



Procedure 6.14: Background Check Procedure
Volume 6
Managing Office: Office of Human Resources
Effective Date: July 1, 2014
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I. INTRODUCTION AND PURPOSE

Alabama Agricultural and Mechanical University (AAMU) believes that hiring qualified individuals contribute to the overall strategic success. Background checks serve as an important part of the selection process. The information collected helps promote a safe work environment. Background checks also help the University obtain information necessary to determine an applicant's overall employability and to ensure the protection of the University's physical property, proprietary information, and other assets. AAMU complies with all applicable federal, state, and local laws, including fair employment practices and equal employment opportunity when conducting background checks.

II. POLICY

Background checks shall be required prior to employing all individuals hired in a full-time faculty and staff positions with the hire date of July 1, 2014, or after. This policy applies regardless of whether or not a competitive recruitment process is used.

- a. All active full-time faculty and staff employees as of June 30, 2014, will be considered grandfathered and a completed background check will not be required for these employees.
 - b. A background check will be conducted for all full-time faculty and staff employees that are rehired after June 30, 2014.
 - c. Employees who have a completed background check on file and experience a break in service in employment will be required to have an additional background check.
 - d. Background checks will be conducted on all job applicants (full-time and part-time) applying for safety or security sensitive positions. These include positions that job duties involving financial/fiduciary duty, having access to sensitive computerized databases or laboratories, or having access to a master key as well as other positions determined by AAMU to be safety or security sensitive.
 - e. Background checks are required for employees obtaining safety or sensitive duties, such as a change in positions or significant change in duties through the promotion or transfer process according to the applicable University Handbooks and University Policies and Procedures.
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- f. Background check will be conducted on the final candidate(s) only.
- g. A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with the University. Candidates' eligibility will depend on a variety of factors, such as the nature of, and circumstances surrounding, any crime(s); the time elapsed since conviction and the rehabilitation record; the actions and activities of the individual since the crime(s), including the individual's subsequent work history; the truthfulness and completeness of the candidate's disclosure of the conviction(s), and any other relevant information.
- h. Background checks will be used only to evaluate individuals for employment and for no other purpose. It will not be used to discriminate at any level.
- i. Background checks will continue to be conducted by respective departments as required or mandated by local, state, or federal authorities, associations or organizations.
- j. Students who work for AAMU are not subject to background checks under this procedure unless working in a safety or security sensitive position.
- k. The University will ensure that all background checks are conducted in compliance with applicable federal and state statutes including, but not limited to, the Fair Credit Reporting Act (FCRA), American with Disabilities Act and Title VII of the Civil Rights Act.
- l. The Office of Human Resources (HR) will serve as the custodian of records for background investigation results. All information received in the background investigation process will be maintained in confidential, secure files separate from employee personnel files, with access allowed only to those who have appropriate authorization.
- m. Background Checks conducted by the US Department of Homeland Security for international, non-citizen job candidates as part of the Visa process may be considered adequate for the purposes of this procedure if the candidate has not previously resided in the United States.

III. BACKGROUND INVESTIGATION PROCEDURE

NOTIFICATION

Written notification of the requirement to successfully pass a background check will be given during advertisement and/or at time of application.

INITIATION OF CHECK

- Background checks will be initiated only by the Office of Human Resources.
- The Office of Human Resources may only initiate background checks once a completed and signed Disclosure Regarding Background Investigation and Acknowledgment and Authorization for Background Check forms are received.

BACKGROUND CHECK

- A background check will include, at a minimum, a multi-state criminal background check including felonies and misdemeanors, a social security trace, and a national Sexual Offender Registry check and for some positions, a credit history
- It is the responsibility of the hiring supervisor to check education and previous work experience references.
- The individual should complete the Disclosure Regarding Background Investigation and Acknowledgment and Authorization for Background Check forms. The forms should be submitted to the Office of Human Resources for processing.
- The individual has a right to request a complete disclosure of the nature and scope of the investigation.
- A summary of the applicant's/employee's rights (FCRA version) will be provided to the individual.
- After the background check process has been completed, HR will communicate one of three outcomes to the hiring supervisor: 1) an employee endorsement; 2) a disqualification based on falsification of the information in the application materials or background check release; 3) a non-endorsement based on the background check report as it relates to the position (with no confidential information being released to the hiring supervisor). If a non-endorsement is the result of an unsatisfactory background check report then HR will notify candidates regarding the report in accordance with FCRA requirements and they may follow the procedure outlined in this procedure.
- A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, may disqualify a candidate from employment consideration.

