

# Academic Affairs Manual (ACD)

## ACD 126: Reference Check and Background Verification

Effective: 8/15/1985

Revised: 7/1/2016

### Purpose

To require verification of the backgrounds of all finalists being hired

### Sources

*Arizona Revised Statutes § 15–1649*

*Arizona Board of Regents Policy Manual - 6–709*

### Applicability

Faculty

Postdoctoral scholars

Administrative, classified, and university staff

Academic professionals

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## Policy

### Introduction

In order to create a safe and secure work and learning environment and to ensure that Arizona State University (ASU) employees are qualified to perform the jobs for which the university hires them, ASU will conduct a pre-employment reference check and a background investigation for the final candidate(s) applying for positions at the university.

A reference check and background investigation will be conducted on the finalist(s), including current employees who apply for such positions, for [classified](#), [university](#), and [administrative](#) staff, [faculty](#), [postdoctoral scholar](#), and [academic professional](#) positions.

An additional level of background investigation requiring a fingerprint check will be conducted for positions designated as security or safety-sensitive, as well as for such other designated positions as appropriate.

Employment is contingent on the successful completion of the background-check process. ASU may refuse to hire the finalist, may rescind an offer of employment to a finalist, or may review and terminate the employment of a current employee not successfully completing the background-check process.

Information on the procedure and appropriate forms necessary to complete background checks can be accessed at the [Office of Human Resources](#) website.

### Hiring Process

As part of the hiring process, ASU requires disclosure of relevant employment, education, and criminal history information. ASU will conduct a variety of checks to ensure the accuracy of the information provided and the eligibility of the final applicants for each open position.

### Standard Pre-Employment Screening

The hiring authority or a designee shall check references and verify the educational credentials, employment histories, and past performance of a finalist before he or she extends a final offer of employment.

When a current ASU employee transfers to another ASU position or a former ASU employee is rehired within sixty (60) days from his or her last day of employment, a criminal background check is not required of the new position unless the employee has not had a criminal background check during his or her previous employment with ASU. If the position is security or safety-sensitive, per ARS 15-1649, the employee shall submit a full set of fingerprints to the university for the purpose of obtaining a state and federal criminal records check pursuant to §41-1750 and Public Law 92-544.

### Position-Specific Background Checks

Finalists for specific positions may be required to have one or all of the following background checks:

1. Academic credentials and/or professional licensing/certification, as required for the position, will be verified.
2. Motor vehicle records. When an occupation or position requires that an employee regularly operate a motor vehicle, whether an ASU vehicle or a personal vehicle, the hiring authority or a designee will work with Office of Human Resources (OHR) to verify the appropriate license and review the motor vehicle record. Employees in these positions will be subject to an annual inspection of their motor vehicle record and must adhere to the prompt reporting requirements on changes in status of license in accordance with the *Staff Personnel Policies and Procedures Manual (SPP)*—[SPP 319](#), “Driver’s License Monitoring.”
3. A fingerprint check will be completed on the finalist for each position that will handle financial transactions as a job responsibility. These responsibilities include, but are not limited to: approval authority within the accounting system, collection or handling cash or checks, writing or approving checks, having access to a direct money stream,

being an authorized ASU Purchasing Cardholder, or being a fiduciary to ASU. Persons who have only accounting system data entry and/or scanning authority do not need the fingerprint check. Faculty or staff who are principal investigators on sponsored projects are normally the org manager on the sponsored project account and may be set up with either scanning authority only or full approval authority. If scanning authority only is selected, a fingerprint check is not required.

4. For all student staff hires who handle cash and checks on an on-going basis, a background investigation (criminal check) is required. Exempted from the background investigation (criminal check) are student staff hired for only a specific event held only once or twice a year and not for cash and check handling on a continuing basis. The hiring department may also designate the student position as a security or safety-sensitive position, for which a fingerprint check is also required.
5. A fingerprint check will be done to determine if the finalist for a position designated as security or safety-sensitive has a criminal record history and to consider the effect of such a history on the finalist's suitability for university employment. This information shall be obtained for individuals not currently employed by ASU, as well as for those currently employed by the university who are seeking security or safety-sensitive positions. If an individual moves from one security or safety-sensitive position to another, the hiring authority or designee shall work with OHR to obtain an updated criminal history report.

