

SOUTHEASTERN UNIVERSITY

GENERAL ADMINISTRATIVE POLICY

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TITLE: Criminal Background Investigations

POLICY NUMBER:

EFFECTIVE DATE: March 22, 2011

REVISION DATE:

ACCREDITATION STANDARDS:

POLICY:

As a condition of employment, Human Resources will conduct a confidential criminal background investigation on new employees, rehired employees, and employees who transfer within the University at the discretion of the Human Resources Director in conjunction with the hiring supervisor.

The University reserves the right to conduct a criminal background investigation on other employees as needed. Background checks on student employees are ordered dependent upon the position hired for, i.e. positions involving interaction with minors and positions involving one-on-one contact.

Southeastern University will comply with the federal Fair Credit Reporting Act (FCRA) when conducting criminal background investigations:

- Disclose to the individual its plans to obtain a criminal background investigative report and that the information will be used solely for employment purposes.
- Obtain written authorization from the individual.
- Inform the individual of his or her right to request additional information on the nature of the report and the means through which such information may be obtained.
- Provide the individual with a summary of his or her rights under the FCRA.

PURPOSE:

Southeastern University will conduct criminal background checks to protect the welfare and provide for the safety of the students, employees, and institutional resources of the University.

SCOPE:

Southeastern University reserves the right to conduct investigations on the widest scope possible. Normally, the criminal background investigation will include a review of the employee's records to include Social Security Number Search, Criminal Records Search (any misdemeanor convictions and/or felony convictions are reported) and the National Sex Offender Registry.

This policy applies to new employees, rehired employees, and employees who transfer into new positions. Certain other positions may be designated as well.

DEFINITIONS:

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Criminal Background Investigation: A review of the employee's records to include Social Security Number Search, Credit Report (if related to job duties), Criminal Records (any misdemeanor convictions and/or felony convictions), and the Sex Offender Registry.

Employee: A person who is hired by Southeastern University to perform a service in exchange for salary or wages.

Employment/Orientation Process: The process of completing an employment application and/or the orientation meeting conducted by Human Resources.

New Employee: A person who has never been employed by Southeastern University.

Fair Credit Reporting Act: The Fair Credit Reporting Act (FCRA), enforced by the US Federal Trade Commission (FTC), is designed to promote accuracy and ensure the privacy of the information used in consumer reports and investigative consumer reports. The FTC, which enforces the FCRA, treats criminal background investigations as investigative consumer reports.

Rehired Employees: A person who has been employed by Southeastern University previously and has had a break in service. A typical 9-month faculty contract is not considered a break in service.

Selected Positions: Positions identified by University management that have access to significant levels of cash or negotiable securities; significant responsibility for the execution or approval of financial transactions; privileged access to highly sensitive data or critical data processing systems; unsupervised access to University employee or student property; including positions located in the dormitories with access to student rooms and/or positions having responsibilities in safety, child care, medical services, security, fiscal areas, and/or those with significant data and resource access, and positions that have access to or responsibility for significant quantities of hazardous materials.

Transfer: A situation when an employee moves to another department or changes job duties that move an employee into a selected position.

FORMS AND APPLICABLE DOCUMENTS:

A Summary of Your Rights Under the Fair Credit Reporting Act
Release Authorization
Disclosure to Employment Applicant Regarding Procurement of a Consumer Report

PROCEDURES:

Human Resources will order the criminal background check once an offer of employment has been made. Human Resources will review the history records to determine job relatedness. Convictions revealed in the employment/orientation process and any additional convictions that may exist on the criminal records will be confidentially reviewed and may be considered cause for denying employment or termination based upon the nature of the job and the conviction(s). Failure to disclose a conviction(s) is deemed falsification of application and may result in an offer being rescinded or termination.

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Any information related to criminal history will be maintained in the strictest confidence possible. Only essential personnel involved in the hiring process (including the administrative line up to the President) and the individuals involved in the assessment of job-relatedness may be informed of information on the criminal background investigation of an employee on a need-to-know basis.

In making the determination of job-relatedness, Human Resources, in coordination with the hiring department, will consider how recently the conviction occurred and whether the records have been clear since; the frequency and severity of the crime(s); and the age of the individual at the time the crime was committed. The safety and security of the campus and the members of the campus community will be the University's foremost consideration.

If the individual has failed to disclose a conviction, Human Resources will normally recommend denying employment. If an individual has convictions, that may be a case for denying employment. The determination to deny employment to the selected candidate will be made by the hiring authority, in consultation with Human Resources.

Departments may make an offer to the selected candidate in accordance with the University hiring policy and procedures; however, the offer is contingent on the results of the criminal background investigation. Human Resources will contact the department with the results of the criminal background investigation as soon as possible.

If the employee commences work before the results of the criminal background investigation have been received, the continuation of employment is dependent on the results.

APPROVAL:

DISTRIBUTION:

AUTHOR:

Clara S. English, Director of Human Resources