Background Check Policy/Procedures
Office of Academic Personnel

Unit 3 Faculty, Full and Part Time Lecturers, Librarians, Counselors, Coaches and Unit 11 Graduate Assistants, Teaching Associates, Instructional Student Assistants

I. Policy

Background checks will be a part of the routine employment process per policy memorandum (HR 2015-08) effective 8/3/2015. The background check, which includes: employment verification, terminal degree verification, reference check and criminal records check, may be initiated once a conditional offer (verbal and/or written) of employment is extended. A conditional offer of employment is contingent upon the successful completion of the background check prior to the first day of employment. There are limited exceptions that may be permissible as described in HR 2015-08.

- **Immigrant Visas/Foreign:** International background checks can be conducted. Countries vary in their abilities to provide criminal records. Applicants may submit police clearance certificates from their country of residence as part of their background check.
- **Faculty members from foreign countries will be treated on a case-by-case basis.**

A. Faculty - Limited Exception to Completion of Background Checks Prior to Beginning Work:

The Chancellor, President, or his/her designee may authorize new faculty members to begin work before the background check is completed only in the limited circumstances where university operations will be adversely affected because it would not be otherwise possible to offer a class to students. The offer of employment must be in writing and state that it is contingent upon the completion of a satisfactory background check and may be rescinded if the background check reveals disqualifying information and/or it was discovered that the candidate knowingly withheld or falsified information. Such an exception will not be permitted where the position is one in which a background check is required by law or is designated as sensitive.

- **Sensitive Positions**
  
  Sensitive positions are designated by the CSU as requiring heightened scrutiny of individuals holding said position, based on potential for harm to children, concerns for safety and security of people, animals, or property, or heightened risk of financial loss to the CSU or individuals in the university community. Whether a CSU position should be considered sensitive is determined by the duties and responsibilities of the position and not the job title or classification. The posted position description shall state that the position has been designated to be a sensitive position. In addition to identifying the background check requirement for sensitive positions, all posted position descriptions should include an identifier (e.g., checkbox) indicating whether or not the position will have access to sensitive data. (HR 2015-08).

B. Background Checks ARE Required for:

- **All new hires** are required to complete the criminal records, education including terminal degree and employment verification through Accurate Background, Inc. CSU will not consider a conviction that occurred more than seven (7) years before the assessment.
- **Rehires** who have had a break in service for 12 months (From the last day of the previous appointment to the first day of the new appointment) or more and who have not had a CSU background check within the past 12 months on the same campus.
- **Current employees** who are under voluntary consideration for positions which a background check is required by law or that the CSU has designated as sensitive, unless they have successfully completed a CSU background check within the past 12 months on the same campus.
- **Special consultants and/or volunteers** who perform work involving direct contact with minor children, including CSU-hosted recreational camps or who perform duties that would require a background check if performed by a CSU employee.
- **Unit 11 Academic Student Employees (ISA, TA, and GA) appointed to sensitive positions.**

C. Background Checks ARE NOT Required for (excluding any position with direct contact with minors):

- **FERP participants,** unless they voluntarily move into positions that would require a background check.
- **Current employees,** unless they voluntarily move into a position that would require a background check.
- **Employees rehired** at the same campus that have had a CSU background check in the previous 12 months.
- **Employees re-appointed** to the same position at the same campus within 12 months.

Detailed information regarding the Background Check policy can be found at [http://www.calstate.edu/HRAdm/pdf2015/HR2015-08.pdf](http://www.calstate.edu/HRAdm/pdf2015/HR2015-08.pdf)
• Special Consultants, Guest Faculty, One day Visitors, and Additional employment who do not perform work involving direct contact with minor children, including CSU-hosted recreational camps or who do not perform duties that would require a background check if performed by a CSU employee.
• Unit 11 Academic Student Employees (ISA, TA, and GA) not appointed to sensitive positions.

D. Language to Use
• **Job Postings:** All active job postings to include all Unit 3 and Unit 11 (ISA, TA, and GA) employees must be updated to include language notifying potential candidates that a background check, to include a criminal records check, will be required. See language below:

  *A background check (including a criminal records check) must be completed satisfactorily before any candidate can be offered a position with the CSU. Failure to satisfactorily complete the background check may affect the application status of applicants or continued employment of current CSU employees who apply for the position.*

• **Contract Language:** All Unit 3 and Unit 11 (ISA, TA, and GA) employee contract letters must include the following language:

  *This offer of employment is contingent upon the completion of a satisfactory background check and may be rescinded if the background check reveals disqualifying information and/or it was discovered that you knowingly withheld or falsified information.*

II. Procedures

A. **Designate a Contact Person.**
Each department must identify a contact person for the background check procedures and send the person’s name to the college analyst who will email the contact list to HR designee, Alex Cassadas at cassadas@csusb.edu as soon as possible.

