

## **Frequently Asked Questions Regarding Background Checks**

**1. Which potential employees must undergo a criminal background check prior to employment?**

All persons whom have been given a conditional offer of employment with FHSU, except persons whose term of employment will be limited to six months or less, and hourly student employees, must undergo a criminal background check. *All supervisors at FHSU who will be hiring any person except an hourly student employee should assume a background check will need to be conducted on the successful applicant prior to the applicant beginning work with FHSU.*

**2. Will temporary and adjunct faculty need to undergo criminal background checks?**

Yes, unless their initial employment contract limits their term of employment to six months or less.

**3. Will graduate assistants and graduate teaching assistants need to undergo criminal background checks?**

Yes.

**4. What information in a candidate's background is being sought by the background check?**

The scope of the background check is criminal history record searches for felony and misdemeanor convictions, or pending charges, at the county and federal level in every jurisdiction where the candidate currently resides or has resided for the last seven years. Sex offender registry searches at the state and federal levels in every jurisdiction where the candidate currently resides or has ever resided will also be conducted.

**5. When will the criminal background check be conducted?**

The background check will be initiated simultaneously with the extension of an offer of employment. It is anticipated that all finalists for the position will sign authorization forms when they are on campus for interviews and the finalist selected as the successful candidate will undergo a background check immediately upon being extended a conditional offer of employment. Alternatively, the hiring authority or search committee chair may choose to have all applicants for the position sign consents for background checks. All consents signed by unsuccessful applicants should be destroyed.

**6. Does performing a background check excuse the hiring authority or search committee from conducting reference checks on the applicant?**

No. A criminal background check will not reveal all possible negative history or traits about an individual. Therefore, a criminal background check is not a substitute for but is in addition to reference checks.

**7. Will a candidate be able to work prior to the background check being completed?**

No. *If it is determined that a person was hired prior to a background check being completed, the offer of employment or employment contract will be rescinded pending the successful completion of a criminal background check by the applicant.*

**8. Who will pay for the cost of the background check?**

The University's central account will be utilized to pay for the cost of the background checks.

**9. Who is responsible for making sure that the background check is completed?**

With regard to a candidate for an unclassified position with academic rank, the background check will be initiated by the dean of the respective college. The dean will contact the Director of Personnel who will make contact with the University's vendor for this service. For unclassified positions without academic rank, the division Vice President will initiate the background check by contacting the Director of Personnel. For classified positions, the Director of Personnel Services will initiate the background check.

**10. Who will review the results of the background check and make a decision as to whether the candidate is fit for employment with FHSU?**

The person who initiated the background check as indicated immediately above, with consultation with the supervisor for the position that the candidate is applying for, will review the results and make a decision regarding the candidate's fitness for employment. University General Counsel is available to help interpret the results of the background check.

**11. May the candidate be contacted to discuss the results of the background check before an initial decision is made?**

Yes. In fact, as the background check will only likely show the charge or conviction involved, the jurisdiction of the proceeding and the date, it may be necessary to get clarification from the candidate directly about the circumstances surrounding the charge or offense. This will help the reviewing party make a more informed initial decision.

**12. What are the criteria on which this decision will be based?**

The primary consideration will be whether the results of the background check reasonably bear on the candidate's trustworthiness or the safety or wellbeing of FHSU students, employees, and other university community members should the candidate be hired for the position. This determination takes into account the nature of the prior offense(s), the time elapsed since the offense, the candidate's age at the time of committing the offense, the number and type of offense(s) discovered and whether the offense arose out of an employment situation. These factors will be compared to the duties of the position for which the candidate is applying and factors such as whether the position includes access to residential facilities, money or vulnerable populations.

**13. Will the decision to hire or not hire the candidate based upon the background check be based at all on financial or other personal information?**

No. Only criminal history will be considered.

**14. Will the candidate have the opportunity to appeal an adverse decision?**

Yes. If the decision is made initially not to hire the candidate following the review of the criminal background check results, the candidate will be notified and provided with a summary of their rights under the Fair Credit Reporting Act (FCRA). The candidate will have three business days after receipt of the notice of the initial decision to appeal the decision to the reviewing party (Dean/VP/Director of Personnel Services). If within seven working days from receipt of the appeal the decision is not overturned, the candidate will no longer be considered for the position. The candidate will be notified of his or her right to contact the reporting agency (the University's vendor for background check services) to dispute the accuracy of the information contained in the report. The University is not required to wait until the candidate's appeal to the reporting agency is concluded before making a final decision on the candidate's employment.

**15. Will the results of the criminal background checks be included in the candidate's personnel file, should he or she be hired by the University?**

No. All records generated or received on each candidate relating to the criminal background check will be kept in individual files and stored in the Office of General Counsel. The University will consider such files to contain information of a highly personal nature and will not voluntarily release such information to anyone other than the candidate or to persons within the University with the need to know such information. Such persons may include the candidate's immediate supervisor, the dean of the candidate's college or the division Vice President for non-faculty employees. The Director of Personnel will transmit the results of each background check to the Office of General Counsel for filing purposes. Any other documentation received or generated as a result of the background check should be transmitted to General Counsel's office at the earliest opportunity.

**16. When will background checks on prospective employees begin?**

Immediately. The University's policy and procedures relating to criminal background checks became effective on September 1, 2008.