Policy Title: Criminal Background Check Policy

Effective Date: 3/1/2000

Policy ID #: HR P0-1400

Date of Last Revision: 2/1/2012

Oversight Department: Human Resources

Next Review Due: 2/1/2013

1. PURPOSE

The purpose of the Criminal Background Check Policy is to promote a safe environment and protect the welfare of students, employees, and visitors to our campus and to protect organizational assets including people, property, and information.

2. APPLICABILITY

This policy applies to full- and part-time classified, administrative and professional faculty, teaching and research faculty, and 1500-hour wage positions. Certain other positions may be designated as well.

3. AUTHORITY

University policies fall within a greater hierarchy of laws, statutes and regulations. The Board of Visitors has been authorized by the Commonwealth of Virginia to govern Radford University. (See Code of Virginia section 23-155.7; 23-9.2:3.) The Board of Visitors has delegated the authority to manage the University to the President.

The Board of Visitors, in the Board By-laws, has delegated much of the authority to manage the University to the President, who serves as the agent of the Board and as the Chief Executive Officer of the University. As a part of that management, the President, in conjunction with the President’s Cabinet, will direct the development and implementation of University policies and procedures.

4. DEFINITIONS

**Conviction:** The result of a trial or a legal preceding that ends in a judgment or sentence that the person is guilty of a criminal violation.

**Crime:** The breach of a legal duty, punishable by a penal statute, whether federal, state, or local.

**Selected Positions:** Positions identified by University management that have access to significant levels of cash or negotiable securities; significant responsibility for the execution or approval of financial transactions; privileged access to highly sensitive data or critical data processing systems; unsupervised access to University, employee or student property, including University dormitories with access to student rooms; and/or positions having responsibilities in safety, law enforcement, medical services, homeland security, and/or fiscal areas; those with significant data
and resource access, and positions that have access to or responsibility for significant quantities of hazardous materials.

5. POLICY

A. As of February 1, 2012, a criminal background check will be processed by Human Resources for all new and rehired employees, and employees who are promoted or who transfer into different selected positions and upon whom a criminal background check has not previously been conducted. Employees rehired within six months of the date their employment became inactive are not required to undergo a criminal background check if a check appropriate to the new position had been previously completed.

B. Applicants will be advised that a criminal background check is a condition of employment and that all convictions must be included on the application and disclosed during the employment process.

C. If an applicant or employee possesses an active security clearance issued by the US Federal Government, proof of that active security clearance will be considered in lieu of conducting a new criminal background check.

D. The accuracy and completeness of the disclosure of prior criminal convictions revealed in the application and employment process will be verified. Convictions disclosed or discovered in the application and employment process may influence the selection of the applicant where such information is job related.

6. PROCEDURES

See Corresponding PROCEDURE # HR-PR-1400
(Include Appendices with Procedure)

7. RESPONSIBILITIES

See Corresponding PROCEDURE # HR-PR-1400

8. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the Executive Director and Chief Human Resources Officer.

9. EXCLUSIONS

Exception: The Radford University Police Department (RUPD) will conduct criminal background checks based on RUPD policies and procedures for their own new employees, rehired employees, and employees who transfer into the RUPD.
10. REFERENCES

Code of Virginia §2.2-1201.1

Virginia Department of Human Resource Management, Policy 2.10, Hiring

11. APPROVAL AND REVISIONS

Criminal Conviction Investigation Policy, June 2001

The existing Criminal Conviction Investigation policy was revised and incorporated into the new University Policy template in November 2011. The Criminal Background Check Policy and Procedure were reviewed and approved by the President’s Cabinet on January 19, 2012. President Kyle signed the policy on January 20, 2012.

For information, contact the Office of Policy Compliance – 540-831-6651
1. **Brief Policy Description**

   The purpose of the Criminal Background Check Policy is to promote a safe environment and protect the welfare of students, employees, and visitors to our campus and to protect organizational assets including people, property and information.

2. **Applicability**

   This policy applies to all full-time and part-time employees, and 1500-hour wage positions. Certain other positions may be designated as well.

3. **Procedure**

   a. **Communication of Policy**

      The provisions of the criminal background check policy will be communicated to applicants using application materials provided to all applicants, departmental employment interviews and offer letters. The provisions of this policy will be communicated to current employees by department heads, supervisors, and Human Resources.

      In addition, Human Resources staff members will be available to discuss the provisions and procedures of the policy with supervisors, employees and applicants.

   b. **Initiating the Criminal Background Check**

      The selected candidate must complete a release form permitting conduct of the criminal background check immediately upon a conditional offer of employment being made.

      The University reserves the right to conduct criminal background checks on the widest scope available. Normally, criminal background checks will include a review of the individual’s records to include a Virginia Criminal Records Search and the Sex Offender Registry. Individuals who have lived outside the Commonwealth of Virginia will include county checks for all counties in which the individual has lived over the past seven (7) years.

   c. **Review Process**

      Human Resources will initially review the criminal background records to determine job relatedness and will contact the department with the results if the check reveals a job-related criminal background record. If the individual has convictions that are job-related, the University may deny employment. The determination to deny employment will be made by the hiring authority in consultation with Human Resources. A decision to hire an applicant with a job-related conviction requires the approval of the appropriate division head.
In making the determination of job-relatedness, Human Resources and the hiring authority will consider how recently the conviction occurred; the frequency and severity of the crime(s); and the age of the individual at the time the crime was committed. The safety and security of the campus and the members of the campus community will be the University’s foremost consideration.

Any information related to the criminal background history will be maintained in the strictest confidence possible. Only essential personnel involved in the hiring process and the individuals involved in the assessment of job-relatedness may be informed of information on the criminal background check of an employee on a need-to-know basis. Those who violate the terms of this policy, including violations of confidentiality, are subject to disciplinary action including termination.

d. Preliminary Offers

Criminal background checks should be completed prior to an employee’s employment begin date. Exceptions to this must have the joint approval of the appropriate division head and the Director of Human Resources. If an exception is made, the offer letter or employment contract will explicitly state that, “This offer is contingent upon the satisfactory completion of a criminal background check.”

4. Responsibilities

Current Employee: As a condition of continued employment, every employee must inform his/her supervisor or Human Resources within five business days if he/she is convicted of a crime (not including traffic infractions). A CDL holder must report traffic infractions pursuant to licensing regulations. The University reserves the right to then conduct a criminal background check. Information discovered that leads to the conclusion that the safety and security of the campus and/or the members of the campus community are at risk will be reviewed, and the individual’s employment may be affected. Reporting of convictions is applicable to all employees, whether or not their positions were subject to an original criminal background check.

Department Heads, Hiring Authorities and Supervisors: Responsible for their department’s adherence to this policy, including clearly communicating this requirement to job candidates and to all current employees upon policy implementation. The supervisor should consult with HR to determine if a reported conviction is job-related.

Human Resources: Responsible for the management of the policy, including overseeing the criminal background check process, the confidential reporting of job-related negative results to the appropriate individual in the hiring department, and the confidential storage of all findings.

5. Appendices

None