



# Background Investigation

## CITATION REFERENCE

<b>OFFICIAL TITLE</b>	POLICY ON BACKGROUND INVESTIGATION
<b>VOLUME</b>	HUMAN RESOURCES
<b>RESPONSIBLE OFFICE</b>	USG HUMAN RESOURCES OFFICE
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## Policy Statement

This policy establishes the background check requirements and process for the University System of Georgia (USG) and ensures adherence with applicable laws, policies, and procedures. Each Institution is expected to ensure that they comply with the following requirements and standards:

- A background investigation that conforms to the standards of this policy is a condition of employment with any USG Institution.
- Employment offers shall be conditional pending background investigation results.
- Background investigations shall be initiated through the Institution's Office of Human Resources and conducted by the approved vendor, in accordance with any mandatory requirements, and applicable laws and regulations. All Institutions will be notified when there is a change of the required vendor(s).
- Public Safety Departments may not conduct background investigations for employees other than the additional requirements associated with sworn and non-sworn law enforcement positions as required by Board policy 6.15.5 (Personnel Actions: Chief of Police) state law, and Georgia Peace Officer Standards and Training (P.O.S.T.) certification requirements.

## Applicability

All units of the USG are covered by this policy; all employees and affiliates (i.e., volunteers) are covered by this policy.

## Who Should Read This Policy

All Human Resources staff and hiring managers within the USG should be aware of this policy; all employees and affiliates, and applicants for employment, should be aware of this policy.

## Definitions

These definitions apply to these terms as they are used in this policy:

**Applicant:** Reference HRAP on Employment Applications

**Background Investigation:** An investigation comprised of a criminal and credit background check, as well as credentials verification and employment history confirmation as appropriate to the position.

**Background Investigation Officer (BIO):** The Chief Human Resource Officer (CHRO) or their designee who is responsible for reviewing background investigation results and making employment and promotion suitability determinations. The BIO consults with the Background Investigation Committee (BIC) and senior administrators as necessary in making employment eligibility determinations.

**Background Investigation Committee (BIC):** The Administrative Committee charged with determining hire suitability. Each Institution shall form such a committee, as necessary. It is suggested the committee have a maximum of four members and include a representative from the Institution's Office of Human Resources, the Institution's legal advisor, and public safety department (where applicable). The applicable hiring department will be consulted as necessary in assessing position responsibilities. All information must be kept confidential and accessible only to those who have a business "need-to-know" in the performance of BIC responsibilities.

**Candidate:** Is someone who has been vetted through the hiring process and to whom a conditional offer of employment has been extended.

**Consent Form:** A form authorizing the Institution to conduct a criminal background check on a candidate and includes criminal history self-disclosure.

**Consumer/Credit Reporting Agency (CRA):** An entity that collects and disseminates information about an individual's credit standing which is used (or expected to be used) for credit evaluation and certain other purposes outlined in the Fair Credit Reporting Act (FCRA), including employment background investigations.

**Hiring Department:** The department hiring a new employee (whether internally or externally) or promoting an existing employee.

**Office of Human Resources:** The department that manages all hires at the Institution. On a decentralized campus, this is typically managed at the Central Office of Human Resources or as delegated by the CHRO.

(Definitions Continued)

**Positions of Trust:** Involve responsibilities demanding a significant degree of public trust with significant risk for causing damage or realizing personal gain as defined below:

- Senior Executive Officers/Administrators. Responsibilities involve top-level management functions with primary responsibility for significant university resources and limited to positions in the USG Job Classification System - [BCAT](#) 100 series. Senior Executive Officers/Administrators with financial/fiduciary responsibilities will be subject to both a background check and a credit check.
- Direct interaction or care of non-student minors or direct patient care. Employees and volunteers who are reasonably anticipated to have direct contact or interaction with minor program participants or medical patients must be appropriately pre-screened. Responsibilities may require unsupervised or significant access to vulnerable populations, defined as minors and medical patients. For purposes of this policy, a minor is a person under the age of eighteen (18) who is a non-student (not enrolled or accepted for enrollment at a USG Institution). Examples of settings with vulnerable populations include childcare centers, summer camps for minors, precollege or enrichment programs, and health care facilities. This category does not include faculty or instructional academic staff performing regular teaching; however, all faculty or instructional academic staff are required to have a background check as a condition of employment. See also BOR 6.9 Programs Serving Minors.
- Law enforcement officers as required by policies, regulations, and laws.
- Other positions deemed by the President of the Institution to involve responsibilities demanding a significant degree of public trust with significant risk for causing damage or realizing personal gain as aligned with the intent of the role as defined.

**Positions Of Trust List.** Institutions must establish and maintain a list of positions deemed Positions of Trust in alignment with the criteria above. On an annual basis, Institution must review and update their Positions of Trust roles. Also, when appropriate (e.g., when a position is vacated or when significant changes have been made to the responsibilities), Institutions should evaluate positions and make determinations based on related responsibilities. Applicant screening related stipulations that apply to Positions of Trust are provided within the Disclosure of Criminal Record History Section of this policy.

**Moral Turpitude:** Crimes of moral turpitude are generally those involving vileness or depravity with respect to the duties a person owes to other members of society or to society in general. Of particular concern are those crimes involving violence, dishonesty, or breach of trust. Examples include but are not limited to murder, manslaughter, rape, fraud, embezzlement, larceny, the sale or trafficking of illegal drugs, and child abuse.

### (Definitions Continued)

**Reference Check:** Reference Checks are required under the General Criteria for employment provision of the Human Resources Administrative Practice Manual (HRAP). A reference check generally involves an Institution contacting a job candidates' previous employers, schools, and other sources to verify previous employment and educational background, and to obtain information about the individual's knowledge, skills, abilities, behaviors, and qualifications for the job. Reference check questions should be consistent across all candidates and must relate directly to the position being filled. Questions about age, race, sex, religion, marital status, national origin, or other legally protected characteristics should not be asked as they do not have anything to do with past or future job performance. A reference check is completed by the hiring department before a conditional offer of employment is made and before and/or parallel to a background investigation.

The USG rehire eligibility verification process should be conducted in conformance with the HRAP provision on Eligibility for Rehire

### Process and Procedures

#### Background Check Applicability.

Background checks are required and apply to positions as follows:

- **Candidates Prior to Hire:**

- **All newly hired** faculty, staff, and administrators (including regular full and part time) are required to have a background check prior to hire.
- **Students, temporary employees, and affiliates** when serving in Positions of Trust as defined within this HRAP are required to have a background check prior to hire.

**For students, temporary employees and affiliates who are not in a Position of Trust,** an Institution may also elect to perform reference checks and/or background investigations. The process must be documented and applied in a consistent manner within the Institution.

- For Contractors, reference [BPM 3.1.3 Background Checks of Supplier Employees](#)

- **Existing Employees who move to a Position of Trust:** Any current employee being transferred, reassigned, reclassified, or promoted to a Position of Trust is subject to a background check unless a background investigation conforming to this policy has been performed within the 12 months. This also includes an employee serving in a Dual Appointment capacity in a Position of Trust.

- **Rehired Employees**

- **External Transfers:** For employees that separate from any USG Institution and are subsequently rehired at a different USG Institution the employee would be subject to a background investigation.

(Background Check Applicability Continued)

- **Internal Transfers:** For employees that separate from any USG Institution and are subsequently rehired at that same Institution, the following standards apply:
  - An employee who is rehired into a Positions of Trust must have a background check unless one has been completed within the last 12 months.
  - An employee who is rehired with a break less than 120 days and for whom the background check has been completed within the past year are not subject to a new background check unless there are areas of review required by the job that were not covered in the previous review (i.e., credit or academic credentials check, or position of trust as appropriate to the job).
  - A faculty member who returns to their position within the next consecutive academic term is not considered separated and does not require a new background investigation unless they are rehired into a Position of Trust.