IV. OFFER OF EMPLOYMENT

- The result of a satisfactory background investigations must be on file in the Office of Human Resources prior to an offer of employment being extended to applicant. Job postings for positions subject to background investigations will contain notification to applicants that, prior to hiring, the final candidate must successfully pass a pre-employment background investigation.
- No verbal or written offer of employment shall be made, nor will such an offer be valid, absent a completed background check. The employee may not begin work in any capacity for the University without a completed satisfactory background investigation.

- Disclosure Regarding Background Investigation and Acknowledgement and Authorization for Background Check forms for the background investigation shall be obtained by the hiring supervisor, post- interview, and prior to the offer of employment.

V. RESULTS OF BACKGROUND CHECK

- To the extent required by the Fair Credit Reporting Act (FCRA), applicants will be informed, in writing, notice of adverse information discovered in the background check and given an opportunity to respond. Upon conclusion of the review, written notice will be sent to the candidate regarding the employer's decision of eligibility for the position.
- All results of the background check will remain confidential, will be maintained by the Office of Human Resources, and will be disclosed only to authorize employees who have a need to know in the performance of their job assignments.
- Failure to disclose criminal convictions requested during the application process may result in disqualification for employment or termination of employment.
- Disqualification of a candidate based on information discovered in the background check is not subject to grievance or appeal by the candidate.

VI. EMPLOYEE SELF-DISCLOSURE REQUIREMENTS

CRIMINAL CONVICTION OR FELONY CHARGE

All current employees are required to self-disclose post-employment criminal convictions or felony charges filed against them that occur on or after the Effective Date of this Policy within three business days of the conviction or felony charge to the Office of Human Resources Coordinator. Employees failing to self-disclose may be subject to disciplinary action, up to and including termination. Hiring Authorities notified of a post-employment conviction or felony charge have an obligation to report the information to the Office of Human Resources Background Check Coordinator. Hiring Authorities failing to report the information may be subject to disciplinary action, up to and including termination.

DRIVER'S LICENSE SUSPENSION OR REVOCATION

All current employees with primary responsibility for driving as demonstrated in the position description are required to self-disclose the post-employment suspension or revocation of a driver's license that occurs on or after the Effective Date of this Policy within three business days of the revocation to the Office of Human Resources Background Check Coordinator. Hiring Authorities notified of the post-employment suspension or revocation of a driver's license have an obligation to report the information to the Office of Human Resources Background Check Coordinator. Hiring Authorities failing to report the information may be subject to disciplinary action, up to and including termination.

VII. RESPONSIBILITY FOR COST

The hiring University department will be responsible for the costs associated with the background check. The background check investigation will be conducted by an outside vendor with which the University has contracted.

VIII. SAFETY OR SECURITY SENSITIVE CONTRACTORS

CONTRACTOR RESPONSIBILITY FOR CONDUCTING BACKGROUND CHECK

Contractors performing Safety or Security Sensitive work are responsible for conducting Background Checks on all employees, agents, and subcontractors that provide services to AAMU and, upon AAMU request, certifying that such employees and agents have satisfactorily completed the Background Check.

IX. POST-EMPLOYMENT BACKGROUND CHECKS

AAMU may conduct post-employment Background Checks on employees as needed, including but not limited to the following, any workplace violence incident involving the employee or when it is required to do so pursuant to state or federal laws, rules, or regulations. As a condition of continued employment, employees must consent to any post-employment background check as determined necessary by AAMU.

X. DEFINITIONS

Applicants are current, former, or prospective employees who submit information to be considered for positions at AAMU, including individuals not currently employed by AAMU, and current AAMU employees seeking promotional or transfer opportunities to safety, or security sensitive positions.

