



Criminal Background Checks for SPA/CSS and SAAO/Non-faculty EPA Employees

Introduction

In order to help provide a safe learning and work environment for our students, staff and faculty, the following procedures have been developed through which a criminal background report will be acquired for a) any applicant who has also been selected as a final candidate for a position, b) current employees who change positions, or c) employees in designated sensitive positions, involving any SPA, Clinical Support Services (CSS), Senior Academic and Administrative Officer (SAAO), or non-faculty EPA positions at ECU.

A criminal conviction does not necessarily eliminate a prospective or current employee 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 prospective or current employees 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 SPA, CSS, SAAO, or non-faculty EPA positions are subject to a criminal background check at the time of initial employment with ECU.
2. Current SPA, CSS, SAAO, or non-faculty EPA employees who change jobs due to promotion, transfer, or reassignment are subject to criminal background checks.
3. The Chancellor, Provost, appropriate Vice Chancellor, or Director of Athletics may require annual criminal background checks of SPA, CSS, SAAO or non-faculty EPA employees in sensitive positions, (e.g., those involving regular contact with children, or having substantial responsibility for university assets, etc.).

NOTE: Current employees 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

Employment material to include the jobs.ecu.edu website, will advise applicants that a criminal background report will be completed on the individual who is selected as the candidate of choice for any SPA, CSS, SAAO and non-faculty EPA position vacancy at the University.

All applicants who apply for employment 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 employment application 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".

The procedures will be as follows:

1. **For SPA & CSS positions:** During the interview process, the hiring official should have prospective or current employees complete the "[Disclosure/Authorization Statement](#)" form. Once a prospective or current employee has been selected for hire, the hiring department should immediately forward or fax a copy of the completed "Disclosure/Authorization Statement" form to the Employment Services Unit (Employment Services, 210 East First Street; fax number 328-9918) in the Department of Human Resources where the criminal background report will be initiated.
2. **For SAAO and Non-faculty EPA positions:** The electronic job listing for EPA position vacancies will reference the fact that a criminal background report must be completed for finalists recommended for hire. The hiring authority should also advise prospective or current employees at the time of interview that a criminal background report will be acquired as a final condition of employment. The prospective or current employee will be required to complete the Criminal Background Disclosure/Authorization Statement. The non-faculty EPA letter of offer should make it clear to the prospective or current employee that the offer of employment is contingent upon the results of the criminal background report. Also note that once the finalist for the non-faculty EPA position has provided the completed the disclosure form to the hiring authority, a copy will need to be forwarded to the Human Resources Office, 210 East First Street, or faxed to 328-9918, as soon as possible in order to initiate the criminal background report expeditiously.
3. An HR Employment Services staff member will initiate the criminal background report once the necessary information regarding the recommended prospective or current employee has been received. All job offers will be conditional until the criminal background report is reviewed.
4. The HR Employment Services designee will review the results of the background report to determine the appropriateness of the prospective or current employee to

work at ECU. Should an SPA/CSS applicant's background be in question, the Director of Employment Services will discuss the background results with the hiring department and the University Attorney's office (for SAAO and non-faculty EPA prospective or current employees, the Assistant Vice Chancellor for EPA Administration will contact the appropriate designee). 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.

5. To ensure that false or erroneous information has not been transmitted in the criminal background report, and to comply with the Fair Credit Reporting Act (FCRA), the following measures shall be taken:
 - **For SPA & CSS positions:** The Director of Employment Services will inform the SPA or CSS prospective or current employee of the background results if an adverse action is being contemplated. The Director of Employment Services will, at this time, provide the prospective or current employee with a copy of the individual's report and a copy of "[A Summary of Your Rights Under the Fair Credit Reporting Act](#)." The report and description of rights will be sent via certified mail, return receipt requested.
 - **For SAAO and Non-faculty EPA positions:** The hiring department representative will inform the non-teaching EPA position prospective or current employee of the background results if an adverse action is being contemplated. The hiring department representative will, at this time, provide the prospective or current employee with a copy of the individual's report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." The report and description of rights will be sent via certified mail, return receipt requested.
 - **For all applicants:** The prospective or current employee will be given an opportunity to address the concerns/issues as revealed in the criminal background report. The Director of Employment Services and/or hiring department representative 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.
6. Once the specifics of the conviction(s) have been discussed, if it is determined that the prospective or current employee should not be extended an offer of employment with ECU, the department will be notified of the decision and asked to select a more appropriate prospective or current employee for the position. If a conditional offer of employment has been extended, for SPA or CSS positions, the Director of Employment Services will notify the prospective or current employee that the offer of employment is withdrawn. The Assistant Vice Chancellor for EPA Administration will notify the SAAO or non-faculty EPA prospective or current

employee that the offer of employment is withdrawn. This notification must be sent certified mail, return receipt requested, and contain the following information:

- a. The name, address, and phone number of the Consumer Reporting Agency (CRA) that 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.
7. Should the criminal background report reveal criminal convictions that the applicant did not self-disclose, that will be considered sufficient grounds to discontinue any employment consideration for that applicant due to the applicant's falsification of the employment application.

Origination: December 11, 2000

| Amended: ECU Board of Trustees (April 18, 2008)

Effective: July 1, 2008