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| Policy Title    | Background Screening   | Effective Date: | 1/1/2012  |
| Policy #        | 3.3  |                 |           |
| Functional Area | HR Operations/Talent Management  | Revised Date(s) | 7/20/2022 |
| Policy          | Background Screening Guidelines  |                 |           |
| Statement       | <p>The University conducts mandatory background screening for all candidates who have been offered regular employment as a condition of employment. The University may also conduct background screenings for current employees consistent with this Policy. This policy establishes guidelines for a uniform and objective approach for considering past records as part of the decision to offer employment. <b>Falsification of any information provided in the employment application is grounds for rescinding any offer of employment and/or immediate dismissal.</b> This is done to ensure that employees are well qualified, are worthy to hold positions of trust, and have honestly presented their background and qualifications as documented in the application materials.</p> <p>Offers of employment shall be conditional pending the results of the background screening, which for regular employees shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>• A state and federal criminal history check;</li> <li>• A sex offender search; and for regular full time faculty or administrative professional roles;</li> <li>• An academic credentials, licensure, and/or certification verification for positions that require such credentials, licensure, and/or certification.</li> </ul> <p>This policy will be administered in accordance with the University’s employment and affirmative action policies, Minors on Campus Policy/Administrative Procedure, the Fair Credit Reporting Act (FCRA) and any applicable equal employment opportunity laws as well as any other applicable laws. In this regard, no background screening process will be initiated without the written consent of the candidate or employee.</p> <p>This Policy is not intended to cover individualized reference checking as this is to be managed by the hiring authority as part of the recruitment and candidate selection process.</p> |                 |           |
| Philosophy      | Eastern Michigan University’s priority is to ensure a safe and secure environment for all University constituents, including students, visitors, and employees.  |                 |           |
| Procedures      | <p><b>Candidate Background Screening</b></p> <p>The University will conduct background screening as part of the employment process for all new hires. The final candidate for every position is required to pass a background check prior to beginning the duties of the new position.</p>   |                 |           |

Background and criminal record checking will be considered a condition of employment. If any applicant declines to complete the background or criminal record check (including providing written consent to initiate the screening), this action will be treated as if the applicant has withdrawn their application for the position.

The University will take reasonable steps to obtain accurate information. If the criminal history provided by the applicant does not conform to the information obtained, the applicant will be given an opportunity to explain any differences consistent with the requirements of the FCRA. Any criminal history information obtained via the background screening process that will result in a potential denial of employment will be shared with the candidate via the pre-adverse/adverse action process. If a satisfactory explanation is not given, the applicant will not be considered further for the position.

If after employment any employee is discovered to have lied or omitted information regarding his or her criminal history, that individual is subject to immediate discharge.

#### **Background Screening and Current Employees**

The University reserves the right to conduct background screening for current employees if they are offered a position for which they had applied and where the last background screen report on file with University Human Resources is dated beyond three (3) years. In accordance with the Minors on Campus Administrative Procedure, the University will also conduct background screening once every three (3) years for any employees who work with minors. A periodic driving record check will be performed on any employee who operates University motor vehicles as part of their job. Current employees subject to these procedures will be asked for written consent to initiate the background screening process. Failure to provide such consent will be considered as withdrawal of any applicable applications or insubordination which will be resolved through the appropriate disciplinary process.

If the screening or driving record check provides information that may impact the University's ability to provide a safe and secure environment for all University constituents, the University reserves the right to take action up to and including termination of the employee.

#### **Arrests and Convictions**

Any current employee who is charged with a felony shall report this to Human Resources within 72 hours of the employee becoming aware of such charge. Failure to report being charged with a felony may result in appropriate disciplinary action, including termination of employment. Human Resources shall review the nature of the charge and make a determination on what, if any, action should be taken regarding the employee's employment status until resolution on the charge.

Any current employee who is convicted of a misdemeanor (other than a minor traffic offense), the nature of which is related to his/her position responsibilities, shall report the conviction to Human Resources within 72 hours of the conviction. Failure to report the conviction may result in appropriate disciplinary action, including termination of employment. Human Resources shall review the nature of the conviction and make a determination of what, if any, action should be taken regarding the employee's employment status.

#### Background Screening Process

Notice will be outlined in all job offers, that finalists will be required to successfully complete the background screening process. Human Resources or the hiring department is responsible for confirming employment history and credentials of an applicant and initiating the background screening process.

### **BACKGROUND SCREENING ELEMENTS**

#### **Regular Employees**

The University will conduct background screening which, at a minimum, will include federal, state, and county criminal records searches for **all** candidates who have been conditionally offered employment by the University as initiated by Human Resources-. Certain positions, within the full discretion of the University will require additional screening. For example, as further described below, positions that will have certain financial authority will require credit screening.

Note: The University reserves the right to require candidates to submit academic credentials, licensure, and/or certification for any roles where such credentials, licensure, or certification may be required. The University further reserves the right to screen for the authenticity of these materials.

#### **Temporary Employees**

The University will conduct background screening to include federal and state criminal records searches for **all** temporary employees (including Employee Consultants) who have been conditionally offered employment by the University as initiated by Human Resources. Temporary employees/Employee Consultants who are re-hired by the University will be required to submit to a new background screen if their date of re-hire is more than three (3) years since the date of their last screening.

## **Additional Position Specific Search Elements**

### Driver License Verification

Driver license verification will be checked during the employment process and a periodic driving record check will be conducted on any employee who operates University motor vehicles as part of their job. These positions include, but are not limited to:

- Police and safety positions
- Positions that require motor vehicle operation

Human Resources is responsible for verifying all licenses.

### Health Care Sanctions Check

Health Care Sanctions investigations identify sanctioned and excluded individuals who have committed fraud and/or have had adverse actions taken against them by federally funded programs. These positions include, but are not limited to:

- Health professional positions
- Public safety and risk management positions

### Credit History Report

Credit history checks are limited to situations where there is a clear business necessity for the check. These positions include, but are not limited to:

- Senior and executive level management positions
- Positions with access to university financial and/or sensitive information
- Positions handling cash and checks on a regular basis

## **NON-DISCRIMINATION**

Background screening will be used to only determine qualifications and suitability for employment as determined by the University, and will not be used to discriminate on any basis protected by applicable law or University Policy. The following factors will be considered in determining whether to hire an individual for the position sought or to take action against a current employee:

- The nature of the act
- The frequency of acts
- The time since the last conviction
- The time between convictions
- The nature of the job
- The qualifications of the job
- Information discrepancies

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|                | <ul style="list-style-type: none"> <li>• Falsification of information</li> <li>• Evidence the individual has successfully rehabilitated himself or herself</li> </ul> <p>The University's Chief Human Resources Officer or their designee is responsible for making the final determination as to the impact of any background screening result on an offer of employment, or on the employment relationship.</p> |
| Responsibility | Contact the Manager, HR Operations or Manager, Learning & Talent if you have questions about this policy or if you need more information.   |
| Resources      | Staff Search Policy   |