

**Eastern Oregon University**

**Criminal Background Check Policy**

**.**100 Policy Statement

It is the policy of Eastern Oregon University that all new staff, specified volunteers and new hourly employees have certain credentials, criminal and other background information verified as a condition of employment.

 .110 Policy Rationale

This policy is intended to ensure the University’s mission and goals

are supported by qualified employees, to provide a safe and

secure environment for all University constituents, and to take

action to protect funds, property, and other assets associated with

programs and operations.

.120 Definitions

1. *Criminal records check* means the process used to conduct criminal records

 background checks on candidates to verify that the candidate does not have

 undisclosed criminal convictions or pending criminal charges and accurately

 states the disposition of criminal charges. A conviction includes a plea of no

 contest, plea of guilty, or any court determination of guilt. Criminal offender

 information is obtained using computerized and/or finger-print based

 processes. Criminal records checks will be performed by a third party vendor

 chosen by Eastern Oregon University to complete background checks.A

 nationwide criminal records check requiring fingerprintsmay be obtained from

 Oregon State Police (OSP) through the Federal Bureau of Investigation (FBI)

 under board rule 580-023-0111.

2. *Critical position* means and is limited to positions or contracts for services in

 which a person:

a. has direct access to persons under 18 years of age or to student

 residence facilities;

b. provides information technology services and has control over, or

 access to, information technology systems that would allow the person

 to harm the systems or the information contained in the systems;

c. has access to information, the disclosure of which is prohibited by state

 or federal laws, rules or regulations, or information that is defined as

 confidential under state or federal laws, rules or regulations;

d. has access to property where chemicals, hazardous materials, and

 other items controlled by state or federal laws or regulations are

 located;

e. has access to laboratories, nuclear facilities or utility plants to which

 access is restricted in order to protect the health or safety of the

 public;

f. has fiscal, financial aid, payroll or purchasing responsibilities as one of

 the primary responsibilities; or

g. has access to personal information about employees or members of the

 public including social security numbers, dates of birth, driver license

 numbers, medical information, personal financial information, or

 criminal background information.

h. Other service positions deemed critical or security-sensitive by the

 University based upon assigned duties.

This list is not exhaustive, and the University reserves the right to add or delete positions at any time without prior notice. The University agrees to abide by any negotiated contracts and Letters of Agreement between Oregon University System and SEIU Local 503, OPEU, and Eastern Oregon University and Associated Academic Professionals.

3. *Fingerprint-based criminal check* means a criminal records check using an

 individual’s fingerprints. If, at any time, it is determined that Eastern Oregon

 University will use an individual’s fingerprints to conduct a criminal records

 check, the records check will be subject to the rules under the State Board of

 Higher Education Oregon Administrative Rules (OAR) 580-023-0111.

4. *Candidate* means a person for whom the University may require criminal

 records checks as a condition to provide services as an employee, contractor,

 student employee or volunteer in a position that is designated as critical.

.130 Applicability

The program covers critical positions that may include, but are not necessarily limited, to:

* Prospective New Employees (classified, unclassified)
* Temporary employees and students employed in critical positions;
* Current employees accepting new appointments;
* Current employees when working in programs involving children primarily under the age of 18, i.e. summer camps for high school students, robotics tournament;
* Individuals working under a Personal Services Contract;
* Volunteers in critical positions;
* Resident assistants in student housing**.**

.140 Policy

1. Eastern Oregon University will conduct background checks on prospective employees to determine fitness for employment. A background check may include the following verifications, in addition to reference checks, for all finalists:

a. Employment history check consisting of a review of (1) candidate’s

 previous employment to insure the candidate actually worked in the

 positions cited that qualify the candidate for the position sought

 immediately preceding application for the position.

 b. Education history check verifying relevant educational credentials listed

 on a candidate’s application, resume, or vita or otherwise cited by the

 candidate that qualify the candidate for the position sought.

1. Industry-specific credentials check verifying that the candidate

 possesses the required degrees, licenses, and certifications listed on

 the application, resume or vita for the position sought and that license

 or certifications are current.

2. The following verifications will be conducted, as appropriate, based on

 position duties and in addition to the checks identified above, for all finalists

 for positions designated as critical.

 a. Criminal history check, and a fingerprint-based criminal history check (per

 board rule OAR 580-023-0111),if applicable, verifying the candidate does

 not have undisclosed criminal convictions, arrests, or disposition of

 criminal charges related to position responsibilities that would make the

 candidate unsuitable to perform the responsibilities of the position. A

 conviction includes a plea of no contest, plea of guilty, or any court

 determination of guilt.

* EOU shall deny employment, volunteer services, and contracted services to anyone subject to this policy if the individual refuses to consent to a criminal background check and/or refuses to be fingerprinted.

 b. Motor vehicle history check verifying that candidate possesses the

 appropriate type of driver’s license and does not have any undisclosed

 motor vehicle violations and citations that would make the candidate

 unsuitable to perform the responsibilities of the position will be

 conducted per OAR 579-075-0000.

1. Military history check verifying candidate has served as a member of the

 armed forces as indicated on the application, resume, or vita, if the

 candidate is requesting veteran’s preference.

