

The Office of Human Resources and Academic Personnel Services

March 10, 2017

Dear Colleagues:

The CSU issued a Background Check Policy revision effective December 14, 2016, which provides clarifications and updates to certain provisions of the original policy issued in August 2015. The Chancellor's Office policy memorandum with attachments (HR 2016-08) is posted on the Human Resources website at: http://www2.humboldt.edu/hsuhr/documents/HR_Background_Check_Policy.pdf.

Summary of Changes

California State University's existing Background Check Policy has been revised and updated/clarified with the following major policy changes:

- Student workers and volunteers are only required to undergo a background check if it is required by law.
- Employment verification was changed from verifying past ten (10) years of employment to relevant employment from the past five (5) years.
- CSU may conduct periodic sexual offender registry checks.
- The CSU is prohibited from subscribing to subsequent criminal records updates unless required by law.
- Credit checks may be required for employees only if they meet the credit check requirements *and* the campus determines it to be job-related.
- Any employee or volunteer with direct contact with minor children must undergo a background check; CSU policy and CA Ed Code require fingerprinting for these individuals.
- Employees of auxiliaries and outside entities are required to certify that employees in sensitive positions have completed the appropriate background checks.
- "Student Activities" (e.g., clubs, service learning, community engagement, internships, field trips) are not included under this policy. However, HSU has determined that student drivers must go through a Motor Vehicle Report check.
- One-time services (e.g., public talks, guest lectures, conference presentations) are exempt from the background check requirement.
- The Sensitive Positions grid was updated.
- Campuses must consider factors such as frequency, nature, duration of sensitive duties, and supervision in applying the Sensitive Positions grid.
- The CSU will not consider a conviction unless the candidate was convicted of the crime, released from prison or released from parole within seven (7) years before the assessment.
- Campuses may not conduct credit checks if employees have regular access to less than \$10,000 cash.

Affected Groups

The policy requires background checks for the following groups:

1. **All new hires** (Staff, Faculty, and MPPs; includes temporary, intermittent, emergency hires, probationary and auxiliary employees).
2. Employees of **independent contractors** who operate on HSU property and who are in positions subject to legal background checks. Also see group 4.
3. **HSU employees, student workers, auxiliary employees, employees of outside entities, independent contractors, special consultants, volunteers, and consultants** who perform work involving direct contact with minor children at HSU-hosted (on or off campus) or outside-entity hosted (on campus) recreational camps and clinics (e.g., youth activities). **Ed Code requires that Fingerprint Background Checks (Live Scan) be completed for this group.** All current employees working with such recreational

camps and/or clinics on the campus (e.g., youth activities) are subject to this requirement unless they have successfully completed both a criminal records check **and** sexual offender registry check within the past 12 months.

4. **Student employees and Volunteers** when required by law or when driving on university business.
5. **Police personnel:** background checks are governed by separate policies.

Background checks are NOT required for:

1. FERP employees, unless they voluntarily move into positions that would require a background check
2. Student workers and Volunteers unless driving or when mandated by law.
3. Current employees (including auxiliary employees), unless they voluntarily move into a position in which a background check is required by law or has been designated as a sensitive position.
4. Employees rehired to the same class who have had a background check performed in the previous 12 months.

Refusal to Undergo a Required Background Check

The University reserves the right to disqualify the person (current employee or candidate) from consideration for the position. If a current employee refuses to undergo a required background check required by this policy, disciplinary action up to and including dismissal may result.

Sensitive-designated Positions

Sensitive positions are those requiring heightened scrutiny based on potential for harm to children, concerns for the safety and security of people, animals, or property, or heightened risk of financial loss. Human Resources in consultation with the hiring authority shall determine which specific positions are designated "sensitive."

Legally-designated Positions

Positions in which background checks are currently required by law include, but are not limited to the following:

- Positions with direct contact with minor children at a camp operated by the CSU
- Positions with access to stored criminal offender record information
- Positions with access to patients, drugs or medication

Types of background checks for New Hire or Rehire

All background checks require:

- employment verification
- education verification
- reference checks
- criminal records checks

If job related, additional checks, including credit report history, motor vehicle records/licensing checks, sexual offender registry checks, professional licensing/credential verification may be initiated as part of the selection process.

Employee, Student and Volunteer Drivers

A Motor Vehicle Report Check must be conducted and cleared before any employee, volunteer or student may drive on university business. This includes students involved in club activities and field trips. All drivers are also required to complete Defensive Driver Training prior to driving on university business. Motor Vehicle Report Checks will be repeated on at least an annual basis for student and volunteer drivers, and may be conducted periodically for employees at the discretion of the university. Further guidance on driver requirements will be forthcoming from the Office of Risk Management and Safety.

Background check compliance requirements

- Position descriptions and vacancy announcements must specifically state that the candidate must successfully complete the required background checks as well as indicate if the position is designated as sensitive.

- All background checks must be completed before an appointment is finalized and the candidate or volunteer begins work in the new position or assignment. This includes emergency hires.

Implementation

The office of **Human Resources and Academic Personnel Services** will coordinate background checks for the following groups:

- MPPs
- Staff
- Faculty Unit Employees
- Student Workers
- Volunteers
- Special Consultants

Departments will be responsible for consulting with HR to determine whether any position is responsible for performing sensitive work which would subject them to background checks.

- This determination must be made **BEFORE** the position is advertised or any recruitment begins
- The background check must be completed **BEFORE** the individual begins working or volunteering for the university.

Auxiliaries are expected to be in compliance with all requirements of the Background Check Policy as it relates to employees or volunteers of auxiliaries. Human Resources will provide ongoing advice regarding implementation of the policy.

Contracts & Procurement will work with vendors and departments to ensure that independent contractors provide verification that they have completed all required background checks. Departments will be responsible for consulting with Procurement **BEFORE** bringing on any vendors or Independent Contractors that may be performing sensitive work or work that would subject them to a legal background check. Vendors and Independent Contractors are responsible for attesting that the appropriate background check has been performed.

Cost of background checks: Background check packages vary in price depending on the type of background check required. Please see the current package list at: <https://www2.humboldt.edu/forms/node/1035>. The costs for background checks will be borne by the hiring department.

Please direct specific questions about this policy to the following individuals:

Colleen Mullery, Sr. Associate Vice President, Faculty Affairs & Human Resources - extension 5086
Jim Stemach, Recruitment Manager, Human Resources - extension 5177
Melissa Koval, Academic Personnel Services Manager - extension 5476
Stephanie Vick, Academic Personnel Specialist – extension 5486
Eric Palma, Compensation & Classification Manager – extension 5175

*Thank you,
Office of Human Resources and Academic Personnel Services*

Updated: 3/10/2017