

Title/Subject: **CRIMINAL HISTORY CHECKS**

Applies to:  faculty  staff  students  student employees  visitors  contractors

Effective Date of This Revision: February 9, 2004

Contact for More Information: Human Resources (Office of Employment and Compensation); Faculty Personnel Services

Board Policy  Administrative Policy  Procedure  Guideline

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**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 (both internal and external) 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 hire or promotion.

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 or the President.

**POLICY:**

A criminal history check may be required for all newly-hired regular and provisional faculty and staff. Unless inconsistent with the provisions of an existing collective bargaining agreement, criminal history checks may also be required where a current employee is a final candidate for a transfer or promotion.

Departments may identify temporary, student, and/or independent contractor positions 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.

A candidate's criminal history information will be reviewed initially by the Director of Employment and Compensation and/or the Director of Employee Relations and Training. The Director/Employment and Compensation and/or the Director of Employee Relations and Training will review the information with 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, the appropriate academic dean and members of the office of Faculty Personnel Services will jointly conduct these reviews.

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Authority: M. Rao, President  
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A prior conviction does not necessarily make an individual ineligible for employment, or promotion/transfer. 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);
- date of conviction(s);
- subsequent employment record;
- length of university service and performance (for transfers and promotions);
- number and gravity of crimes committed and the nature of the crimes(s) in relationship to the nature of the work to be performed;
- 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 initial employment interview, the employing department will notify the candidate of the University's criminal history check policy.

1. A signed Employment Verification Form authorizing a criminal history check (among other checks) must be obtained by the hiring supervisor at the time the individual interviews for the position. Employment Verification Forms must be forwarded to the Office of Employment and Compensation, or Faculty Personnel Services, as part of the hiring paperwork. They will be retained as part of the employee's personnel file or the applicant's record.
2. The Director/Employment and Compensation or his/her designee will conduct the criminal history check upon notification from the department that a contingent offer of employment has been made. In order to conduct the criminal history check, the department will obtain the date of birth, social security number, and gender of the candidate at the time the contingent job offer is made. In rare circumstances, an employee may begin employment before the criminal history check is obtained. The offer may be rescinded based on information obtained in the criminal history check.
3. When a department requires a criminal history check for a student, temporary and/or independent contractor position, the employing department will notify the candidate that a criminal history check will be conducted. The candidate will be asked to complete an Employment Verification Form authorizing the criminal history check. The form must be forwarded to the Office of Employment and Compensation or Faculty Personnel prior to conducting the background check. The Employment Verification Form will be maintained by the Office of Employment and Compensation or Faculty Personnel Services.
4. 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. If the candidate/employee has lived or worked outside the state of Michigan, a third party agency may be used to conduct the criminal background check. If a third party agency is used, the University will comply with the Fair Credit Reporting Act, and a minimal fee may be charged to the hiring department.

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5. If the criminal history check concludes that the candidate/employee does not have a criminal history, Human Resources or Faculty Personnel will notify the hiring department supervisor that the offer of employment is no longer contingent.
6. 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 candidate/employee on his/her Employment Verification Form, the Director/Employment and Compensation will review the criminal record with the candidate and discuss the situation with the Director/Employee Relations and Training. The Director/Employment and Compensation and/or the Director/Employee Relations and Training 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, promotion/transfer, rescinded offer, denial of promotion/transfer, transfer to a non-sensitive position for which the employee is qualified, written reprimand, termination. Where the matter of criminal history pertains to a candidate for a faculty position, the appropriate academic dean and members of the office of Faculty Personnel Services will jointly conduct these reviews.

7. Criminal records obtained by the CMU Police Department through internal investigations that relate to current employees should be discussed with the Director/Employment and Compensation or the Associate Vice Provost/Faculty Personnel Services. The Director/Employment and Compensation or the Associate Vice Provost will discuss the situation with the Senior Manager, and the supervisor if deemed appropriate, regarding continued employment eligibility.
8. 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 Associate Vice Provost/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.***