

# CRIMINAL BACKGROUND CHECK POLICY AND PROCEDURE

---

## **I. Policy**

It is the policy of WSSU that applicants for employment have a criminal background check completed prior to receiving an offer of employment. This applies to vacant permanent positions of all categories, including faculty and staff, and certain volunteers and temporary positions, such as temporary faculty and those with regular, direct and unsupervised contact with students or minors. All background checks will be conducted in compliance with the Fair Credit Reporting Act (“FCRA”) and any other applicable laws.

## **II. Purpose and Use**

- A. The overall purpose is to ensure hiring managers are making well-informed decisions and that WSSU's mission is supported by qualified employees who foster a safe and secure environment for all university constituents
- B. The background check will only be used for evaluating the applicant for employment and will not be used to discriminate on the basis of race, color, national origin, religion, sex, genetic information, disability or age.
- C. If the university has performed a criminal background check on an individual within the past year, a new background check may not be required. The results of the previously performed history check may be used to consider in any pending employment decision, including promotions.
- D. Applicants who refuse to consent to a criminal background check will not be eligible for employment consideration.
- E. The university reserves the right to conduct a criminal background check review for a current employee if circumstances indicate criminal activity by this employee may have occurred.

## **III. Policy Provisions**

Winston-Salem State University shall seek information on all criminal convictions, all pending criminal actions, and all pleas, such as “No Contest”, that are acknowledgements of responsibility to determine an individual’s suitability for employment. If an applicant with a pending criminal case is hired, his or her continued employment will be reviewed upon disposition of the case. If a current employee is convicted of a crime or makes a plea of responsibility, and the university becomes aware of the conviction or plea, his or her suitability

for continued employment will be reviewed (in the same manner as applicants for the position) upon disposition of the case.

#### **IV. Confidentiality and Record Keeping**

The Office of Faculty Affairs will conduct criminal background checks for all Faculty and Graduate Assistant applicants. The Department of Human Resources will conduct all others. The criminal background check records are considered part of the application and will be maintained in confidential files within the Department of Human Resources and Office of Faculty Affairs. Under North Carolina law, applications and related materials are confidential personnel documents and not subject to public release.

#### **V. Procedure**

In accordance with FCRA, an applicant must personally authorize the background check by signing the Disclosure and Authorization Form. No criminal background check may be requested or conducted until this form is completed by the applicant. Human Resources or the Office of Faculty Affairs will submit the request to the third party provider to conduct the criminal background check. In order to maintain the utmost discretion and confidentiality, results are provided to Human Resources or the Office of Faculty Affairs. If any candidate or employee chooses not to sign the Disclosure and Authorization Form, the university will not consider the individual further in the respective hiring process.

#### **VI. Employment Decision**

A. A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with the University. Candidates' eligibility will depend on a variety of factors, such as the nexus between the criminal conduct and the job duties; nature of, and circumstances surrounding, any crime(s); the time elapsed since conviction and the rehabilitation record; the actions and activities of the individual since the crime(s), including the individual's subsequent work history; the truthfulness and completeness of the candidate's disclosure of the conviction(s), and any other relevant information. Human Resources or the Office of Faculty Affairs will monitor hiring decisions for consistency and may confer with the Provost and Vice Chancellor for Academic Affairs and/or Chancellor as appropriate.

B. If any conviction, regardless of category or severity, appears on a criminal background check report and the applicant did not fully disclose the conviction prior to the check, the applicant may be considered ineligible for employment based on falsification of application documents in accordance with N.C.G.S. §126-30. A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration. Pending employment offers will be withdrawn. If the candidate is a current employee, falsification may also subject the individual to disciplinary action up to and including dismissal.

C. If adverse action is based in whole or in part on the report, Human Resources or the Office of Faculty Affairs shall notify the applicant in accordance with the FCRA, including a copy of the

pre-employment background check report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act."

Effective Date: This amended policy becomes effective upon adoption by the Board of Trustees

Adopted: The 14<sup>th</sup> day of December 2007

Amended: This the 16<sup>th</sup> day of March 2012

---

Debra B. Miller, Chair,  
WSSU Board of Trustees

---

Vivian H. Burke, Secretary,  
WSSU Board of Trustees