A rehired employee that is not subject to a new background screening upon rehire must disclose any charges or convictions which were sustained during their employment separation or break.

Prior to reemployment, the eligibility for rehire verification process must be completed by the hiring institution. (Reference the HRAP provision on Eligibility for Rehire)

- **Current Employees who are charged with or convicted of a criminal offense** are required to disclose such information in accordance with the requirements established in the HRAP [General Criteria for Employment](#).
- **Credit Checks. In addition to the required background check**, employees in Positions of Trust with financial/fiduciary responsibilities and P-Card Holders are required to have a credit check.
- **Purchase Cards Holders: (P-Cards)** are issued within the state's Department of Administrative Services (DOAS) policies and guidelines. Any existing employee that is transferred, reassigned, reclassified, or promoted into a position requiring a P-Card Card, when they have not been assigned a P-Card previously, must submit to a credit check. Existing cardholders are subject to a credit check before the next card renewal date. The Office of Human Resources and P-CARD Administrator must establish internal procedures to ensure compliance and conduct periodic audits (at least annually), to ensure credit checks are being conducted prior to P-Cards being reissued.

### Background Check Components:

Background checks shall include, at a minimum, the following:

- A state and federal criminal history check covering a period of seven (7) years is required. International criminal history checks are required as applicable.
- A nationwide sex offender search
- A social security number verification
- An academic and professional credentials check for all professional, faculty, and academic positions in accordance with accreditation and professional standards and requirements. For employees with a professional license related to the performance of job responsibilities, a review of any disciplinary actions to include suspensions and revocations must be conducted; and
- A credit check for applicable positions with financial/fiduciary responsibilities (i.e., P-Card Holders). Credit check screenings must follow all applicable policy guidelines, regulations, and laws.

Each Institution's Office of Human Resources is required to establish and maintain a listing of positions requiring a credit check. Also, when appropriate (e.g., when a position is vacated or when significant changes have been made to the responsibilities), Institutions should evaluate positions and make determinations based on related responsibilities. Refer to [Appendix 1](#) of this policy for examples of positions that typically require a credit check in addition to the required background check as a condition of employment.

### Job Postings

- All job postings must state that *candidates* will be required to submit to a background investigation. (Reference HRAP on Employment Applications). The Institution shall set guidelines for assigning the cost of performing a background investigation.
- All information contained in the application form is subject to verification.
- The Office of Human Resources or designee is responsible for ensuring that a background check is conducted as outlined in this policy.
- For positions that require an academic or professional certification or licensure, a copy of a current document must be obtained and verified with the accrediting or licensing authority that the selected candidate is duly accredited or licensed, and that such accreditation or licensure, or certification is current and without related disciplinary actions, including suspensions and/or revocations. The Office of Human Resources or designated department should define a process to annually review all required credentials and ensure that this review is conducted.

### Consent Forms and Conditional Offers of Employment

The Office of Human Resources shall provide the final candidate with the required employment paperwork, including the Consent Forms via the approved backgroundcheck vendor. A conditional employment/promotion offer may be made at this time.

**Important:** *All employment offers must be made in writing and must include the following statement: "This employment offer is contingent upon completing a background investigation including a criminal background check demonstrating your employment eligibility with [the Institution], as determined by [the Institution] in its sole discretion, confirmation of the credentials and employment history reflected in your application materials and, if applicable, a satisfactory credit check."*

Upon receiving a signed conditional employment offer acceptance, Consent Form, and the criminal history self-disclosure form, the Office of Human Resources will initiate the candidate's Background Investigation. If the top candidate is not hired (e.g., criminal conviction precludes hiring or the candidate does not accept the job offer, etc.), the Hiring Department may select another candidate for the position. Once the next selected candidate accepts the offer and signs the Consent Form, then the Office of Human Resources will initiate the investigation process.

