

Christopher Newport University

Policy: Criminal History Reporting and Background Check Policy **Policy Number: 5035**

Executive Oversight: Vice President for Finance and Planning/CFO
Contact Office: Human Resources
Frequency of Review: Annually
Date of Last Review: Summer 2023

A. PURPOSE

The purpose of this policy is to protect the safety and well-being of Christopher Newport University students, staff, faculty, and the public. One of the ways the University does this is by requiring a National Criminal History Background Check (NCHBC) and by reviewing and considering criminal convictions in hiring and continued employment for covered positions, including employees of contractors. This policy is intended to ensure fair and consistent application of the procedures for conducting background checks and evaluating convictions relative to employment decisions while ensuring equal employment opportunity.

B. POLICY STATEMENT

Background checks and the evaluation of convictions relative to employment decisions shall be conducted fairly and consistently and in a manner that supports equal opportunity.

C. PROCEDURES

1. Covered Positions

NCHBC shall be conducted for applicants selected to fill the following positions:

Non-student wage, classified, instructional faculty, administrative/professional faculty, adjunct and part-time faculty, part-time athletic coaches, employees from temporary service providers, employees of contractors scheduled to work on campus, and employees of the contractors provided logical or virtual access to University systems and data, or electronic or physical key access to any building on campus. A student employed in any of these positions shall be subject to a NCHBC pursuant to this policy.

All offers of employment are contingent on the satisfactory completion of a background check. Covered positions must successfully complete the background check process prior to their start date. Exceptions may be permitted in extenuating circumstances, with the approval of both the division head and Human Resources.

The University may also select other positions, to include volunteers, for whom conviction histories will be checked. A NCHBC may be conducted on current employees as deemed necessary per the Chief of Staff, Provost, Vice President for Finance and Planning/CFO, or Associate Vice President | Chief Human Resources Officer.

This policy shall not control criminal history investigation and review or employment decisions for University police officers. University Police has its own departmental policy regarding background checks pursuant to *Code of Virginia § 2.2-1201.1*.

2. Convictions

Information related to convictions is confidential. Such information may only be shared with essential personnel as necessary. Convictions may result in denial or termination of University employment.

Employees are expected to immediately report if they have been convicted of criminal conduct. Should the University learn of a charge of criminal conduct related to their job or the University's mission, management may place the employee on administrative leave while conducting its own investigation or awaiting resolution of the criminal charges. Failure to report a conviction may result in termination of University employment, based on the failure to report, alone.

3. Employment Decisions Based on Results of NCHBC

Position-related factors in identifying and considering convictions relevant to a hiring decision or continued employment shall include the following:

- a. Access to significant levels of cash or negotiable securities.
- b. Significant responsibility for the execution or approval of financial transactions.
- c. Responsibility for creating, collecting, or accounting for material levels of accounts receivable.
- d. Significant inventory control responsibilities, including the receipt and release of inventory.
- e. Unsupervised access to University, employee, or student property, including positions located in the University residence halls with access to the rooms of students.
- f. Requirement for a valid driver's license, operating or driving a University vehicle or frequent driving for work related travel.
- g. Positions that allow access to confidential data, personally identifiable information (PII) or other sensitive data.
- h. Roles in Security and related positions within the Christopher Newport University Police Department or other positions that have responsibility for security.
- i. Access to pharmaceuticals, other controlled drugs, or hazardous materials.
- j. Other position factors as may be designated by the Provost, Chief of Staff or Vice President in consultation with the Director of Human Resources Operations, Associate Vice President /Chief Human Resources Officer, University Counsel and/or the Director of Title IX and Equal Opportunity.

Conviction-related factors in identifying and considering convictions relevant to a hiring decision or continued employment shall include the following:

- a. Nature of the crime,
- b. How recently the conviction occurred,
- c. Relevant to job duties or work environment;
- d. Frequency and severity of the crime(s), and
- e. Age of the individual at the time the crime(s) were committed.

The determination to deny or terminate employment due to the discovery of a conviction shall be made by the Director of Human Resources Operations together with the Associate Vice President/Chief Human Resources Officer, University Counsel, and the appropriate Cabinet member or others as needed. For matters related to full-time Instructional Faculty, the University Handbook shall control.

4. Job Applicants

Christopher Newport's application for employment shall include the following statement that must be signed by an applicant:

I hereby certify that all entries and attachments are true and complete, and I agree and understand that any falsification or omission of information herein, regardless of time of discovery, may cause forfeiture on my part to any employment in the service of the Commonwealth of Virginia. I understand that all information on this application is subject to verification and I consent to criminal history background checks. I also consent to references and former employers and educational institutions listed being contacted regarding this application. I further authorize the Commonwealth to rely upon and use, as it sees fit, any information received from such contacts. Information contained on this application may be disseminated to other agencies, nongovernmental organizations or systems on a need-to-know basis for good cause shown as determined by the agency head or designee.

A job applicant shall not be automatically disqualified because of the existence of a criminal conviction.

The hiring authority may make a conditional offer to a selected candidate; however, the final offer is contingent on the results of the NCHBC.

If an employee is permitted to begin work before the results of the NCHBC are received, continuation of employment is dependent on the results of the NCHBC.

Any employee being re-hired after a break in service shall be required to complete another NCHBC.

NCHBCs shall be conducted on current employees who are selected for a new covered position.

5. Temporary Service Workers and Contractors

Contractors, including temporary service providers, scheduled to work on campus in any capacity, shall only send individuals for whom an NCHBC has been conducted and analyzed pursuant to the position and in compliance with this policy. The service providers are responsible for providing proof of a successfully completed NCHBC when requested by the University.

D. APPROVAL AND REVISIONS

Approved By: Policy Committee, August 2016

Revision 1: Policy Committee, May 1, 2019

Revision 2: Policy Committee, May 5, 2021

Revision 3: Policy Committee, July 27, 2023

E. NEXT REVIEW DATE: Summer 2024