

Title/Subject: **CRIMINAL HISTORY CHECKS**

Applies to: faculty staff students student employees visitors contractors

Effective Date of This Revision: September 2016

Contact for More Information: Human Resources; Faculty Personnel Services

Board Policy Administrative Policy Procedure Guideline

BACKGROUND:

Central Michigan University desires to provide a safe, secure environment and reasonable protection for the human, financial and material assets of the University.

PURPOSE:

The criminal history check component of the employment process is intended to assess a candidate's suitability for a specific position, in light of specific prior criminal convictions, which raise a reasonable concern as to the University's potential to incur possible financial or property loss or other harm arising from the candidate's initial hire or movement to another position.

This document summarizes and formalizes the procedures for criminal history checks.

DEFINITIONS:

For the procedures noted in this policy, Senior Manager includes Senior Officers and Directors who report directly to a Vice President/Provost or the President.

POLICY:

A criminal history check is required for all newly-hired faculty and staff, as well as temporary staff. Unless inconsistent with the provisions of an existing collective bargaining agreement, criminal history checks are also required when a current employee moves to another position.

Departments may identify volunteers, student employees, and/or independent contractors that are subject to a criminal history check, as well. When hiring employees using an outside agency, the University may require the agency to conduct criminal history checks, at which time the item becomes a matter of contract with the agency.

For staff positions, a candidate's criminal history information will be reviewed by the Director/Employment and Compensation and/or the Director/Employee Relations. The Director/Employment and Compensation or designee will review the information with the candidate, the Senior Manager of the area, and the supervisor if deemed appropriate, before a final decision regarding employment eligibility is reached. Where the matter of criminal history pertains to a candidate for a faculty position, Faculty Personnel Services will conduct these reviews.

Authority: George E. Ross, President
History: 02-09-2004
Indexed as: Criminal History Checks

Title/Subject: **CRIMINAL HISTORY CHECKS**

A prior conviction does not necessarily make an individual ineligible for employment, or movement to another position. The criminal history will be evaluated for relevance, if any, to the specific position responsibilities. The evaluation shall consider, but shall not necessarily be limited to, the following factors:

- falsification of application material pertaining to the conviction(s);
- number and gravity of crimes committed and the nature of the crime(s) in relationship to the nature of the work to be performed;
- date of conviction(s)/time elapsed;
- subsequent employment record;
- length of university service and performance, if applicable;
- potential opportunity, through possible abuse of work-related functions or situations, to cause financial or property loss or other harm.

Where the University becomes aware of a past or current criminal conviction on a current employee, the situation will be evaluated using the same criteria listed above. Prior to any adverse impact on the employee, the situation will be reviewed with the appropriate bargaining unit representative(s), if applicable. The appropriate supervisor(s) will also be consulted, where deemed necessary.

PROCEDURE:

At the time of the employment offer, the employing department will notify the candidate of the University's criminal history check policy.

1. Candidate authorization to conduct a criminal history check is typically obtained through the application process. If it is not, a signed authorization form consenting to a criminal history check (among other checks) must be obtained by the hiring supervisor at the time the individual accepts the offer of employment for the position. Authorization forms must be forwarded to Human Resources, or Faculty Personnel Services as part of the hiring paperwork. Authorization forms will be retained with the criminal history check results.

When a department requires a criminal history check for a volunteer, student employee, independent contractor and/or for purposes of compliance with the Minors Participating in CMU Activities policy, the employing department will notify the individual that a criminal history check will be conducted. The individual will be asked to complete an authorization form consenting to a criminal history check.

2. The Director/Employment and Compensation or designee will conduct the criminal history check upon notification from the department that a contingent offer of employment has been made and accepted. In order to conduct the criminal history check, the candidate must provide their date of birth and social security number at the time the contingent job offer is accepted. An offer may be rescinded based on information obtained in the criminal history check.
3. The criminal history check will be conducted using records as deemed appropriate, including but not limited to, the Internet Criminal History Access Tool (ICHAT) through the Michigan State Police and the National Sex Offender Public Website (NSOPW). If the individual has lived or worked outside the state of Michigan, a third party agency will be used to conduct the out-of-state criminal background check. If a third party agency is used, the University will comply with the Fair Credit Reporting Act, and these costs will be charged to the hiring department. Additional criminal history records (fingerprinting, child abuse/neglect registry search, etc.) may be checked dependent upon the hiring department. Fingerprinting will be coordinated by the respective department; however, the individual is responsible for initiating the child abuse/neglect registry search. Any related costs will be paid by the requesting department.
4. If the criminal history check concludes that the individual does not have a criminal history, Human Resources or Faculty Personnel Services will notify the hiring department supervisor that the offer of employment is no longer contingent.

Title/Subject: **CRIMINAL HISTORY CHECKS**

5. If a criminal history exists or the information obtained in the criminal history check is in any way a variance from that provided by the individual on their application or authorization form, Human Resources or Faculty Personnel Services will review the criminal record.

Where the matter of criminal history pertains to staff, the Director/Employment and Compensation or designee will discuss the situation with the Senior Manager, and the supervisor if deemed appropriate, before a final determination regarding employment eligibility is reached. If an agreement cannot be reached, the Vice President of Finance and Administrative Services will collaborate with the Senior Manager in an effort to reach consensus prior to rendering a final decision. Several options may be considered, including but not limited to the following: employment, rescinded offer, discipline, or termination.

Where the matter of criminal history pertains to faculty, if deemed appropriate, Faculty Personnel Services will collaborate with the Provost.

6. Criminal records obtained by the CMU Police Department through internal investigations that relate to current employees should be discussed with the Director/Employee Relations or the Executive Director/Faculty Personnel Services. The Director/Employee Relations will discuss the situation with the Senior Manager, and the supervisor if deemed appropriate, or the Executive Director/Faculty Personnel Services will discuss the situation with the Provost regarding continued employment eligibility.
7. Notes, memoranda, or other documentation used or relied upon regarding a criminal history will be maintained separately from other individually identifiable employment records and secured by the Director/Employment and Compensation or the Executive Director/Faculty Personnel Services to avoid misuse of information.

Central Michigan University reserves the right to make exceptions, modify or eliminate this policy. This document supersedes all previous policies, procedures and directives relative to this subject. Please refer questions or concerns to the Originating Department.