

CRIMINAL CONVICTION CHECK PROCEDURE FOR SPA POSITIONS

North Carolina Agricultural and Technical State University has established a Criminal Conviction Check Policy for candidates for full-time, part-time, permanent or temporary SPA position. This policy will help to ensure a safe learning and working environment for our students, staff and faculty,

Procedure

1. Employment materials, including Job Vacancy Listings, 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.
2. All applicants who complete an application for employment for an SPA position at North Carolina Agricultural & Technical State University 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."
3. A Disclosure and Authorization for Criminal Conviction Check form (Attachment A) will be provided to applicants. Once the candidate has been selected, the Department of Human Resources will initiate procurement of the candidate's criminal conviction report. A candidate's signed Disclosure and Authorization for Criminal Conviction Check form must be obtained before the criminal conviction report is initiated. Refusal to provide a Disclosure and Authorization for Criminal Conviction Check form will be considered sufficient grounds to discontinue any employment consideration for that candidate.
4. No job offer will be extended until the appropriate University official reviews the criminal background report and determines that no adverse action will be taken based upon information contained in that report.
5. A Human Resources designee will review the results of the criminal background reports to determine whether the candidate should work at North Carolina Agricultural & Technical State University. 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 North Carolina Agricultural & Technical State University, the designee may discuss the criminal background report with the Office of Legal Affairs and/or University Police and/or the hiring department. The following factors will be taken into consideration in determining whether the candidate should work at North Carolina Agricultural & Technical State University: 1) the relevance of the conviction to the duties and responsibilities that would be assigned to the candidate if hired, 2) the dates of any convictions, and 3) the candidate's record since the date(s) of the conviction(s).
6. 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 SPA 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 (Attachment B) along with a copy of the report and a copy of the candidate's rights under FCRA (Attachment C). The notification, report and description of rights will be sent via overnight express 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 overnight 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.

7. Once it is determined that a candidate *will not* be extended an offer of employment based upon information revealed in a criminal background report, the HR designee will notify the hiring department of the decision and ask it to select another candidate. The Director of Human Resources or his designee will notify the candidate of the adverse action (Attachment D). 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 overnight express mail and contain the following information:
 - a. 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.
 - b. A statement that the CRA did not make the adverse decision and is unable to give specific reasons why the adverse decision was made.
 - c. Notification that the candidate has the right to:
 - i. Obtain a free copy of the report from the CRA for sixty (60) days
 - ii. Dispute with the CRA the accuracy of completeness of any information provided in the report.
8. 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.