

# ASU System Policy

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**Effective Date:** September 25, 2009

**Subject:** Background Checks

**Category:** Recruitment & Appointment 2.03

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## 1. Purpose

Background checks will be performed on applicants for employment within the Arkansas State University System in order to create a safe and secure workplace for students, faculty, staff, administrators, and visitors; to protect funds, property and other assets of the university; and to ensure that ASU System employees are qualified to perform duties and responsibilities of the positions for which they apply.

## 2. Definitions

**Arkansas State University System.** Arkansas State University System means any of the institutions which comprise the ASU System.

**Hiring Department.** The Hiring Department for purposes of the System Background Check Policy is the department or system entity seeking to hire an Applicant.

**Security Sensitive Positions.** Security Sensitive Positions are those positions which involve the care, safety, and security of people or property. These positions include persons charged with the care of others, persons with access to master or sub-master keys, and persons with access to residences, laboratories, and other facilities. Examples include university police officers, childcare workers, custodial employees, and residence hall assistants.

**Financially Sensitive Positions.** Financially Sensitive Positions are those positions which allow direct access to, or control over, cash, checks, credit card accounts, or financial information. These positions include persons with authority to commit the financial resources of the university through purchases or contracts and persons charged with insuring proper expenditures. Examples include cashiers, accountants, purchasing card holders, and controllers.

**Data Sensitive Positions.** Data Sensitive Positions are those positions which allow access to personally identifiable information about individuals or organizations associated with the university or involve the creation or maintenance of processes

required to secure information maintained by the university. These positions include persons who enter personally identifiable information into university data bases as well as persons who control or manage operating processes. Examples include network administrators, system programmers, human resources personnel, and advancement employees.

**Applicant.** An Applicant is:

1. Any person making an initial application for employment at Arkansas State University;
2. Any former regular or adjunct employee who is being considered for rehire after a break in employment of one year or more;
3. Any current employee who is being considered for transfer, promotion, reclassification, or appointment to a Security Sensitive Position, a Financially Sensitive Position, or a Data Sensitive Position;
4. Any current employee competing for a vacancy through an external search process;
5. Any current employee changing from a faculty to an academic administrative position; or
6. Any graduate assistant, teaching assistant, post doctoral appointee, temporary employee, volunteer or affiliate with significant responsibilities in a Security Sensitive Position, Financially Sensitive Position, or Data Sensitive Position.

**Final Applicant.** A Final Applicant is the applicant selected by the Hiring Department as the person desired to be hired.

**Contract Worker.** A Contract Worker is a person hired by an outside employer who performs work on ASU System property on a regular basis. Contract Workers include all employees of companies operating businesses on at ASU System institutions such as bookstores and food service. Contract Workers also include those persons assigned to an ASU System institution for the term of a contract such as construction superintendents or project consultants. Persons providing only intermittent work on ASU System campuses such as construction crews, equipment repair personnel, or event extra help shall not be considered Contract Workers.

**Criminal Background Check.** A Criminal Background Check includes obtaining information regarding the Applicant=s criminal history at the local, state, federal, and international levels.

**Sexual Offender Background Check.** A Sexual Offender Background Check includes obtaining information regarding the Applicant=s sexual offender history or requirement to register as a sex offender in any jurisdiction.

**Credit History Background Check.** A Credit History Background Check includes obtaining information regarding the Applicant=s debt, credit, and financial history.

**Reference Check.** A Reference Check is the investigation conducted by the Hiring Department regarding the Applicant=s references and other information submitted with the job application.

**Offer of Employment.** An Offer of Employment is an offer made after satisfactory completion of the Reference Check and any Criminal Background Check, Sexual Offender Background Check, or Credit History Background Check required by the position.

**Conditional Offer of Employment.** A Conditional Offer of Employment is an offer extended contingent upon the satisfactory completion of the Reference Check and any Criminal Background Check, Sexual Offender Background Check, or Credit History Background Check required by the position.

**Offering Official.** The Offering Official is the representative of the Hiring Department responsible for making a Conditional Offer of Employment or an Offer of Employment.

