

Spring Arbor University Criminal Background Checks Policy

I. Purpose

Spring Arbor University (SAU) is committed to providing a safe environment for its students, faculty, and staff. This Policy is intended to help the University achieve that goal by mandating the use of criminal background checks in the employment process for faculty, administrative and non-administrative staff, temporary employees, adjuncts, and student employees (working with children and/or the elderly), and by establishing procedures for conducting those background checks.

II. Applicability

- A. This Policy applies to all new hires beginning October 1, 2015 and all currently paid faculty, administrative and non-administrative staff, temporary employees, adjuncts, and student employees (working with children and/or the elderly) beginning October 1, 2015.
- B. The timeline for completion of current employees' criminal background checks and the order in which they will be completed are as follows: senior management, coaches and field house staff, all faculty and remaining staff members (on campus and global sites) will be completed by February 28, 2016. Criminal background checks will be completed on adjuncts by May 31, 2016.

III. Policy

A criminal background check, including degree verification, is required for all faculty, administrative and non-administrative staff, temporary employees, adjuncts, and student employees (working with children and/or the elderly).¹ The criminal background check will include the following:²

- A. Verification of Full Name and Date of Birth
- B. Examination of felonies and serious misdemeanors
- C. Examination of sex offender registry (nationwide)
- D. Degree verification

IV. Process

- A. Every applicant for a faculty, administrative and non-administrative staff, temporary employees, adjuncts, and student employees (working with children and/or the elderly) position will be required to complete an *Authorization for Criminal History Records Check Release of Information/Liability* form for a criminal background check to be conducted and reviewed by the University.

- B. Applicants must be informed that a criminal background check is a prerequisite to any faculty, administrative and non-administrative staff, temporary employees, adjuncts, and student employees (working with children and/or the elderly) appointment at SAU. The applicant's refusal to submit the authorization form will constitute a withdrawal from the applicant pool.
- C. The criminal background check will be initiated by the University once a contingent offer of position has been issued and an authorization form is completed. ³ Written offers of appointment extended to faculty, administrative and non-administrative staff, temporary employees, adjuncts, and student employees (working with children and/or the elderly) must clearly state that the offer is contingent on satisfactory criminal background check results, including degree verification.
- D. The results of the criminal background check ("meets standards" or "pending review") will be sent to an authorized individual in the hiring unit. If questionable results are obtained ("pending review"), the Vice President for Finance and Administration and the Director of Human Resources will receive a detailed report. The Director of Human Resources will contact the candidate and provide him/her with an opportunity to explain the results and provide clarifying information. Prior criminal convictions do not automatically preclude employment.
- E. In consultation with the relevant unit administrator(s), the Director of Human Resources will evaluate the relevancy of the candidate's criminal history to the position the candidate is seeking.
- F. The assessment of a candidate's criminal history will take into account:
1. The nature and gravity of any criminal offense(s);
 2. The number and type of offense(s) (felony, misdemeanor, traffic violations, etc.);
 3. The sentence or sanction for the offense and compliance with the sanction(s);
 4. The amount of time that has passed since the offense and/or completion of the sentence(s);
 5. Whether the offense arose in connection with the candidate's prior employment;
 6. Information, including its truthfulness and completeness, supplied by the candidate about the offense(s) upon application for position and explanation following results when Director of Human Resources made contact for clarifying information;
 7. Work record and references after the offense(s).
- G. The Director of Human Resources may decline to hire any candidate whose criminal history s/he deems incompatible with the position the candidate is seeking. Any decision of the Director of Human Resources to decline hiring a candidate may be appealed to the Vice President for Finance and Administration.

- H. Faculty, administrative and non-administrative staff, temporary employees, adjuncts, and student employees (working with children and/or the elderly) appointments will not receive final approval until the required background check has been performed and the results received and assessed.
- I. In order to provide the maximum degree of protection for candidates' privacy, all records related to criminal background checks will be maintained in a secure location separate from employee personnel records. Criminal background check records will be maintained on a confidential basis to the maximum extent allowed by law.
- J. Any candidate who provides false, misleading or incomplete information pertaining to his/her criminal history generally will be eliminated from further consideration. The only exception to this standard procedure may be made by the Vice President for Finance and Administration for circumstances s/he determines to be highly extenuating. If false, misleading, or incomplete information is discovered after an individual has been appointed in any SAU position, the individual's employment may be terminated pursuant to the appropriate dismissal procedures. If false, misleading or incomplete information is discovered after an individual has been appointed in the tenure system, the University may rescind the appointment.

¹ The University will rely on the background check conducted by the U.S. Department of Homeland Security in lieu of a University background check for individuals coming to the University directly from residence outside the United States.

² Nothing in this Policy negates the possibility that a more comprehensive criminal background check may be required pursuant to state or federal law or for certain sensitive positions (such as those with significant financial responsibilities) at the sole discretion of the University or that a criminal background check may be required for existing faculty and staff.

³ Costs associated with the criminal background check process will be covered by the University.