

## **PERSONNEL**

### **Personnel**

#### **Background Checks for Faculty and Staff ( 6.64 )**

**PURPOSE:** The purpose of this policy is to provide guidance and describe the process for conducting background investigations on faculty and staff at Tennessee State University.

**POLICY:** It is Tennessee State University's policy to conduct background investigations on all applicants recommended for full-time employment, part time employment, and authorized volunteerships after December 7, 2011. Tennessee State University also reserves the right to conduct background investigations on employees during the term of their employment for legitimate business related reasons, including, but not limited to criminal offense investigations, investigations associated with serious violations of University policies, including the University's anti-discrimination/harassment policy, as determined appropriate by the University. This policy is implemented to ensure that individuals are selected or retained who possess the qualifications to perform the duties of the position most effectively and who are best able to serve the institution.

This policy is in addition to background check requirements under applicable federal and state laws, regulations, and policies governing certain positions at the University, including, but not limited to, residence life/housing, child care and clinical affiliation related positions.

This policy shall not, at this time, apply to individuals hired to serve as adjunct faculty members.

#### **REQUIRED CHECKS**

Except as provided above, all applicants for positions at Tennessee State University shall be subject to a criminal background check. Individuals may be subject to other background checks based upon the responsibilities of the positions.

#### **PROCEDURE**

The individuals subject to background checks must be made aware of this practice at the earliest possible stage in the process. All position vacancy announcements for the positions in the areas identified above shall include a statement indicating that applicants may be subject to background checks. Appointment to a position shall be contingent upon successful completion of a background check. Background investigations can only be completed after the selection of the preferred candidate. However, should a check be initiated after an employment offer and/or employment has begun, the results shall be used to assess the employee's suitability for continued employment. Background checks shall be initiated within the first sixty (60) days for new employees.

The Director of Human Resources has been designated as the University official responsible for conducting background checks in compliance with applicable laws for all employees. Individual departments, Colleges, or units are not authorized to conduct their own background checks unless authorized by the Director of Human Resources. The Director of Human Resources must ensure that the Disclosure and Authorization Form required by the Fair Credit Reporting Act (FCRA) and other authorization forms are completed before a background check is conducted. The third party vendor conducting the background check is required to provide all necessary forms to be used in the process. If the candidate/employee refuses to sign the Disclosure and Authorization Form, no further consideration will be given to this candidate/employee.

Once received, the Director of Human Resources will review and evaluate the information in the background investigation. If the background investigation report contains information upon which it is determined that further review is necessary, the Director of Human Resources will forward the information to the University Counsel for review. The University Counsel may also confer with other appropriate University officials as he deems appropriate. An offer of employment or continued employment may be withdrawn based on a determination that the candidate or employee does not meet the necessary qualifications or characteristics for the position.

Criminal convictions or pleas of *nolo contendere* will be considered in determining a candidate's or employee's suitability for employment or continued employment. In determining suitability for employment where there is a record of criminal conviction, consideration shall be given to such issues as the specific duties of the position, the number of offenses and circumstances of each, the nature and seriousness of the offense, how long ago the conviction occurred, whether the circumstances arose out of an employment situation, and the accuracy of the information on the application.

If adverse action is to be taken based in whole or in part on the information obtained from the background check, additional provisions of the FCRA must be followed. Prior to taking adverse action, the Director of Human Resources must provide the candidate or employee with a copy of the background check report, along with a summary of rights. After the adverse action is taken, the candidate or employee must be given a written notice of the adverse action. If the job offer or an employee is recommended for termination, appropriate notice in accordance with other policies is required.

The President of the University has final authority on the disposition for an adverse personnel action.