

## **Criminal Conviction Background Check Decentralized Hiring Guidelines**

Virginia Commonwealth University (VCU) makes every effort to provide reasonable safeguards to protect the welfare and safety of its students, patients, employees, visitors and the university's institutional resources.

As a part of these efforts, VCU Human Resources (HR) will conduct criminal conviction investigations on new and rehired employees, including all faculty, classified staff, adjuncts, hourly employees, student workers, work-study students, post-doctoral research fellows/trainees and graduate assistants hired through the centralized and decentralized hiring processes.

Criminal conviction investigations also will be conducted in connection with certain transfers and promotions as described in VCU's **Criminal Conviction Investigations** policy at <http://www.policy.vcu.edu/sites/default/files/Criminal%20Conviction%20Investigations.pdf>.

### **Types of Criminal Background Checks Conducted**

Background checks are required as a condition of employment, and continued employment is subject to final review and evaluation of the criminal conviction history.

Positions defined as "sensitive" require fingerprint background checks through the FBI database. Sensitive positions include those positions having responsibilities for safety, such as police and security staff; positions with access to or contact with research animals; positions with access to certain hazardous materials; positions having responsibility for direct patient care; and other positions as deemed sensitive by management that require fingerprinting.

All other positions require background checks conducted through an outside vendor. Childcare positions require an additional check through the Virginia Department of Social Services. Current employees who are transferred or promoted into positions defined as "resource critical" undergo a second background check conducted through an outside vendor. Resource critical positions are those with access to or control over institutional assets or student, employee and patient data.

### **Evaluating Criminal Background Information**

Although a conviction(s) may be listed or disclosed during the recruitment process for sensitive positions, it is important that the conviction(s) only be considered based on job relatedness. Convictions related to drugs, violence or sexual behavior are generally considered job related due to the nature of the VCU environment.

The following are additional factors to consider:

- timeframe of the conviction;
- age of the person when the offense/conviction occurred;
- severity of the crime;
- position type and location; and

- subsequent work history.

## **Criminal Background Check Procedure for the Decentralized Hiring Process**

Following is the department's procedure for conducting background checks:

Applicants for sensitive positions are required to disclose criminal convictions.

- When meeting with a selected candidate, the Personnel Administrator (PA) must let the individual know the importance of disclosing any criminal convictions on the application. The employee must understand that his/her conditional offer of employment is subject to withdrawal for "falsification" if a conviction record is returned and the conviction was not disclosed.
- If the applicant completes a state application, evaluate the response to the conviction question to determine if any disclosed conviction(s) appears job related. Review the list of job-related factors and determine if the conviction(s) renders the applicant ineligible for consideration. If you need assistance, contact HR Compliance at 828-1588.
- If no convictions are disclosed or disclosed convictions do not appear job related, finalize the new hire paperwork and **hold until the background check results have been approved**. Then send the paperwork for HR processing to ImageNow (email: [hrdocs@vcu.edu](mailto:hrdocs@vcu.edu) or fax: 827-8250).
- Once the applicant is offered a job, determine what type of background check must be done.
  - If the position is "sensitive," contact VCU Campus Police to schedule fingerprinting. See the **Criminal Conviction Background Check – Decentralized Fingerprinting Procedures**.
  - If the position provides child care, contact your HR Consultant for processing.
  - For all other new hires, the PA will enter the employee data into HireRight. Procedures for entering employee data into HireRight are located in the **Express Hire and HireRight User Guide**.
  - If the employee is on a **newly issued visa within 30 days of issue date** and does not yet have a social security number, no background check is required.
- Criminal history records will be received by HR staff only. The content of the background check will remain confidential.
  - If a criminal history record is returned, HR Compliance will notify the employee and the employee will inform his/her supervisor. HR Compliance will follow-up by contacting the PA within 24 hours of contacting the employee. In addition, if the employee has a job-related conviction, the Criminal Conviction Action Form (CCAF), which is referred to as the waiver form, must be completed.
    - If the department wishes to retain the employee, the CCAF must be signed by the chair, department head or dean and returned to the HR Compliance Office within two business days.
    - If the department wishes to terminate the individual's employment, the CCAF can be signed by the hiring manager. HR Compliance will assist with the appropriate termination notification.
  - If a criminal history record does not reflect a job-related conviction, HR Compliance will notify the PA/department and no further follow-up will be required.

Once the background check has been completed and approved by the HR Compliance Office, enter the employee data into Express Hire, finalize the new hire paperwork and submit it for HR processing to ImageNow (email: [hrdocs@vcu.edu](mailto:hrdocs@vcu.edu) or fax: 827-8250).