Background Check Policy: Impact & Expectations

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Agenda

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Purpose

• The CSU system-wide policy on background checks was developed to provide directives and guidance on background checks which are critical in preventing risk and providing protection to campus employees, students, volunteers, and guests.

• The policy will be effective August 3, 2015.
Individuals Impacted

• All new hires (including part-time faculty)

• Current employees in positions for which background checks are required by law (example: police officer, medical providers, and individuals who work with minors)

• Current employees under voluntary consideration for **sensitive positions** for which background checks are required

• Student workers (including TA/GA/ISA) in positions that require background checks by law or are determined to be sensitive

• Volunteers, consultants, and employees of auxiliaries, outside entities, and independent contractors in positions that require background checks by law or are determined to be sensitive
Sensitive Positions

- Sensitive positions designated by the CSU as requiring a heightened scrutiny of individuals based on potentials for harm, concerns for safety and security, or risk of financial loss to the CSU community.
Background Checks Are Not Required

- FERP employees, unless they voluntarily move to a position that requires a background check
- Current employees, unless they voluntarily move to a position that requires a background check
- Employees rehired to the same campus who have had a background check performed in the previous 12 months
- Employees re-appointed to the same position at the same campus within 12 months
Background Check Requirements

- Employment verification
  - All prior employment within the past 10 years

- Education verification
  - Educational requirements as appropriate to the position

- Reference checks
  - Contact current and former employers with a standardized inquiry to verify the applicant’s work history and skills

- Criminal records check
  - The CSU will not consider a conviction that occurred more than seven (7) years before the assessment

Note: Background Check process must be initiated before a formal job offer can be made. Any job offer made prior to completion of background check must be in writing with contingency language.
Criminal Records Check

- The Education Code requires the submission of fingerprints (Livescan) to the Department of Justice for any employee or volunteer who will have direct contact with minor children at a camp/clinic operated by the CSU or on CSU property and a sex offender registry check.

- Bargaining unit employees who have worked in the past or who are currently working with camps and/or clinics on the campus are subject to this requirement unless they have successfully completed a criminal records check and sexual offender registry check within the past 12 months on the same campus.

- Campuses may not subscribe to subsequent criminal records updates.
Job Related Checks

• Specific job related checks may be conducted such as

  • Credit Report History

  • Motor Vehicle Records/Licensing

  • Professional Licensing, Certification and/or Credential verification
Limited Exception

- Limited exceptions may be made by the President or designee when University operations will be adversely affected such as when it would not be possible to offer a class to students.
  - Offer must be in writing, contingent upon completion of satisfactory background check.
  - Offer can be rescinded if 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 is required by law or is designated as sensitive.
Job Postings

- All advertisements, notices, and postings for positions that require background check must also state:

  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.

- Job postings shall state that the position has been designated to be sensitive and identify if the position will have access to sensitive data.
Contacts

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