Policy 112 Version 1 09/08/2015

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | 112 Pre-Employment and Current Employee Criminal Record Disclosure |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
 |
| * Is this a federal or state mandate? [ ]  Yes x[ ]  No
* Describe change: NDUS Board Policy Change to add expand the requirement for additional criminal background checks prior to hire.
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Office/Department/Name and the date submitted Human Resources and Payroll, Colette Erickson, 09/08/2015
* Email address of the person who should be contacted with revisions Colette.erickson@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** |  |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Cabinet:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**SECTION 112**602.3 Job Applicant/Employee Criminal History Background Checks

**~~PRE-EMPLOYMENT AND CURRENT EMPLOYEE CRIMINAL RECORD DISCLOSURE~~**

SOURCE: NDSU President
SBHE Policy Manual, Section 602.3
NDUS Procedure 602.3

1. ~~Job Applicants - Criminal Record Disclosure.~~
	1. ~~NDSU uses two forms (paper and online) for capturing applicants’ criminal record disclosure information. All applicants for employment at NDSU, whether full-time or part-time, including student employment, must answer the~~ [~~criminal record disclosure questions~~](http://www.ndsu.edu/fileadmin/diversity/forms/CriminalDisclosure_2.pdf) ~~prior to being hired. The nature of the position (full-time or part-time) will determine if the paper form is used or if this information is captured through the online PeopleAdmin system. Any offer is contingent on return and review of the signed form and verification. The hiring unit is responsible for obtaining the signed form prior to the final offer.~~
	2. ~~A positive response (that is, the potential offeree answers that they have a criminal record) does not preclude employment. A determination will be made based on the type of conviction, how recent the conviction is, and the relevance of any conviction to the position for which the person has applied. An offer may be withdrawn as a result of these considerations. Disclosure by an applicant for employment under this policy does not prevent the University from enforcing any other policy or requirement with regards to pre-employment criminal record disclosure.~~
	3. ~~The information shall be kept in the employee's official personnel file (~~[~~http://www.ndsu.edu/policy/718.pdf~~](http://www.ndsu.edu/policy/718.pdf)~~) (or, for individuals not hired, with the applicant's file).~~
	4. ~~Supervisors who have a situation under this policy should consult, prior to making a final hiring determination, with appropriate personnel, for example, Vice President in the Office of Equity, Diversity, and Global Outreach (for non broadbanded positions), Director of Human Resources/Payroll (for broadbanded positions), University General Counsel, or their Department Chair or Dean.~~

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| 1. Definitions:
	1. CHRC: Criminal History Records Check
	2. SOR: Sex Offender Registry
	3. FBI: Federal Bureau of Investigation
	4. BCI: Bureau of Criminal Investigation
	5. Benefited positions: as defined in SBHE Policy 703.2
	6. New hires: includes
		1. Re-hires, transfers, and promotions within the same institution, except when a CHRC and SOR check has been completed at the employing institution within the last 120 days. Promotions do not include faculty promotions when moving from one faculty rank to another faculty rank (e.g. instructor to assistant professor, etc.); and,
		2. Transfer from another NDUS institution.
 |

1. ~~Criminal History Background Checks.~~ A nationwide FBI CHRC is authorized for all NDUS positions.
2. A nationwide FBI CHRC ~~criminal history background check~~ is required before beninning employment in the following positions:~~authorized for the following positions:~~

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| * 1. Police officer;
	2. Security guard; and
	3. University Police Dispatchers/Call Center Operators.
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1. CHRC and SOR checks are required for new hires for the following positions:
2. All benefited positions; and
3. ~~The following positions, whether benefited or non-benefited~~: Non-benefited positions, including volunteers who:

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| * + 1. have access to confidential or proprietary information;
		2. have master keys;
		3. have access to cash, credit, debit or other financial transactions;
		4. are resident hall and/or apartment managers, directors or assistants;
		5. are child care employees and other employees who have unsupervised contact with minor children;
		6. are responsible for, or with access to, controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances;
		7. are instructional faculty and staff, including graduate teaching assistants; and,
		8. are counselors and coaches.
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* 1. ~~Chancellor, institution president and vice presidents;~~
	2. ~~Police officer and security guard;~~
	3. ~~Resident hall and apartment manager or director and assistants;~~
	4. ~~Information technology staff;~~
	5. ~~Employees responsible for or with unsupervised access to cash, credit, debit or other financial transactions or numbers, or confidential or other protected information, including medical records, social security numbers, tax, retirement, or vendor or contractor proprietary or other confidential information;~~
	6. ~~Custodians and other employees with master keys or other means of unsupervised access to residence halls or secure buildings or facilities;~~
	7. ~~Child care employees and other employees who have unsupervised contact with children;~~
	8. ~~Part-time instructional staff;~~
	9. ~~Employees responsible for or with access to controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances; and~~
	10. ~~Counselors and coaches~~.
	11. ~~As stated in SBHE Policy 602.3, a nationwide FBI criminal history background check is required before beginning employment in the following positions:
	a. Police officer; and
	b. Security guard.~~

5. ~~A criminal history records check~~ The CHRC, ~~which~~ may be a North Dakota BCI check, a nationwide FBI ~~nationwide~~ check or check of another state or multiple jurisdictions~~, is required before beginning employment in the following positions:~~

* + 1. *~~All new benefitted hires;~~*
		2. ~~Chancellor, president,~~ *~~provost~~*~~, and vice presidents;~~
		3. ~~Resident hall and apartment manager or director and assistants;~~
		4. ~~Custodians and other employees with master keys or other means of unsupervised access to residence halls or secure buildings or facilities;~~
		5. ~~Child care employees and other employees who have unsupervised contact with children;~~
		6. ~~Employees responsible for or with access to controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances; and~~
		7. ~~Counselors and Coaches.~~

*~~The level of check will be determined by the hiring department upon consultation with the central administrative office conducting the search.~~*

1. ~~Current Employees~~
	1. ~~Current employees have a duty to immediately report a criminal conviction covered under this policy (all felonies; and misdemeanors involving violence and theft; or any offense requiring one to register as a sex offender) to their supervisor and the Director of Human Resources/Payroll. See Policy 155 for arrests and convictions involving drugs and alcohol in the workplace. Additional evidence about the conviction (example, the judgment of conviction) may be placed in the employee's official personnel file. The employee can add a statement pertaining to the conviction. Whether the conviction has an effect on employment status will be determined by the supervisor after consultation with appropriate personnel. (See section 4 above.) The employee can request that the conviction information be removed from the employee's official personnel file after misdemeanors are over 5 years old and 10 years for felonies.~~
	2. ~~Information regarding this subsection shall be provided to employees as part of the NDSU Annual Notice of Policies Covered under the ND Risk Management Program.~~
	3. ~~All current employees are required to sign a Criminal Record Disclosure Form.~~
	4. ~~Employees arrested or charged by summons to appear for crimes covered by this policy, or for a crime otherwise job related (e.g., a DUI if driving is a job requirement), have a duty to notify their supervisor and the Director of Human Resources/Payroll within five days of the arrest or receipt of the summons. While an arrest is not a conviction, NDSU will determine any potential actions or consequences on a case by case basis.~~

6. The CHRC and SOR checks must be completed before beginning employment. If there is an urgent documented need to start employment within seven working days of selection and prior to the completion of the check, the employee may begin work as scheduled, under proper supervision; however, continued employment is subject to successful completion of the checks.

HISTORY:

New July 1, 2002
Amended February 2006
Amended October 2007
Amended December 2007
Amended June 23, 2009
Housekeeping November 15, 2010
Housekeeping December 28, 2010
Amended February 7, 2012