## **Security or Safety-Sensitive Positions**

The finalist for a security or safety-sensitive position at a university that is under the jurisdictions of the Arizona Board of Regents shall be fingerprinted as a condition of employment. The finalist shall submit a full set of fingerprints to the university for the purpose of obtaining a state and federal criminal records check pursuant to ARS 15-1649 § 41-1750 and Public Law 92-544. The Police Department may exchange this fingerprint data with the Federal Bureau of Investigation. Current Arizona fingerprint clearance cards will be accepted.

Security or safety-sensitive positions shall be designated by ASU and shall include, but not be limited to, the following:

1. university administrators and others with significant financial oversight responsibilities, including but not limited to, the president, provost of the university, vice presidents, and vice provosts
2. positions that have unsupervised contact with minors who are not enrolled students at the university
3. positions that have direct access to Select Agents, as defined by the USA Patriot Act of 2001 and the Public Health Security and Bioterrorism Preparedness Response Act of 2002, except where excluded by law because the principal investigator does not, at any time, exceed the Select Agent regulatory threshold quantities specified under the applicable regulations
4. positions with unrestricted access to residence hall rooms
5. other positions designated by a dean or vice president as security or safety-sensitive. A dean or vice president may designate a position as security or safety-sensitive by notifying and justifying to the associate vice president of OHR that the position's responsibilities may expose the university to significant liability. The associate vice president may consult with knowledgeable subject experts as appropriate to the circumstances of the position's duties for which the designation is proposed
6. finalists who indicate a prior felony conviction
7. all non-student staff hires who handle cash and checks on an ongoing basis. Exempted from this fingerprinting requirement are staff hired for only a specific event held only once or twice a year and not for cash and check handling on a continuing basis

and

8. employees of the ASU Police Department (ASU PD). Pre-employment screening of these individuals shall be conducted in accordance with ASU PD hiring protocols.

## **Additional Requirements**

Additional pre-employment screening required by statute, contract, or policy is not discretionary and shall be coordinated by OHR.

## **Information Collection, Evaluation, and Disposition**

### **Information Collection**

A signed authorization from the finalist is required before criminal record information or background information may be requested. This information will be collected in coordination with OHR. If a finalist refuses to provide such authorization, the individual will be ineligible for consideration for such position.

### **Information Evaluation**

The hiring department will coordinate with the third-party vendor regarding all background verifications. The vendor will send the reports to OHR upon the completion of the verification process.

Should one of these reports produce information that might prompt an adverse employment action for a current employee, OHR will work with the hiring authority to conduct a background investigation review to evaluate the value of the current information against the total past employment record and future employment potential.

When considering whether to employ an individual with a criminal history, during the background investigation review, many factors will be assessed, including:

1. the relevance of a criminal conviction to the posted job duties
  2. the date of the most recent offense
  3. the nature and number of convictions
  4. the relative threat to the security of ASU or its employees and students
  5. the accuracy of the information the individual provided on the employment application and/or in the recruitment process
- and
6. other relevant considerations.

The finalist has a minimum of five days to refute, explain, or correct the information. If there is no change in status within five days, the finalist will be withdrawn from the candidate list. If the finalist is a current employee, his or her suitability for continued employment will be evaluated. In some cases, presidential approval may be required before an offer of employment is extended.

ASU may refuse to hire a finalist, may withdraw a conditional offer of employment to a finalist, or may terminate an employee where the finalist has made a false representation of material fact or omits providing material factual information in the employment process.

### **Compliance with the Fair Credit Reporting Act**

In some cases, an outside vendor may uncover information that may disqualify a finalist from further employment consideration. In such a case, ASU will notify the finalist of the information and provide a minimum of five business days for the finalist to refute, explain, or correct the information.

### **Information Release**

Only ASU designated employees may initiate a criminal background check and/or credit check or receive results. Results of all background checks will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy, as provided by law or pursuant to appropriate legal process.

The university may release the results of a reference check and background check to another university under the jurisdiction of the Arizona Board of Regents for employment purposes.