

THE UNIVERSITY OF MISSISSIPPI

**POLICY ON BACKGROUND CHECKS**

**Summary/Purpose:** The University of Mississippi will run background checks on applicants who are new to the University applying for security sensitive positions that last longer than four-and-a-half months or one semester as well as current University employees seeking to apply for transfer or promotion to other University positions that are security sensitive. Additionally, applicants who indicate on their applications they have a prior felony conviction or a felony charge pending will be subject to background checks if the applicant is interviewed and recommended for hire.

The University Administration conducts background checks on security sensitive positions such as those in the University Police Department, Willie Price University Nursery School, Coy Waller Complex, Alumni Affairs, The Inn at Ole Miss, Student Pharmacy, positions in Student Housing that will have access to residence halls, select positions with the University Museums, Athletics, Physical Plant and Barksdale Reading Institute. The University reserves the right to add positions to this list at any time prior to the beginning of recruitment efforts. Additionally, applicants who indicate on their application they have a prior felony conviction or a felony charge pending will also be subject to background checks if the applicant is interviewed and recommended for hire.

This process may be reviewed by a committee to be appointed by the Provost. If you have any questions concerning these changes, please contact the Manager of Employment and Training, the Director of Human Resources, or the Executive Director of Equal Opportunity and Regulatory Compliance.

This policy applies to individual applicants who are new to the University applying for security sensitive positions that last longer than four-and-a-half months or one semester. It also applies to current University employees seeking to apply for transfer or promotion to other University positions that are security sensitive. The University of Mississippi uses a third party agency for criminal background checks. These background inquiries may also include education or drivers license checks. The University of Mississippi reserves the right to determine the suitability of all individuals to be employed by the University departments into permanent or temporary positions. The University, at its discretion, may refuse to hire anyone convicted of a felony, anyone who has pending felony charges, or on other educational or driver's license issues. The University Police Department may refuse anyone with a misdemeanor conviction or a misdemeanor charge pending.

Individuals subject to background checks should be made aware to this practice at the earliest possible stage in the application process. Appointment to a security sensitive position at the University is contingent upon an acceptable background check and any written offer of employment must contain notice of this contingency. Under most circumstances, background checks will be completed prior to appointing a person to the position. However, should a background check be initiated or the results provided after employment has begun, the results shall be used to assess the employee's suitability for continued employment. If employment is begun prior to receipt of the results of the background check, the job offer should state that continued employment is conditioned upon an acceptable background check.

In determining suitability for employment in a security sensitive position where there is a record of criminal conviction or pending criminal activity, consideration shall be given to such issues as the specific duties of the position, the number of offenses and circumstances of each, how long ago the conviction occurred, whether the circumstances arose out of an employment situation, and the accuracy of the explanation of the nature and circumstances of the conviction as stated by the applicant on the employment application. The Background Checks Review Committee shall be comprised of the Director of Human Resources and the Executive Director of Equal Opportunity and Regulatory Compliance. The Manager of Employment and Training in the Department of Human Resources will serve as backup on the committee in the absence of either the Director of Human Resources or the Executive Director of Equal Opportunity and Regulatory Compliance. Refer below regarding the potential decisions the committee may make based upon the findings.

**Criminal Background Check based upon Self Reporting:** During the application process, all applicants for employment at the University of Mississippi will be asked if they ever been convicted of a felony or have felony charges pending. Applicants will be asked to explain any positive responses. If the applicant affirms a felony conviction or pending felony charges, the applicant's application status will be monitored. If the applicant is selected as a final candidate, a criminal background check will be initiated. The University's Background Checks Committee will convene immediately to examine the applicant's background check report with respect to the position for which he or she has applied and to make a determination as to whether the applicant shall be allowed to proceed further in the job search process.

**Criminal Background Check based upon Recommendation for Hire:** Only conditional job offers for security sensitive positions and self-reporting applicants (refer above) can be extended until a background check has been completed. Once the hiring department makes a recommendation to hire an individual, Human Resources shall cause a Background Review to be conducted on the person recommended for hire. The Background Review shall consist of a Criminal Background Search and, depending upon the job description requirements of the position to be filled, may also involve an Educational Background Search and/or Motor Vehicle Driving Record Search.

