



UNIVERSITY PROCEDURES

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Procedures for Background Checks (Approved by President 8/27/08; revised 9/19/08; FSB 08022 passed by Faculty Senate 5/5/09; approved by President 5/11/09; revised FSB 08022 passed by Faculty Senate 9/15/09; approved by President 9/30/09)

The Office of Human Resources is ultimately responsible for appropriate background checks on candidates for employment and works with the hiring department to ensure verifications are performed and only appropriate job related criteria are considered in the hiring process.

1. The hiring department will submit Form A, *Request for Authorization to Fill Vacant Unclassified Position*, or the *Request to Fill a Classified Position*, and Position Description to Human Resources to initiate the hiring process.
2. Human Resources will determine whether a criminal and other extended background checks pursuant to law or University policy are required. The requirements will be identified in the Position Description and advertisement for the position.
3. The search committee will perform the initial screening process and make employment, educational and reference checks. All other University employment processes will be followed, including Equal Employment Opportunity responsibilities.
4. Prior to on-campus interviews, the search committee will provide the candidate a consent to perform a background check form that is obtained from Human Resources. The candidate may return via post or in person the signed consent form prior to the end of the on-campus interview. No background check or offer of employment shall be made prior to obtaining the signed consent form. Completed forms will be remitted to the Office of Human Resources.
5. After completion of the initial screening process, reference checks, and interviews the search committee will forward its recommendations to the hiring authority.
6. The hiring authority will select one finalist to make the offer for employment. Criminal and any other required background checks will be performed on the finalist. An offer of employment will be made in coordination with the Office of Human Resources and shall include notice of their contingency on successful completion of background checks.
7. Unless otherwise required by law or University policy, criminal and other extended background checks will not be made on candidates who are not extended an offer of employment.
8. Employment may not begin until the University has received the results of the background check and approved the candidate for hire.
9. Background Check Clearance Decisions
 - a. Classified positions: Human Resources shall be responsible for conducting the criminal background, sex offender check, and other checks required to be performed by Human Resources. The Director of Human Resources, or designee, shall provide a determination on the successfulness of the background check. University legal counsel may be consulted to determine the candidate's appropriateness for employment. The hiring authority will be notified of the decision.
 - b. Unclassified positions: Human Resources shall be responsible for conducting the criminal background, sex offender check, and other checks required to be

performed by Human Resources. Results of background checks will be discussed among the Director, or designee, of Human Resources and the Vice President of the hiring unit, or President, as appropriate. University legal counsel may be consulted to determine the candidate's appropriateness for employment.

10. Legally required communications related to background checks, such as notice of pre-adverse and adverse decision letters, will be sent to candidates from the Office of Human Resources.

Determining the requirement to perform background checks:

1. Human Resources will make the determination based on a direct relationship to position duties of whether a particular position requires a background check and the nature and scope of such verification in conformity with University policy and legal requirements.
2. All limited term positions of more than six months will be contingent upon a successful criminal history check facilitated by the Office of Human Resources.
 - a. Certain positions, including but not limited to, temporary positions, student hourly positions, and limited term positions of less than six months are not subject to background checks, unless the position duties require background verifications.
 - b. International candidates: For candidates subject to this policy, if the candidate is living in the U.S. at the time of the employment process, or has been in the U.S. for more than 30 days during the last seven years, an U.S. background check will be performed in accordance with University policy. If the candidate has not yet immigrated to the U.S. and has not been in the U.S. in the last seven years, no U.S. background check is required.
3. Extended verifications shall be made as required by law or University policy for specific positions, including but not limited to those required for commercial driver's licenses.
4. Credit history checks will be performed for candidates for senior administrators of the university and for positions with extensive authority for committing financial resources and/or direct access to cash, checks, property disbursements, or receipts, as determined by Human Resources.

Relevance of Information in Hiring Process:

1. Criminal history information may be considered in the decision to hire an employee if it bears on the candidate's trustworthiness, or the safety or well-being of the University's other employees, students or university community. (K.S.A. 22-4710) ESU policy does not automatically exclude from consideration for employment all individuals with criminal convictions. As part of the determination to continue with the hire, the following factors will be considered:
 - a. nature and seriousness of the offense,
 - b. the number of offenses,
 - c. relationship between the convictions and the position for which applied, and

d. accuracy of information.

Final candidates will also be allowed to provide information regarding their criminal history including but not limited to rehabilitation, character references, whether the individual is currently subject to any punishment for the offense, whether the circumstances of the offense arose out of an employment situation, length of time that has passed, and other mitigating information. Candidates who provide false information forfeit their right to further consideration or employment.

2. Background information will be used only for the purpose of evaluating candidates for employment in designated positions and shall in no way be used to discriminate on the basis of age, race, color, religion, gender, marital status, national origin, handicap or disability, status as a Vietnam Era Veteran, sexual orientation, or any other factors which cannot lawfully be considered, to the extent specified by applicable federal and state laws.
3. Other background information may be considered in the decision to hire if it directly relates to the job duties of the position. Employment, education, and licensure requirements must be set forth in the position description and job announcement to be considered.
4. Background credit check information may be considered for senior administrators of the university and positions with extensive authority for committing financial resources and/or direct access to cash, checks, property disbursements, or receipts, as determined by Human Resources.

