment must sign an authorization form giving the University permission to conduct the background checks needed and disclose past criminal convictions. If the University determines that a candidate has provided false or misleading information regarding criminal convictions, the candidate may be ineligible for the current position or may be subject to disciplinary action up to and including termination.

B. Process

- 1. Candidates for employment required to have a criminal background check which includes fingerprinting, must be fingerprinted by the Salisbury University Police Department (“SUPD”) or at a fingerprinting location approved by the Maryland Criminal Justice Information System (“CJIS”). The SUPD offers *Livescan* services, which electronically submit the individual’s fingerprints to CJIS.

- 2. Candidates for employment required to have a criminal background check that does not include fingerprinting, must complete the background check process through the University’s designated vendor.

C. Process for Foreign Nationals

The University will determine the process for foreign nationals depending on their immigration status. Individuals who reside in the U.S. or who have resided in the U.S. within the past seven years will normally be required to have a criminal background check through CJIS. In addition, individuals who resided outside the U.S. within the past seven years will normally be required to have an international background investigation conducted by a third party with which the University contracts. The University reserves the right to conduct the type of background checks that it determines are job-related and necessary.

D. Review of Results

The University's Human Resources Office ("HR") serves as the office of record for receipt of the results of background checks. In consultation with the University General Counsel and the Vice President responsible for hiring the employee, HR will conduct an individual assessment of the results of a background check of a candidate for employment where necessary. Review of background check results will be held in strict confidence by reviewers. Results that include, but are not limited to, the following will be taken into consideration in assessing a candidate's eligibility for employment:

1. The nature and extent of the individual's past criminal convictions in relation to the nature, duties and functions of the job;
2. The facts or circumstances surrounding the offense;
3. The length of time elapsed since the criminal convictions took place;
4. The number of offenses with convictions;
5. Rehabilitation efforts (e.g., training or education).

E. Employment Decisions

Candidates for employment may be asked to provide the University with additional information regarding issues disclosed by the background check results. HR is responsible for making the final decision regarding fitness for employment. The University will not deny employment to an applicant based solely on a record of arrest in the absence of a conviction, other criminal penalty, or substantiation of facts underlying the arrest that relate to the individual's fitness to perform the duties of the job. Criminal convictions will not necessarily bar employment at the University. If a candidate is denied employment, a letter of adverse action will be sent to the candidate. A candidate for employment or a volunteer is not permitted to begin work at the University until all background checks have been determined to be satisfactory by HR. If an applicant feels the decision to rescind the conditional offer of employment based on the information contained in their background check is not justified, the applicant can submit a request for reconsideration, with a supporting rationale, to the Associate Vice President of HR.

F. Challenge of Background Check Information Received

- A. An individual denied employment due to the results of a criminal background check may challenge the completeness, contents, accuracy or dissemination of the information of their criminal record with the FBI or the related law enforcement agency directly. In addition to contacting the appropriate law enforcement agency, an individual seeking to challenge such results must send a signed, written notice to HR that includes:
1. The specific part of the criminal history record information being challenged;
 2. The change requested to correct or complete the results;
 3. Any available documentation or other evidence supporting the challenge;
 4. A statement that the information supporting the challenge is accurate and is made in good faith;
 5. Individuals challenging the completeness, contents, accuracy or dissemination of their criminal record will have twenty (20) calendar days to resolve the matter. If the matter is not resolved within twenty (20) calendar days, the University reserves the right to make a final employment decision based on the information it has in its possession.
- B. An individual denied employment due to the results of a background check that is not criminal may challenge the completeness, contents, accuracy or dissemination of the information pursuant to the requirements of the Fair Credit Reporting Act.
- C. HR shall review the notice and any accompanying documentation and shall notify the individual of the results of its review and a final decision regarding employment.

V. **CRIMINAL CONVICTIONS FOLLOWING HIRE**

Employees and volunteers are required to report, within five (5) business days, to HR any criminal convictions that occur after they begin employment with the University. Failure to report subsequent criminal convictions may result in disciplinary action up to and including termination.

VI. **RESPONSIBLE DEPARTMENT**

The University's Human Resources Office is responsible for implementing this Policy and may be contacted with questions regarding this Policy at: (410) 548-6035.

Approved by: Executive Committee

Effective: June 1, 2018

Amended: March 28, 2019