Introduction:

East Carolina University is committed to providing a safe learning and working environment for students, faculty, staff, visitors, and other constituents; and to protecting its funds, property, and other assets. To that effort a criminal background report will be acquired for a) prospective faculty appointees, b) current faculty members who change positions (for instance, from a faculty to an administrative role), or c) faculty members who are designated sensitive positions (have regular contact with children or have substantial responsibility for university assets).

A criminal conviction does not necessarily eliminate a candidate from consideration for employment with the University. “Conviction” shall include a guilty verdict, guilty plea, prayer for judgment, or “no contest” plea. Each conviction will be reviewed with respect to the nature of the offense, the surrounding circumstances, seriousness, the amount of time since the conviction, and the relevance of the conviction to the position.

Background checks will be used solely to evaluate candidates for employment purposes, and will not be used to discriminate on the basis of race, color, national origin, religion, gender, disability, age, veteran’s status, or sexual orientation.

Covered Individuals:

1. Final candidates for all faculty appointments are subject to a criminal background check at the time of initial employment with ECU.
2. Current faculty members being considered for reappointment, promotion or tenure are not subject to criminal background checks. However, a faculty member who is the finalist for a Senior Academic and Administrative Officer (SAAO) or EPA non-faculty position is subject to a criminal background check (refer to Criminal Background Check Policy for SPA/CSS and Non-Faculty EPA).
3. The Chancellor, Provost or appropriate Vice Chancellor may require annual criminal background checks of faculty members in sensitive positions, (e.g., those involving regular contact with children, or having substantial responsibility for university assets, etc.).

NOTE: Current faculty members who plead guilty to or are convicted of a criminal conviction must notify their supervisor within 5 days of the criminal conviction or guilty plea. “Conviction” shall include a guilty verdict, guilty plea, prayer for judgment, or “no contest” plea (expunged records will not be considered). Failure to report a conviction or guilty plea is grounds for discipline up to and including termination of employment.
Procedure:

The ECU EPA candidate profile advises applicants that a criminal background check will be conducted on the individual who is selected as the candidate of choice for a faculty position vacancy at the University.

All faculty candidates who apply for any position at ECU are required to answer the question, "Have you ever been convicted of any unlawful offense (other than a minor traffic violation)". The candidate profile contains a disclaimer that states, "A criminal record does not necessarily eliminate you from employment with the University. Any conviction will be reviewed with respect to the offense, circumstances, seriousness, and the position for which you apply".

1. For faculty positions: As part of the interview process, the hiring official should advise all external candidates being considered for on-campus interviews, that a criminal background report will be acquired should they become the candidate of choice. The candidate of choice will be required to complete the Disclosure/Authorization Statement. The faculty offer letter should make it clear to the candidate of choice that the offer of employment is contingent upon the results of the criminal background report. Also note that once the finalist for the position has completed the disclosure form, a copy will need to be forwarded to HR Employment Services, 210 East First Street, or faxed to 328-9918, as soon as possible in order to initiate the criminal background report expeditiously.

2. Acquisition of report: HR Employment Services will initiate the criminal background report upon receipt of the Disclosure/Authorization Statement for the recommended candidate of choice. All job offers will be conditional until the criminal background report is reviewed.

3. Consideration and Assessment of Criminal Convictions: The Department of Human Resources will initially review the background report to determine if any potentially adverse results exist that may question the appropriateness of the applicant to work at ECU. Should an adverse result appear, the Assistant Vice Chancellor for EPA Administration will contact the Provost or appropriate Vice Chancellor and relevant Dean. These individuals will assess the potential risk of each conviction in relation to the appointment being considered. The following factors will be taken into consideration: a) the relevance of the conviction to the duties and responsibilities that would be assigned to the applicant if hired, b) the dates of any past convictions, and c) the applicant’s record since the date(s) of the prior conviction(s). Expunged records will not be considered when reviewing the background results.

4. Notification: In compliance with the Fair Credit Reporting Act (FCRA), HR Employment Services will inform the candidate of the background results if adverse action is being considered. The Assistant Vice Chancellor for EPA Administration will provide the candidate with a copy of the report and a copy of the candidate’s rights under the FCRA. The report and summary of rights will be sent via certified mail with return receipt requested. The candidate will be given an opportunity to address the concerns/issues as revealed in the criminal background report. The University must wait five (5) business days from the date the return receipt is signed, or ten (10) business days from the date the copy
of the report is mailed, if the return receipt is not signed, before making an adverse employment decision.

5. **Unacceptable results:** After deliberation of the relevance of the conviction to (a) the duties and responsibilities that would be assigned to the candidate if hired, (b) the dates of any past convictions, and (c) the applicant’s record since the date(s) of the prior conviction(s), should the Provost or appropriate Vice Chancellor and relevant Dean determine that the prospective faculty candidate should be disqualified, the Assistant Vice Chancellor for EPA Administration will work directly with these administrators to assure that written notification is sent to the candidate stating that the conditional offer is being withdrawn.

The notification will be sent certified mail with return receipt requested and will contain the information noted below.

a. The name, address, and phone number of the Consumer Reporting Agency (CRA) who provided the report, including a toll-free telephone number if the CRA compiles and maintains files on consumers on a nationwide basis.

b. A statement that the CRA did not make the adverse decision and is unable to give specific reasons why the adverse decision was made.

c. Notification that the applicant has the right to:

   1. Obtain a free copy of his/her report for sixty (60) days
   2. Dispute the accuracy of completeness of any information with the CRA who provided the report.

6. Should the criminal background report reveal criminal convictions that the candidate did not self-disclose, that can be considered sufficient grounds to discontinue any employment consideration for that applicant due to the applicant’s falsification of the employment application.

Authority: ECU Board of Trustees (November 30, 2007)
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