



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

BACKGROUND CHECK AND CRIMINAL ACTIVITY REPORTING

UNIVERSITY POLICY

I. PURPOSE

North Carolina Agricultural and Technical State University (University) is dedicated to ensuring and maintaining a welcoming and safe environment for its students, faculty, staff, and visitors. This Policy establishes the University's guidelines for conducting Background Checks prior to offers of employment, volunteer placements or activities involving the University's Minors on Campus Policy.

II. SCOPE

This Policy applies to any candidate who has been selected for a full-time or part-time, permanent or temporary position, including individuals currently employed at the University who apply for or transfer to another position at the University, volunteers, and individuals involved in activities under the University's Minors on Campus Policy. This Policy does not apply to undergraduate and graduate students whose work is incidental to their primary role as a student or undergraduate and graduate students whose background verification is assessed through the student admissions process.

III. DEFINITIONS

Background Check

Background Checks include criminal background checks, credit checks, and Department of Motor Vehicle (DMV) checks.

Candidate

An applicant, employee, or volunteer seeking an employment, placement, promotion, or volunteer opportunity with the University.

Charge

A formal complaint, information or indictment.

Conviction

A guilty plea, verdict, no contest, Alford plea or resolution, which is the equivalent of a judgment. This includes registration, probation, deferred prosecution, loss or suspension of driving privileges.

Criminal background check

A search of a candidate's criminal conviction and sexual offender status.

Credit Check

A search of a candidate's financial information, which includes, debts, late payments and defaulted loans.

DMV Check

A search of a candidate's driving record for traffic convictions.

IV. PROCEDURES

NATURE AND SCOPE OF BACKGROUND CHECKS

Background Checks will be obtained from a vendor who is a member of the National Association of Professional Background Screeners. Background Checks will only be used to evaluate candidates for employment or volunteer purposes and will not be used to discriminate on the basis of race, color, national origin, religion, sex, ethnicity, pregnancy, gender identity or expression, disability, age (over 40), veteran's status, sexual orientation, political affiliation, genetic information or other prohibited ground. The University will conduct three types of Background Checks: criminal background checks; credit history checks; and DMV Checks.

Criminal Background Checks

All candidates will have a criminal history background check prior to an offer of employment, change in position or volunteer placement with the University.

Credit History Checks

Credit history checks will be obtained on candidates for positions with access to, or responsibility for any form of check, monies, or accounts. Credit checks will also be required for positions that initiate accounting/financial transactions that are not reviewed or verified by others; positions that have override authority for spending, receipting, Human Resources, or billing transactions; and positions designated as approvers, including Dean, Director, or Department Head. Current employees who assume these types of duties during the course of employment are also subject to credit history checks.

DMV Checks

Motor vehicle checks will be conducted on candidates for positions that require the individual to drive a state vehicle as a regular part of their job responsibilities, or when a dedicated vehicle is

provided to the employee for the purpose of conducting University business. The check consists of a search for the candidate's automobile accidents or for a candidate's traffic convictions.

DISCLOSURE AND AUTHORIZATION FOR BACKGROUND CHECK

Candidates will be advised of the Background Check requirements through employment materials and at the point of inquiry for a volunteer placement, or when activity subject to the University's Minors on Campus Policy is anticipated. This notification will advise candidates that a criminal conviction investigation will be conducted on any individual who is selected as the candidate for the position or placement.

The University must obtain the candidate's acknowledged Disclosure and Authorization form prior to the initiation of the Background Check request. Refusal to provide a Disclosure and Authorization form shall be considered sufficient grounds to discontinue employment or volunteer consideration for that candidate.

Background Check Results

No job offer or volunteer placement will be extended or become effective until the Background Check report has been reviewed by Human Resources and it is determined that no adverse action needs to be taken based upon the results of the report.

A previous conviction does not automatically disqualify a candidate from consideration for employment or volunteer placement with the University. Candidate eligibility depends 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), the nature of the job responsibilities to be assigned to the candidate, and any other relevant information.

The following types of convictions will normally render an individual ineligible to work or volunteer with Minors during a Covered Program, as defined in the University's Minors on Campus Policy: sexual offenses, including stalking; crimes of violence involving physical injury to another person; child abuse, molestation, child pornography or other crimes involving child endangerment, including neglect and abandonment; murder; kidnapping; and any other crime involving moral turpitude. Additionally, no Candidates may be listed on any sex offender registry. Individuals whose background driver check reveal serious driving-related convictions shall not be allowed to transport Minors as part of their duties.

NOTIFICATION TO APPLICANTS

Notification of Pre-Adverse Action

In compliance with the Fair Credit Reporting Act (FCRA), when adverse action is contemplated based on a Background Check result, Human Resources will provide the candidate with the Background Check result and FCRA rights via certified mail to the candidate's address on file at least five (5) days prior to taking adverse action based on a Background Check.

Notification of Adverse Action

Human Resources will notify the candidate of the adverse action via certified mail using the FCRA “Adverse Action Notification Form.” If a conditional offer of employment or volunteer placement has been made, the administrator will notify the candidate that the offer of employment or volunteer placement is withdrawn.

REPORTING CONVICTIONS AFTER EMPLOYMENT OR PLACEMENT

All employees or volunteers who are charged with a felony or convicted of an offense (other than minor traffic violations) are required to report new convictions to their immediate supervisor within three (3) days of the conviction. The immediate supervisor will immediately notify Human Resources within one (1) day of receiving notice so that Human Resources can conduct the Background Check. An employee’s failure to report a new conviction may result in disciplinary action. A volunteer’s failure to report a new conviction may result in removal from the volunteer placement.

Confidentiality

All individuals having access to background check information must maintain this information in confidence. Failure to maintain confidentiality may be grounds for disciplinary action, up to, and including termination. Failure to maintain confidentiality may also lead to criminal liability.

Falsification

The University may conduct a public records check of current employees and volunteers when there is reason to believe an employee or volunteer has provided false information on employment or volunteer placement documents. Any falsification of documents (by omission or commission) that is substantiated through a public records check may form the basis for disciplinary action against the employee or volunteer. A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will be considered sufficient grounds to discontinue employment or volunteer consideration for the position or placement. If the candidate is a current employee, falsification may subject the individual to disciplinary action up to and including dismissal as determined by the appropriate Dean or Vice Chancellor.

V. ENFORCEMENT

The University’s Human Resources office shall initiate, conduct and review the results of all University Background Check reports to determine a candidate’s eligibility for initial employment, promotion or other placement, volunteer opportunities, or sufficiency of an external background check. The Human Resources Office shall develop appropriate procedures and guidelines to implement the provisions of this Policy. The Human Resources Office will notify the candidate or external organization of any adverse action in consultation with the University’s Office of Legal Affairs, University Police Department, or respective University Administrator.

VI. POLICY REVIEW

This policy shall be reviewed and revised as necessary every five years.

Approved by the Chancellor

First Approved: March 23, 2020