

BACKGROUND CHECKS FOR EMPLOYMENT AT BALL STATE UNIVERSITY

I. POLICY STATEMENT:

Ball State University is committed to employing qualified employees who possess good professional character and standards. Thorough background checks will provide basic safeguards against applicant/employee dishonesty and assist in maintaining a safe work environment for employees, students, and other constituencies of Ball State University.

II. SCOPE:

This policy applies to all full-time, part-time, and temporary faculty, professional, staff, and service employees and applicants who have been recommended for employment and to student employee positions assigned to work at Burriss Laboratory School, the Indiana Academy, Wagoner Housing, Elliott Dining, or the Student Center Tally.

Hiring departments may request background checks for other student employees, graduate assistants, and volunteers as deemed appropriate due to their specific job functions/volunteer activities.

For Positions Working with Minors:

All faculty, staff, and students who have or will have direct contact with minors or supervise a program with minors shall have a criminal background screening on file with Human Resources and such background screenings shall be updated every three years. In addition, employees are required to complete the training “Protecting Children: Identifying and Reporting Sexual Misconduct,” upon initial hire and every three years thereafter. The training is available through the Office of Risk Management.

Employees who are rehired within a three-year period after their original hire dates do not need background checks if one is currently on file with Human Resources. This includes current employees working with minors who have not previously had a background check completed, as well as all other individuals working with minors whether paid or unpaid. However, these employees are required to complete the training “Protecting Children: Identifying and Reporting Sexual Misconduct.”

III. REQUIREMENTS:

A. The following information shall be verified for all persons appointed to BSU positions:

1. All work experience listed on application/resume/vita that qualifies the individual for the position sought (for example, if the minimum qualifications for the position require 10 years experience as a department head, then all positions contributing to the calculation of that 10 years experience are verified);
2. All employment during a period of at least seven (7) years immediately preceding the date of application;
3. All academic diplomas and degrees; and
4. Any required licensure(s).

B. All persons appointed to BSU positions shall be subject to the following background checks:

1. Social Security Number Trace
2. Sex Offender Registry (including but not limited to the Indiana Sex and Violent Offender Directory Database maintained by the Indiana Criminal Justice Institute and the National Sex Offender website which is maintained by the U.S. Department of Justice)
3. Criminal National Database
4. Criminal County Court Records
5. eVerify
6. Driver's License Check, if position requires
7. Degree verification of highest degree earned, if position requires

C. All persons appointed to the following BSU positions shall also be subject to a credit report check and verification of state tax payment:

1. President and Vice Presidents
2. Provost, Associate Provosts, and Assistant Provosts
3. Deans
4. Associate Vice President for Business Affairs & Assistant Treasurer
5. Controller and Assistant Controller
6. Bursar and Assistant Director of Bursar and Loan Administration
7. Internal auditors
8. Foundation President/CEO, Chief Investment Officer, and Vice President for Operations/Treasurer
9. Director, Scholarships & Financial Aid
10. Director, Contracts & Grants
11. Athletic Director

12. Other positions or volunteer activities with significant responsibility for financial transactions as recommended by hiring departments and approved by University Human Resource Services.

D. All foreign nationals appointed to BSU positions will also have a criminal history check in the individual's prior countries of residence if the individual's visa and/or authorization to work in the United States was issued before and has not been renewed since the implementation of the Patriot Act on October 24, 2001.

E. Inability to verify anything required in section III.A. or any negative information that is revealed through an employee's self-disclosure or the background checks required in III.B, III.C, or III.D. will be referred to University Human Resource Services or Employee Relations which will work with the appropriate Vice President of the hiring area to determine appropriate action.

F. Individuals convicted of crimes may be disqualified from employment at the University based on the conviction's relevancy to the position. The University will consider the nature and seriousness of the offense, the length of time since the conviction, and the nature of the position applied for/held in evaluating background check information. Information regarding conviction of crimes will not be used to discriminate against individuals.

IV. RESPONSIBILITIES:

A. Applicants and employees are responsible for submitting an accurate, complete Release of Information form to the appropriate authority in a timely manner, providing appropriate documentation and information necessary to complete any required background checks, and disclosing information regarding their conviction of a crime. Failure to cooperate fully, failure to disclose information, or providing inaccurate information will eliminate applicants from consideration and subject employees to disciplinary action up to and including termination.

Employees are responsible for notifying their department head immediately if the status of any required license(s) changes or if they are convicted of a crime subsequent to their employment with the University.

B. Hiring Supervisors/Managers/Search Committees are responsible for ensuring that all recommendations for appointment are made contingent upon the results of the background checks and assisting University Human Resource Services in securing the necessary consent from the applicant/employee. They should also check references and verify the information required in III.A.

Department heads who receive information regarding a change in the status of an employee's required license(s) or his/her conviction of a crime should consult with University Human Resource Services or Employee Relations who will work with the appropriate Vice President of the area to determine appropriate action.

C. University Human Resource Services is responsible for ensuring that all recommendations for appointment are made contingent upon the results of the background checks; that all appropriate consent forms are obtained; and that all required background checks are completed satisfactorily.