B. **Submission of Request for Background Check.** Reference checks are the responsibility of the department.
The following steps should be followed when submitting a background check:

1. The Dean (with approval of the Provost; if applicable) extends a verbal/conditional job offer of employment to candidate contingent upon satisfactory completion of background check. College/department designee emails Background Check Request form (use the form applicable to your appointment type) [http://hrd.csusb.edu/backgroundCheck.html](http://hrd.csusb.edu/backgroundCheck.html) with candidate information to backgroundcheck@csusb.edu and AcademicPersonnel-Background@csusb.edu
   a. HR designee will initiate the background check through the third party vendor Accurate Background Check.
   b. Vendor will send candidate an email with system log in information to authorize process.

2. Candidate’s file
   a. Part Time faculty files are maintained in the department office.
   b. Full Time faculty files are sent to and maintained in Academic Personnel.
   c. Unit 11 Academic Student Employees (ISA, TA, and GA) files are maintained in the department office.

3. Conditional offer letters will be sent to candidate by department for Part Time faculty and by Academic Personnel for Full Time faculty.

III. Results and Confidentiality

A. Candidates have up to 10 days to complete the authorization online and electronic signature before the account is closed. If a candidate fails to login within 10 days from initial notification their login will be cancelled. HR will notify the department contact person of the cancellation. If any further action is needed, the department must resubmit the background check request.

B. The HR designee will be notified by Accurate Background Check of the specific results within 3-10 calendar days after the candidate completes the online authorization.

C. If the candidate passes, the department’s contact person and Academic Personnel will be notified by HR (no specific details will be given). If the candidates’ results indicate a negative finding, the Associate Provost for Academic Personnel will be notified for review.
D. The results are confidential and will be kept in HR and separate from the employee’s official personnel file.

E. Disqualification Decisions: These decisions will be based on job-related/legitimate business reasons. HR or Academic Personnel, as appropriate, will review the results and determine the suitability of the candidate and whether the results of the background check should disqualify the candidate from consideration for the position for which he/she applied. The decision makers will consider the following, in consultation with HR, in determining whether the conviction impacts the candidate’s suitability for the position:

- The nature and gravity of the crime(s) and relevance to the position sought.
- The number and circumstances of the offense(s).
- The period of time since the last conviction.
- The candidate’s conduct, performance and/or rehabilitation efforts since the last conviction(s).

IV. Guidelines for Considering Adverse Results

A. Notification of Results to Candidates
   HR, via Accurate Background Check, is required to provide the candidate a copy of their Criminal Offender Record Information (CORI) and disclose to the candidate a summary containing the nature and substance of the report on which the adverse action was based. For all other candidates, HR will provide a copy of a candidate’s CORI to him/her upon request.

B. Negative Finding after Starting Work
   Per policy memorandum HR 2015-08, if a candidate has a negative finding, the contingent nature of the offer allows the campus to withdraw the offer if the campus decides that an employee’s background check results disqualify the employee from the position. Notice must be provided to the candidate before making a final decision. Any disciplinary action taken against a current employee for negative findings will be administered in a manner consistent with the applicable collective bargaining agreement and the California Education Code.

C. Appeal Process – Adverse Actions
   If any information in the criminal records check is utilized to make an adverse action regarding an employment decision, the campus shall notify the applicant and provide a copy of the results before making a final determination. The applicant shall be given five (5) business days to request, in writing, clarification or further review of the decision. The campus decision maker(s) must wait five (5) days after notice is given and consider if there is a dispute about the results of the CORI. HR is required to provide the applicant with information about the criminal records check appeal procedure.

D. Refusal to Undergo a Required Background Check
   If a new hire or current employee who is required to undergo a background check refuses to do so, management reserves the right to disqualify the person from consideration. In the case of a current employee, a refusal to undergo a background check as required per policy memorandum HR 2015-08 may result in disciplinary action up to and including dismissal.