

ELIZABETH CITY STATE UNIVERSITY
Criminal Background Check Policy

PURPOSE

In order to provide a safe and secure environment for all employees, students and visitors, and to protect its funds, property, and other assets, Elizabeth City State University (ECSU) shall employ individuals who contribute to the safety and security of the campus workforce environment. Criminal background checks will aid in assisting ECSU in making sound employment decisions that meet this critical need. Offers of employment and, under certain circumstances, offers of volunteer opportunities, will be contingent upon checks of background information that will remain confidential to the extent provided by law, and continued employment at ECSU may depend upon the timely and accurate reporting of post-hire criminal convictions.

This policy also applies to background checks for covered individuals involved with minors on campus in covered programs, and the sections on policy and scope and limitations for background checks for new hires shall also apply to background checks for covered individuals involving minors on campus.

Except where permitted, to the extent that any section of this policy conflicts with UNC System policy, as may be amended from time to time, the UNC System policy shall prevail. To the extent that any section of this policy conflicts with local, federal, or North Carolina State laws, each of which may be amended from time to time, the applicable law shall prevail.

I. POLICY

It is the policy of ECSU to conduct criminal background checks for all final candidates (new hires) for all SHRA, EPS Non-Faculty, EPS Faculty full-time and part-time positions and temporary employees. Background checks will be considered valid for one year from the time of completion. It is also the policy of ECSU to conduct credit checks and motor vehicle checks where financial issues or driving responsibilities are a part of an employee's job requirements. ECSU will ensure that all background checks are conducted in compliance with applicable federal and state statutes and University policy, including but not limited to the Fair Credit Reporting Act (FCRA) and Title VII of the Civil Rights Act.

II. SCOPE AND LIMITATIONS

ECSU shall seek information on convictions, all pleas that are acknowledgements of responsibility and all pending criminal actions. Arrests or detention orders that do not result in conviction pleas shall not be considered.

- A. The existence of a conviction or plea is not an automatic exclusion from employment. Where an applicant does have a conviction or plea, the following factors will assist the

University in determining suitability for employment: the nature of the crime, the circumstances surrounding the crime, the existence, number and type of other criminal convictions or pleas, the time that has elapsed since conviction, the actions and activities of the individual since the crime, the rehabilitation record of the applicant, any related information and the truthfulness of the applicant in disclosing the conviction or plea.

- B. The criminal background check shall only be used for evaluating the applicant for employment; it shall not be used to discriminate on the basis of race, color, national origin, religion, sex, disability or age.
- C. ECSU reserves the right to conduct a criminal background check or other background review for a current employee if circumstances indicate criminal activity by this employee may have occurred. This action will be approved by the senior administrator of the division or work unit.
- D. In most cases, the criminal background check shall be conducted prior to employment. If circumstances prevent this pre-screening, the employment contract or documentation must specify that continued employment is conditional upon an acceptable background check and that the applicant waives any right to challenge this requirement. In such cases, the check must be done as early as is feasible.
- E. As part of the screening process, the applicant shall be asked to provide information about his or her criminal record. Having this information is critical and a failure by the applicant to provide this data or to provide it accurately will result in a rejection of the candidacy of this individual (or a withdrawal of an offer if the applicant was hired subject to the background check). All material collected pursuant to this policy shall be held confidentially and securely by all parties having access to it and shall be maintained in a separate file from the regular files maintained for employees and applicants.
- F. In addition to the background check conducted by Human Resources, University Police shall also conduct its own background check for applicants for Security Officer and Law Enforcement Officer positions. The criminal background check conducted by ECSU University Police shall include a fingerprint-based criminal history report.

III. AUTHORITY

The adoption of this policy shall become effective upon approval by the Chancellor and may be amended from time to time. Any such amendments to this policy shall take effect upon the approval date of such amendment(s). The Office of Human Resources is responsible for this policy.