

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, and 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.

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 finger-printing.

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, 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

The following is the department's procedure for conducting background checks:

- When meeting with a new employee, the Personnel Administrator (PA) must let the individual know the importance of disclosing any criminal convictions on the application at the time of hire. The employee must understand that his/her employment is subject to termination 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 jljohnson@vcu.edu / 828-1588 or rlwilson@vcu.edu / 828-8525.
- Once the applicant is offered a job, determine what type of background check must be done.
 - If the position is "sensitive," contact the VCU Campus Police to schedule fingerprinting. See the Criminal Conviction Background Check Decentralized Fingerprinting Procedures at www.hr.vcu.edu/forms/EmployeeFingerprintingProcedures.pdf.
 - If the position provides child care, contact your HR Generalist for processing.
 - For all other new hires, the PA will enter the employee into HireRight. Procedures for entering employees into HireRight are located in the Express Hire and HireRight User Guide at www.hr.vcu.edu/forms/Banner_ExpressHire&HireRightGuide.pdf.
 - If the employee is on a visa and does not yet have a Social Security Number, no HireRight check is required.
- If a conviction is disclosed on the application prior to submitting the new hire paperwork, notify the hiring manager and review the list of job-related factors to make a determination whether to continue the employment. If necessary, contact HR Compliance at jljohnson@vcu.edu / 828-1588 or rlwilson@vcu.edu / 828-8525.
 - If an employee discloses a job-related criminal conviction and termination is required, the employee must be notified in writing of termination. Contact HR Compliance for appropriate termination notification. Include a beginning and ending date of employment on the PAF.
- If no convictions are disclosed or disclosed convictions do not appear job related, finalize the new hire paperwork and send to HR for processing.
- HR will process criminal conviction checks in conjunction with the new hire paperwork. Criminal history records will be received by HR staff only. After the department makes a determination about the employment status, the record will be destroyed. The content of the background check will remain confidential.
 - If a criminal history record is returned that was not reported, 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. Based on VCU policy, the individual's employment is subject to termination for "falsification." HR Compliance will assist with the appropriate termination notification.
 - If a criminal history record is returned that is similar to or matches what was disclosed, HR Compliance will destroy the record and no further follow-up with the PA will be required.