### **3. Arkansas State University System Background Check Policy**

An Applicant for employment within the ASU System shall proceed through the application process established by the Hiring Department seeking to hire for the position. The Hiring Department shall conduct a Reference Check. Upon selecting the Applicant desired to be hired, the Offering Official of the Hiring Department shall make a Conditional Offer of Employment to the Final Applicant.

Upon receipt of a Conditional Offer of Employment, the Final Applicant shall be required to authorize the background checks applicable to the position. Every Final Applicant must authorize a Criminal Records Background Check and a Sexual Offender Background Check. Final Applicants for Financially Sensitive Positions or Data Sensitive Positions must also authorize a Credit History Background Check. These checks shall be in addition to and not in substitution for any specific licensure search, drug testing, credentials verification, or other requirements specific to the position which shall have been conducted during the Reference Check.

If the background checks uncover no problems, an Offer of Employment may be extended by the Offering Official to the Final Applicant. If the background checks uncover unfavorable information, the Offering Official will evaluate whether to make an offer of employment to the Final Applicant. If the recommendation to hire has been submitted to the Offering Official by a search committee, the Offering Official shall provide the unfavorable information uncovered in the background check to the search committee chair.

In determining whether unfavorable results obtained on a background check should result in the decision not to make an Offer of Employment to the Final Applicant, the Offering Official will examine each case on its own merits and may consider any of the following evidence of rehabilitation:

1. The age at which the act was committed;
2. The circumstances surrounding the act;
3. The length of time since the act;
4. Subsequent work or credit history;
5. Employment references;
6. Character references; and
7. Other evidence demonstrating that the final applicant does not pose a threat to the safety of persons or property in the ASU System community.

The Offering Official shall make the final determination as to whether an Offer of Employment will be extended and, if applicable, shall notify the chair of the search committee of the decision. If the search committee does not agree with the decision of the Offering Official, the chair of the search committee and the Offering Official shall meet with the vice chancellor who supervises the Hiring Department. The vice chancellor shall consult with the chancellor and shall then make a decision as to whether to extend an Offer of Employment based on the results of the background checks.

If the information from the background check results in a decision not to make an Offer of Employment to the Final Applicant, the Offering Official will comply with all provisions of the Fair Credit Reporting Act with respect to notice and afford the Final Applicant the required opportunity to respond to the unfavorable report. The Offering Official shall consider all information submitted by the Final Applicant in rebuttal to the unfavorable background check information and shall provide that rebuttal to the chair of the search committee if applicable. If the rebuttal of the Final Applicant changes the decision of the Offering Official, the Offering Official shall notify the chair of the search committee if applicable. If the search committee does not agree with the decision of the Offering Official after consideration of rebuttal information from the Final Applicant, the chair of the search committee and the Offering Official shall meet with the vice chancellor who supervises the Hiring Department. The vice chancellor shall consult with the chancellor and shall then make a decision as to whether to extend an Offer of Employment.

After full compliance with the Fair Credit Reporting Act, the Offering Official will either make an Offer of Employment or advise the Final Applicant that no Offer of Employment will be made.

All information obtained as part of a background check shall be maintained in the personnel file of the Final Applicant.

The vice chancellor supervising the Hiring Department may waive the requirement of

background checks on current employee Final Applicants who have had the required background checks performed within the previous three (3) years.

A Final Applicant extended a Conditional Offer of Employment may be allowed to begin work pending receipt of the required background checks only if ASU System operations cannot be carried out in the absence of the Final Applicant. If satisfactory results in the background checks are not obtained, the Final Applicant working during the pendency of the Conditional Offer shall be removed from employment following compliance with the Fair Credit Reporting Act and any other applicable laws or regulations.

All businesses contracting with the ASU System shall provide proof that Contract Workers have undergone background checks consistent with the above policy.

(Adopted by the Arkansas State University Board of Trustees on September 25, 2009, Resolution 09-72, Supersedes the December 12, 2008, Resolution 08-79; and August 8, 1997, Resolution 97-23).