Fair Credit Reporting Act

1. Background credit check information may only be obtained and considered in conformity with the Fair Credit Reporting Act.
2. Initial notice of background checks shall be provided to candidates in connection with position advertisements and application.
3. The candidate will be provided with a Notification letter approved by Human Resources, which lets the candidate know a background check will be conducted and any offer of employment is conditioned on successful completion of such check. This letter will be provided at the time the disclosure form is signed and should be accompanied by the "Summary of Consumer Rights." A signed consent and disclosure form, approved by Human Resources, giving permission for procurement of a background check shall be obtained from the candidate prior to requesting a consumer credit report.
4. If the candidate requests in writing clarification of the information to be required under the background check, Human Resources will provide an accurate disclosure of the information received within 5 days of receipt of the request or procurement of the background check whichever is later.
5. Results of background checks will be discussed among the Director, or designee of Human Resources and the Vice President of the high unit or President, as appropriate. If information from a background check may be considered in an adverse employment action, a pre-adverse action letter must be sent to the candidate with signature required upon receipt. The letter must contain a copy of the background report and a copy of the "Summary of Consumer Rights." The pre-adverse letter will

- include the name, address, and telephone number of the reporting agency that furnished the report, a statement that the consumer reporting agency did not make a decision to take an adverse action, the consumer's right to a free credit report within 60 days, and the right to dispute the accuracy of the report. The candidate has the option of responding to the pre-adverse letter and providing additional information to the Office of Human Resources within 3 business days of receipt of the pre-adverse letter. Within 7 business days from receipt of the candidate's response, a hiring decision will be made. If a negative hiring decision is made, the candidate will be notified via an adverse action letter.
6. Notice of any adverse action must not be included in the pre-adverse action letter and must be transmitted in a separate communication.

Background Check Records

1. The Director of Human Resources, or designee, is the custodian of background check records.
2. Criminal history record information will not be made part of the candidate or employee's file or communicated to any unauthorized person.
3. Background check information will be held securely and confidentially, and not be made part of the candidate or employee's file or communicated to any unauthorized person.
4. The hiring authority is authorized to review background check information to the extent required to make a hiring decision for the candidate relative to the position in question. All background check information will be destroyed by Human Resources in conformity with applicable laws and regulations.

Collection, Use and Protection of Social Security Numbers Policy Procedures (Approved by President 1/8/09)

Compliance

All Emporia State University employees will abide by the provisions of the *Collection, Use and Protection of Social Security Numbers Policy*, these procedures, and will act to ensure the security of SSNs.

Policy Procedures

1. Emporia State University does not use a SSN as the primary identifier of individuals associated with the institution. Emporia State University issues a unique identification number as an alternate to the SSN.
2. Emporia State University collects SSNs as permitted by law for official use within the contexts identified in *Collection, Use and Protection of Social Security Numbers Policy*, or when proper written permission is provided by the individual. Specific legal questions regarding the use or disclosure of SSNs should be presented to the University's legal counsel. As permitted by law, Emporia State University can release SSNs to an external entity when it is acting as Emporia State University's contractor or agent and has proper safeguards in place to prevent unauthorized release or discovery by third parties, to the extent permitted by law.
3. The Registrar and Director of Human Resources are designated the University SSN officers and oversee the security of the electronic and paper usage of SSN data within the Emporia State University computer systems and campus community. The Registrar and Director of Human Resources are charged with making day-to-day decisions to implement SSN usage policies as well as review of SSN usage and associated procedures.
4. Emporia State University controls access to all SSN data. Only approved university employees have access to SSN data. In order to be authorized to view and use electronic SSN data, approval must be obtained through the SSN appropriate SSN officer.
5. Emporia State University only transfers electronic SSN data through encrypted mechanisms, unless otherwise approved by SSN officer.
6. Emporia State University stores, displays and disseminates documents containing SSNs, both paper and electronic in a secure and authorized fashion. Non-essential documents are destroyed in a secure fashion in conformity with applicable record related policies.
7. Emporia State University requires approval from Registrar and/or Director of Human Resources prior to use of all university forms and documents that ask an individual to provide his or her SSN. All forms must use disclaimer language provided in these procedures.

Approved Disclosure Language

All Admission Application Statements:

Social Security Number: (optional)*

(Solicited per K.S.A. 76-725. Used as student identifier for records and accounts.)

*Required for awarding federal financial aid.

You must use your social security number as your identification number if you apply for federal or student aid (using FAFSA) and/or plan to take advantage of educational tax credit/incentives.

_____ I choose not to use my social security number. Assign me a number for identification purposes (statute K.S.A. 76-725)

Approved Admissions Clarification Language:

In the admissions and scholarship selection process, the social security number is used to assist in matching test scores and credentials of the applicants. The social security number is not a permanent student identifier, and it will not be required for student identification purposes. Students are issued a permanent ESU ID number which will serve as a unique identifier on campus. ESU will not disclose the social security number of any applicant to anyone except as allowed by law or with written permission from the individual. (Collection, Use and Protection of Social Security Numbers Policy).

Employee Notification

Social Security Number: (mandatory)

Solicited per K.S.A. 76-725. Used for tax withholding, record keeping, and government reporting.

Approved Employee Notification

Emporia State University is required by federal law to report all compensation of employees, including name and associated social security number to federal and state agencies. The social security number of an employee is not used as the primary identifier of the employee. An employee is issued a permanent ESU ID number which is used as the unique identifier on campus. ESU will not disclose the social security number of any applicant to anyone except as allowed by law or with written permission from the individual. (Collection, Use and Protection of Social Security Numbers Policy).

Affiliates Notification

Social Security Number: (optional)

Solicited per K.S.A. 76-725. Used for record keeping and mandatory reporting.

Approved Affiliate Notification

For individuals who are receiving any compensation Emporia State University is required by federal law to report the compensation, including individual name and associated social security number to federal and state agencies. The social security number of an affiliate is not used as the primary identifier of the affiliate. An affiliate is issued a permanent ESU ID number which is used as the unique identifier on campus. ESU will not disclose the social security number of any applicant to anyone except as allowed by law or with written permission from the individual. (Collection, Use and Protection of Social Security Numbers Policy).