

Cheyney University Policy Number HR-2010-5004

Background Investigation Policy

Approved by: Administration and Finance Council/Presidents Cabinet

History: Issued -- 2-17-2009

Related Policies: n/a

Additional References: n/a

Purpose

To ensure a consistent level of pre-employment background investigations for appointees for all positions within Cheyney University. Nothing herein is intended to contradict or lessen compliance with applicable federal and state laws or regulations.

I. Applicability

All new appointees at Cheyney University are subject to this policy. This policy will not be applied retrospectively to current employees unless they seek promotion or transfer to a position which has been determined to require additional verification.

II. Policy

It is the policy of Cheyney University to conduct pre-employment background investigations in the form of specific consumer and/or criminal reporting verifications for all positions as described in this policy.

A. Background Investigation Criteria

1. A criminal background investigation and academic credential verification will be conducted for every position at Cheyney University.
2. Additionally, appointees to positions which have financial responsibility which carry authority for executing or approving substantial expenditures or contracts; or which have responsibility for Cheyney University property inventory are also subject to a consumer report investigation. Background investigation requirements for other positions will be determined on a case-by-case basis.
3. Only felony or misdemeanor convictions will be considered to the extent they relate to the applicant's suitability for employment in the position for which the person has applied. Only convictions will be considered. Arrests and accusations will not be used as a basis to disqualify applicants for employment with Cheyney University.

B. Confidentiality

1. The Associate Vice President of system Human Resources is responsible for securing the reports for an appointment to a Vice President position, advising the President and the Executive Vice

President of any findings and maintaining the confidentiality of background investigation reports.

2. For all other appointments in Cheyney University, the Director of Human Resources is responsible for securing the reports, advising the appropriate vice chancellor of any findings and maintaining the confidentiality of background investigation records.
3. Background investigation records will be kept separate from the personnel history files and shall not be accessible to supervisors or others who may otherwise have access to an individual's personnel records except the President, his/her designee and legal counsel.

C. Standards for Evaluating Convictions

1. *Relevancy*: Whether the findings undermine the candidate's fitness to perform the required job responsibilities.
2. *Severity*: The nature and gravity of findings.
3. *Recency*: The time that has elapsed since the conviction.

III. Procedures

A. Responsibilities

1. At the beginning of a search, the President, the Executive Vice President and the Associate Vice President for System Human Resources will determine which background check(s) are necessary for appointment to a Vice President position.
2. For all other appointments in Cheyney University the appropriate Vice President and the Director of Human Resources will determine which background check(s) are necessary at the beginning of a search.

IV. **Costs**: All costs associated with the background verification activities will be assigned as recruitment costs to the department in which the vacancy exists.

V. **Recruitment**: All vacancy announcements will include the following statement - "prior to a final offer of employment, the selected candidate will be required to submit to a background check including but not limited to, employment verification, educational and other credential verification and criminal background check."

VI. **Verification Services**: A contracted service is in place for the purpose of having a timely, professional, effective means of conducting background checks. This service will be coordinated by the Office of Human Resources.

VII. Notice and Authorization Requirements:

1. Verification services as described above are subject to the Fair Credit Reporting Act. The successful candidate(s) must execute an authorization that allows Cheyney University to conduct a background investigation. This authorization, mandated by the Fair Credit Reporting Act, must be a document separate from the employment application.
2. For appointment to a Vice President position, the Associate Vice President for System Human Resources is responsible for providing all related notices and obtaining completed authorization forms before a request is made to the verification service provider.
3. For all appointments in Cheyney University, the Office of Human Resources is responsible for providing all related notices and obtaining completed authorization forms before a request is made to the verification service provider.
4. Refusal to sign the authorization will result in the candidate being eliminated and disqualified from the applicant pool.

VIII. Successful Candidate: A background investigation will be completed on the successful candidate only. If the successful candidate is not appointed, the next qualified applicant will be required to submit to the background investigation and so forth.

IX. Offers of Employment: All employment offers are subject to and contingent upon satisfactory completion of a background investigation. In the event of a delay in completing the background investigation, employment may begin; however, the appointment letter must indicate that continued employment is conditional pending a satisfactory background investigation.

X. Address Discrepancies: If the Office of Human Resources receives notice that there is a discrepancy between the address(es) of the successful candidate and what is contained in the background investigation, the Director of Human Resources shall verify with the successful candidate that the information received in the Background Investigation is that of the successful candidate unless there is information in the candidate's application that resolves the discrepancy. This verification may be done orally, however the Director of Human Resources shall document the conversation relative to the corroboration of the information received in the Background Investigation.

XI. Disqualification from Employment:

A. Considerations:

1. For Vice President positions, the President and/or the Executive Vice President, in conjunction with legal counsel, will determine if the findings disqualifies an applicant from in the position sought.
2. For all other appointments in Cheyney University, the appropriate Vice President in conjunction with legal counsel, will determine if the findings disqualifies an applicant for employment in the position sought.

XII. Notice of Adverse Action: If employment, transfer or promotion is denied, based in whole or in part due to information contained in the report, a copy of the report will be provided to the candidate (titled, Confidential To Be Opened by Addressee Only), along with a copy of the Summary of Your Rights Under the FCRA.

Additionally, an Adverse Action Notice will follow no sooner than five (5) days after the date the consumer report was sent. Said notice will include the reasons for the adverse employment action, the name, address and telephone number of the reporting agency that furnished the report, a statement that the reporting agency did not make the decision to take the adverse employment action and is unable to provide the candidate with the reasons as to why the adverse employment action was taken, notice of the candidate's right to obtain a free copy of the report directly from the reporting agency, and notice of the candidate's right to dispute the accuracy and completeness of the report within sixty (60) days.

Cheyney University is not required to suspend the search or delay an employment decision as a result of the dispute.