1. Criminal Background. A criminal background search shall be conducted on all individuals recommended for hire in the above mentioned security sensitive positions and self-reporting applicants (refer above). Felony convictions may be reported regardless of the age of conviction. If the results of the criminal background search indicate no record of felony convictions and no pending felony charges, the hiring recommendation is unaffected. If the results reveal a history of felony conviction(s) or pending felony charges, the Background Checks Review Committee will evaluate the results and make one of the decisions as mentioned below.

The Department of Human Resources requests the background check via a confidential on-line service. The background check agency will normally respond within 48 to 72 hours of receipt of the request. When appropriate, the Background Checks Review Committee will notify the appropriate hiring decision maker of the job-related results. Refer below regarding the potential decisions the committee may make based upon the findings.

2. Educational Background. Where appropriate for the position, Human Resources may have an Educational Background Search conducted on the individual recommended for hire. The review may include verification of any license, certificate, or degree required for the position. Individuals recommended for hire will be required to submit official transcripts as proof of college degrees when the attainment of the position was based upon them having certain academic credentials. In these instances, new employees will not be paid until such proof has been provided to the Human Resources office. (Note: This part of the policy applies to all applicants for jobs requiring a Bachelor's Degree or higher.)
3. Driving Record. Human Resources may have a Motor Vehicle Driving Record Search conducted on individuals recommended for hire into staff positions requiring a valid driver's license.

**Review of the Criminal Background Check.** The Backgrounds Check Review Committee may make one of the following decisions:

1. Applicant Ineligible to be Hired. The committee may determine that based upon the information provided and the position for which the applicant has applied; the applicant is not eligible to be hired by The University. Human Resources will then remove the applicant from further consideration and the hiring department will not be able to consider this individual as an applicant.

Human Resources or Equal Opportunity and Regulatory Compliance will notify the hiring unit when a report indicates the applicant is not eligible for hire. If a hiring document has already been submitted by a hiring unit, and a negative background check is received, Human Resources or Equal Opportunity and Regulatory Compliance Office will notify the hiring unit.

If adverse action is to be taken based in whole or in part on the information obtained from the background check, the candidate or employee must be given notice. Prior to taking adverse action, the Department of Human Resources must provide the candidate or employee with a copy of the background checks report along with a summary of the rights. After the adverse action is taken, the candidate or employee must be given an adverse action notice.

2. Applicant Eligible to be considered Without Reservation. The information provided by the applicant clearly does not disqualify him/her from the position for which he/she has applied and he/she is eligible to be considered by the department without reservation. In these cases, the department will not be contacted by Human Resources regarding any prior convictions or pending felony charges.
3. Applicant Eligible to be Considered With Reservation. The felony offense is not serious enough to disqualify the applicant from employment. However, the committee has determined that the hiring department should be informed of the prior conviction or pending felony charges. Therefore, the Background Checks Review Committee will contact the appropriate hiring decision maker with the results of the review.

**Payment for Third-party Background Checks:** The third party agency conducting the background check will charge a fee for each check conducted, and as a rule, the Department of Human Resources will pay for this expense.

**Use of Information Collected:** The aforementioned background reviews when conducted are a part of The University's application process. The information collected will be used in regard to the individual's application for employment. The Department of Human Resources office will serve as the custodian of the records for background check results.

Generally background checks should be completed prior to appointing a person to the position. When background check results have not been received, appointment to a position is contingent upon an acceptable background check. The results of a background check shall be used to assess the employee's suitability for continued employment. If any felony convictions and/or pending felony charges appear in a report AND the applicant did not disclose the conviction or pending charges on the application for employment, the application may be considered ineligible for employment based on falsification of application. Individuals who provide false job-related information concerning their educational or driving history during the application process may also be considered ineligible for employment.

**Exclusion from Future Employment:** The online application system maintained by Human Resources has the capability to preclude applicants from being considered for any future employment at The University of Mississippi. Human Resources shall have the authority to determine if an individual should be placed on the exclusion list.