3. All recruitment announcements and job postings for critical positions must

 include the following statement: Consideration for acceptance in this

 position is subject to the successful completion of background

 checks, which may include education history, veteran status,

 criminal, and motor vehicle history checks.

4. EOU shall deny employment to anyone who provides false, fraudulent, or

 misleading statements, answers, or information during the application

 process. Employees who are found to have provided false, fraudulent, or

 misleading statements, answers, or information during the application,

 transfer, or promotion process are subject to discipline up to and including

 termination.

5. Individuals cannot be given a written or verbal offer of employment nor begin

 working in a critical position until they have successfully completed a criminal

 background and educational verification check. A criminal conviction is not necessarily a bar to University employment; decisions will be made on a case-by-case basis.

6. The cost of background checks for new employees hired through the

 EOU search process will be paid by the Human Resources search

 budget.

7. Candidates who fail to disclose their criminal history on the consent/liability

 release form are automatically disqualified from employment with the

 University.

8. This policy may be revised at any time without prior notice. All revisions

 supersede prior policy and are effective upon approval.

.150 Procedure

1. Before making a final offer to a potential employee, volunteer, or other individual in a critical position as defined in this policy, the hiring department must contact Human Resources.
2. Upon selecting a candidate for a job offer, the search committee chair will contact Human Resources to initiate the background check process on the selected candidate.
3. Human Resources will receive the report and will review the results and compare with the candidate’s self-disclosed information.
	* If no prior criminal convictions are found, Human Resources will inform the search chair to proceed with extending an offer of employment to the selected candidate.

**OR**

* If criminal convictions are found, HR will contact the search committee chair who in turn will contact the final candidate to inform about the background check result. During this discussion the search committee chair will ask for confirmation or denial of the result. Candidates wishing to have their application considered with a questionable finding denoted from the background check may request a review by the Background Check Advisory Board.

If a candidate wishes a review of background findings, Human Resources will convene the Background Check Advisory Board, comprised of the following representatives or their designees:

* 1. Affirmative Action Director;
	2. Director of Human Resources;
	3. Background Check Coordinator;
	4. Vice President or other appropriate level executive manager;
	5. Hiring manager as appropriate.
1. The Background Check Advisory board will:
2. Use the following criteria to determine whether the candidate is fit to hold a position, provide a service, or be employed:
* The nature of the crime;
* The facts supporting the conviction or pending indictment, or indicating the applicant has made a false statement;
* The relevancy, if any, of the crime or false statement to the specific requirements of the candidate’s proposed position, services, or employment; and
* Intervening circumstances relevant to the responsibilities and circumstances of the position, services, or employment. Intervening circumstances include but are not limited to:

 • The passage of time since the commission of the crime;

 • The age of the subject individual at the time of the crime;

 • The likelihood of a repetition of offenses or the commission

 of another crime;

 • The subsequent commission of another relevant crime;

 • Whether the conviction was set aside and the legal effect of

 setting aside the conviction;

 • A recommendation of an employer.

* Conduct a Risk and liability analysis
1. Contact additional resources when appropriate, including legal counsel, if more Information is required to make a determination.
2. Determine course of action — hire or do not hire. Director of Human Resources advises the hiring authority/search committee chair of the Background Check Advisory Board’s final decision.
3. The Director of Human Resources will contact the candidate to notify them of Background Check Advisory Board’s decision, via certified mail within 5

business days the decision. The notice will include finding of the Board, a copy of the criminal history report, and a summary of their rights under the Fair Credit Reporting Act (FCRA).

.160 Appeal Process

If a candidate disagrees with the results of the background check, the individual may request an appeal of the decision and should contact the background check vendor.

Human resources will work with the background check vendor to determine if there has been a mistake with the candidate’s name, prior addresses, or personal identifiers. If the results of the background check were inaccurate, the search committee chair will be contacted to proceed with extending an offer of employment to the candidate.

If the vendor determines the candidate’s background check is accurate and shows a relevant criminal history, the Director of Human Resources will contact the candidate to let them know further investigation has resulted in finding a history that disqualifies them for consideration of employment at EOU. The search committee chair will be notified, and the next candidate’s criminal background check will be initiated.

If the candidate further disagrees with the background check results, his/her final option is to request a copy of his/her own FBI record and/or have his/her record expunged. The candidate must take responsibility for the cost and time associated with this process. If the search committee has not yet extended a job offer to another candidate, and the disputed background check is cleared, the search committee may extend a job offer to the candidate. If the department has already extended a job offer to another candidate, and the disputed background check is cleared, the candidate may apply for other open positions.

.170 Confidentiality

The background check vendor will transmit all search results directly to the Human Resources. Due to the confidential nature of the information, Human Resources will hold all materials with the highest regard for individual privacy.

The Background Check Advisory Board will be responsible for reviewing any records that reveal a candidate’s criminal history. Department representatives and/or search committee members will not be informed of a candidate’s records, only the final decision.

Criminal background check reports will be retained in a separate file located in the office of Human Resources. Access to the background check reports will be limited to authorized staff members having a need to know only.

.180 Approval History

Approved by the Eastern Oregon University Executive Cabinet on: 5 Nov 2012

Adopted into practice: 6 Nov 2012

Responsible Party: Office of Human Resources