Background Check means the process of gathering and reviewing criminal history records, financial history records, and/or motor vehicle records.

Background Check Coordinator refers to the position in Human Resources primarily responsible for providing guidance, interpretation, and implementation of this procedure.

Conviction means a guilty verdict, a guilty plea or a plea of Nolo Contendere ("No Contest") of felony or misdemeanor, other than minor traffic offenses.

Criminal History Check means the process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or third party vendor in the

business of obtaining and providing criminal history records relating to an individual's criminal convictions. A criminal history record does not include an individual's conviction records that have been sealed by court order. Criminal records include in-state, out-of-state, and international criminal history, including misdemeanor and felony convictions.

Fair Credit Reporting Act (FCRA) is the primary federal law regulating employment background checks. The FCRA applies to all employment backgrounds checks conducted by a third party whether they include a credit report or not.

Final Applicant means a current, former, or prospective employee recommended for hire, transfer or promotion and to whom a contingent offer may be made.

Financial/fiduciary duty – Principal responsibilities require handling, receiving, or having custody of money, checks or securities, or accounting for supplies or other property; authorizing (or making appropriations for) expenditures; approving, certifying, signing or countersigning checks, drafts, warrants, vouchers, orders or other documents providing for the paying over or delivery of money, securities, supplies or other property, or service of process; maintaining or auditing accounts of money, checks, securities, time records, supplies, or other property, or taking physical inventories of money, checks, securities, supplies, or other property.

Hiring Authority(ies) refers to the individual in a campus department or program with the authority to make hiring decisions.

International Applicants are current, former, or prospective employees who are not U.S. citizens or not permanent residents, and who do not have a U.S. issued social security number or who have obtained a social security number in the last six months.

Minor/Child means any person under the age of nineteen (19) who is not enrolled or accepted for enrollment in credit-granting courses at the University. Students who are “dually enrolled” in University credit-granting courses while also enrolled in elementary, middle and/or high school are not included in this policy unless such enrollment includes overnight housing in University facilities.

Motor Vehicle Check means the process of gathering and reviewing motor vehicle and/or driver's license records or information, including motor vehicle records from any state where the individual has resided.

Privileged Access are rights to computer or application systems that have been granted to an individual beyond that of a typical user that can bypass, modify, or disable technical or operational security controls. Examples may include the ability to install software; install or modify system processes; create or modify system configurations; create or modify system access controls; and/or view or control the screen of the user through remote access technologies in order to assist them.

Promotion means job advancement, title enhancement, and/or pay increase action or process open to current AAMU employees and which involve increased and/or different job duties and responsibilities.

Safety or Security Sensitive means work that meets one or more of the following criteria. This is not all-encompassing list.

- Responsibility for patient, animal or child care in a child care center as defined by state law;
- Access to "select agents or toxins" or "controlled substances" as defined under state and federal law;
- Access to campus buildings where students and faculty reside (e.g. residence halls), the Recreation Center, Athletics Facilities and other secured facilities as determined at the sole discretion of Human Resources in consultation with the appropriate Dean or Hiring Authority as needed;
- Positions that serve a Vulnerable Population Program;
- Primary responsibility for driving a University vehicle; or
- Positions with information technology responsibilities that meet the criteria for Privileged Access.
- Positions with financial/fiduciary responsibilities.

Transfer refers an employee may be laterally transferred (i.e., transferred into another department without an upward change in grade and/or classification) under conditions at the convenience of the University.

Volunteer refers to an individual who is not an employee or an applicant, and who is providing a service to Alabama A&M University without expectation of remuneration.

Vulnerable Population Program means program activities, including but not limited to academic programs and camps, that include:

- Working or assisting with programs serving minors or at-risk adults;
- Working or assisting in child care facilities;
- Spending the night in a situation where minors are present; or
- Providing housing for minor undergraduate students.

Policy: Approved by Board of Trustees June 27, 2014

Procedure: Approved by President's Cabinet July 1, 2014