V. REVIEW AND UPDATES:

This policy will be reviewed annually no later than May 31st of each year by the Associate Vice President for Human Resources and Administrative Services to ensure compliance with state and federal laws. Whenever policies are amended concerning background checks on future appointments, the University will also review whether such amendments will be applied to current employees and what actions(s) may be taken based on the information received.

The University reserves the right to repeat a background check at any time. However, for employees working in positions identified in III.C., background checks will be completed no less frequently than every seven years.

VI. DEFINITIONS:

Applicant: An individual who is tentatively selected for a position. The term includes current employees who are transferring or are demoted or promoted from one classification to another.

Arrest: The taking of a person into custody, that s/he may be held to answer for a criminal charge. Arrest(s) noted on criminal history checks may be considered only if the charge(s) are still pending at the time of the employment decision.

Background checks refers to all of the following checks: employment verification, educational verification, license verification, tax payment check, reference check, past employment check, criminal history check, sex offender registry check, court records check, motor vehicle check, credit history check, national criminal history database check, and use of the federal eVerify program.

Conviction: A judgment on a verdict or a plea of guilty or *nolo contendere*, and/or a finding of guilt substantiated by the evidence which results in the payment of fines, forfeiture of collateral of bond, restitution, deferred adjudication or sentencing, probation, confinement, suspended sentence, pre-trial diversion agreement, or any other penalty imposed by a court of law or agreed upon by the accused for a crime.

Court records check: Checking civil and criminal court records in jurisdictions where the applicant has lived or worked to determine any criminal history or civil judgments.

Credit history: CAVEAT: Credit history check may be used only where there is a business necessity. The Fair Credit Reporting Act (FCRA) requires a separate written notice and authorization before a report from a consumer reporting agency can be procured. If the employer proposes to deny employment or otherwise adversely affect an employee based on any information contained in a consumer report, the employer must make adverse action disclosures, which include two steps:

1. Before the adverse action is taken to not employ, the person must be provided a “Pre-Adverse Action Disclosure Statement” which includes:
 - a. A copy of the credit report, and
 - b. “Summary of your rights under the FCRA”
2. After taking adverse action, the person must be provided an “Adverse Action Notice” which includes:
 - a. Name, address, and phone number of the Consumer Reporting Agency (CRA) supplying the report.
 - b. A statement that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the specific reasons why the adverse action was taken.
 - c. Notice that the person may dispute (with the consumer reporting agency) the accuracy or completeness of the information, and a right to an additional free credit report within 60 days.

An employer may not discriminate against an applicant or employee because of bankruptcy nor can an employee be discharged for garnishment proceedings.

Crime: A felony or misdemeanor for which a person might be imprisoned.

Educational verification: Telephone contact or written verification to ensure that the applicant possesses all educational credentials on application/resume/vita.

Employment verification: Ensuring that the applicant actually worked

1. All positions listed on the application/resume/vita **that qualify the individual for the position** sought (for example, if the minimum qualifications for the position require 10 years experience as a department head, then all positions contributing to the calculation of that 10 years experience are verified); and
2. All employment during a period of at least seven years immediately preceding application.

Verification should include dates of employment, reasons for leaving and an explanation for any periods of unemployment.

eVerify program: The electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, s. 403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly-hired employees under the Immigration Reform and Control Act of 1986 (P.L. 99-603).

Federal Criminal History Records Information (CHR) check: A nationwide criminal history database, access to which is limited by federal and state statutes. Under current law, applicants may obtain information on themselves from this data source. Criminal justice agencies and gaming and horse racing regulators have access to this information for employment purposes. Employees or volunteers who have contact with children are also eligible for these nationwide checks. See also IC 10-13-3.

Fingerprint Check: See Federal Criminal History Records Information (CHRI) check.

License verification: Confirmation that the applicant possesses all the licenses on application/resume/vita or otherwise necessary for the position, as well as determining the disposition of any proceedings against the license.

Motor vehicle check: BMV makes driving record information available online to determine an applicant's driving record and status.

Reference check: Contacting the references provided by the applicant.

Past employment check: Contacting the applicant's past supervisors and/or employers to obtain confirmation of employment or other relevant information.

Sex Offender Registry: Pursuant to IC 36-2-13-5.5 the Indiana Sex and Violent Offender Directory database which is accessible on the Internet through www.in.gov, contains information on persons convicted of certain sex and violent crimes. See also IC 11-8-8 et seq.

State Criminal and/or County history check: The most basic check on arrest(s) or criminal conviction(s) is the state criminal history check provided by the Indiana State Police. This check is limited to Indiana criminal history and can only discover the data that has been provided by local law enforcement agencies. Court records in every jurisdiction where the applicant has lived, worked, or attended school, even outside the state of Indiana, may be checked as well. Applicants may be required to secure and provide their state criminal history checks. Arrest(s) may be considered only if the charge(s) are still pending.

Tax payment check: Confirmation from the Indiana Department of Revenue as to whether the applicant is current in payment of state taxes.

12/1997

Rev. 1/2000

Rev. 5/2008

Rev. 11/2010

Rev. 11/8/2011

Rev. 6/17/2013

Rev. 11/17/2016

Rev. 10/2018