



Authority <b>Board of Trustees</b>
Title <b>Criminal Conviction Check Policy</b>
Responsible Office <b>Human Resources</b>
Subject <b>Employment</b>
Applies to <b>Faculty, EPA Non-faculty and SPA Permanent and Temporary Employees</b>

**History:** First issued: May 1, 2004. Last revised:

**Additional References:** Disclosure and Authorization for Criminal Conviction Check Form, Pre-Adverse Action Notification Form, Adverse Action Notification Form

**Related Policies:**

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## 1. POLICY STATEMENT

To provide a safe learning and working environment for our students, staff and faculty, the Department of Human Resources has established the following procedure through which a criminal background report will be required for any applicant who has been selected for a full-time or part-time, permanent or temporary SPA or EPA position, including individuals currently employed at NC A&T SU who apply for transfer to another position at NC A&T SU.

## 2. PROCEDURES FOR REQUESTING CRIMINAL CONVICTION CHECKS

Employment materials, including Job Vacancy Listings, Position Announcements, websites, and employment applications will advise applicants that a criminal conviction investigation will be conducted on any individual who is selected as the candidate for the position.

All applicants who complete an application for employment for a position at NC A&T SU will be required to answer the question: "Have you ever been convicted of an offense against the law (other than a minor traffic violation)?" The employment application contains a disclaimer that states, "A conviction does not mean that you cannot be hired. The offense and how recently you were convicted will be evaluated in relation to the job for which you are applying."

Once the candidate has been selected, he/she will be advised to complete the Disclosure and Authorization for Criminal Conviction Check form available on the web. A candidate's signed Disclosure and Authorization form must be obtained before the criminal conviction report request is initiated. Refusal to provide a Disclosure and Authorization form will be considered sufficient grounds to discontinue any employment consideration for that candidate. Once Human Resources has received the complete Disclosure and Authorization form, the candidate's criminal background report request will be initiated.

### **3. REVIEW OF CRIMINAL CONVICTION CHECKS AND DETERMINATIONS OF EMPLOYABILITY**

A Human Resources designee will review the results of the criminal background report to determine whether the candidate should work at NC A&T SU. No job offer will be extended until the designee reviews the criminal background report and determines that no adverse action will be taken based upon information contained in the report.

If a candidate's criminal background report reveals information that the Human Resources designee deems relevant to the candidate's appropriateness as an employee of NC A&T SU, the designee may discuss the criminal background report with the Office of Legal Affairs and/or University Police and/or the respective Division administrator. The following factors will be taken into consideration in determining whether the candidate should work at NC A&T SU:

- The relevance of the conviction to the duties and responsibilities that would be assigned to the candidate, if hired,
- The dates of any convictions, and
- The candidate's record since the date(s) of the conviction(s).

### **4. PRE-ADVERSE ACTION NOTIFICATION TO APPLICANTS**

To ensure that false or erroneous information has not been transmitted in a criminal background report, and to comply with the Fair Credit Reporting Act (FCRA), the HR designee will inform candidates of the criminal background report results if an adverse action, based upon information revealed in a criminal background report, is being contemplated. The HR designee will provide the candidate "Pre-adverse Action Notification Form along with a copy of the report and a copy of the candidate's rights under FCRA. The notification, report and description of rights will be sent via certified mail.

The candidate will be given an opportunity to address the matters revealed in the criminal background report. The HR designee will wait five (5) business days from the date the certified mail is sent before making a final adverse employment decision.

Once it is determined that a candidate may not be extended an offer of employment based upon information revealed in a criminal background report, the hiring department will be notified so that it may begin selection of another candidate.

## 5. NOTIFICATION TO APPLICANTS OF ADVERSE ACTION

The Vice Chancellor of Human Resources or his/her designee will notify the candidate of the adverse action using the "Adverse Action Notification Form." If a conditional offer of employment has been made, the administrator will notify the candidate that the offer of employment is withdrawn. Notices to candidates must be sent via certified mail and contain the following information:

- The name, address, and telephone number of the Consumer Reporting Agency (CRA) that provided the report, including a toll-free telephone number if the CRA compiles and maintains files on consumers on a nationwide basis.
- A statement that the CRA did not make the adverse decision and is unable to give specific reasons why the adverse decision was made.
- Notification that the candidate has the right to
  - Obtain a free copy of the report from the CRA for sixty (60) days
  - Dispute with the CRA the accuracy of completeness of any information provided in the report.

## 6. FALSIFICATION

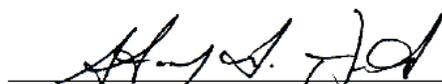
Should the criminal background report reveal criminal convictions that the candidate did not self-disclose, such falsification of the employment application will be considered sufficient grounds to discontinue any employment consideration for that candidate.

Approved:



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Linda R. McAbee, Vice Chancellor for Human Resources

Date: 1/10/08



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Stanley F. Battle, Chancellor

Date: 1/10/08