### Disclosure of Criminal Record History

- Criminal history self-disclosure forms must be completed by all candidates prior to the background check being completed and in compliance with relevant laws and policies. These forms are part of the background investigation packet provided to the candidates as part of the conditional offer of employment.
- Applicants may not be asked to disclose criminal record history unless they have been selected for hire and have received a conditional employment offer.

The following exception applies for Positions of Trust:

*Applicants for Positions of Trust may be asked to disclose criminal record history during the initial screening process and prior to a conditional employment offer. Positions of Trust must be identified prior to posting the position and made known to applicants. (Reference HRAP on Employment Applications).*

- Institutions must establish documented procedures to review and compare criminal history self-disclosures and background check results prior to the hire date. If conflicting information is found, the candidate should be given the opportunity to provide an explanation. The information is then evaluated for job relevance and policy disqualification criteria.

### Disclosure of potential, actual, or apparent conflicts of interest and Other Employment

- A candidate must disclose potential, actual, or apparent conflicts of interest in compliance with the USG and Institutions policies and procedures. Institutions should have process in place to verify. (Reference the HRAP provision on Conflict of Interest regarding compensated outside activities that relate to the candidate's expertise or responsibilities as a USG employee.)

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- Rehired employees are also required to disclose potential, actual, or apparent conflicts of interest in compliance with the USG and Institutions policies and procedures. Employees and candidates must be notified of disclosure requirements. Failure to disclose any charges or convictions or conflicts of interest will result fully and properly in disciplinary action up to and including termination.

### Employment Disqualification

A candidate may be disqualified for employment for any of the following reasons. The timing of this decision may vary for a Position of Trust.

- The candidate has been convicted of a crime involving a felony, or crimes involving moral turpitude unless the applicant has been pardoned.
- Any confirmed criminal history may result in disqualification.
- Any false statement of material fact during the screening process.
- The candidate is or has been a member of an organization advocating the violent overthrow of the United States or State of Georgia government.

To determine potential disqualification, an individualized assessment as outlined in this policy must be conducted.



### Evaluating and processing Criminal Background Check Information:

Background Investigation reports are submitted directly to the Office of Human Resources by the system approved background check vendor performing the investigation. The BIO is responsible for reviewing the background check results against the criminal history self-disclosure and determining the employment eligibility of the selected candidate. The Office of Human Resources will notify the Hiring Department of this determination.

The BIO makes its eligibility decision, in consultation with senior administrators and the BIC where applicable, as follows:

- **Disclosed Criminal Convictions.** When determining whether a candidate with disclosed criminal convictions is eligible for employment or promotion, the BIO will consider:
  - 1) The nature and specific responsibilities of the position for which the candidate is being considered.
  - 2) The nature, number, and gravity of the offense or conduct for which the candidate was convicted; and
  - 3) The amount of time that has passed since the conviction.

In addition, the BIO may consider the following, to the extent that it is available:

- 4) The facts or circumstances surrounding the offense or conduct.
  - 5) The number of offenses for which the individual was convicted.
  - 6) The age of the individual at the time of the conviction, or release from prison.
  - 7) Evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct.
  - 8) The length and consistency of employment history before and after the offense or conduct.
  - 9) Any rehabilitation efforts undertaken by the individual (e.g., education/training).
  - 10) Any employment or character references and any other information regarding fitness for the particular position; and (8) whether the individual is bonded under a federal, state, or local bonding program.
- Prior to making a final determination of eligibility for employment based on the results of a background investigation, the Office of Human Resources must provide the candidate with a Pre-Adverse Action Disclosure and Adverse Action Notice according to the following guidelines.

Pre-Adverse Action Disclosure. If the Background Investigation report shows any conviction, a Pre-Adverse Action Disclosure must be provided to the candidate prior to a final determination of ineligibility for employment. This pre-adverse action disclosure must include a copy of the candidate's Background Investigation report, together with the name, address, and telephone number of the Credit Reporting Agency (CRA) that conducted the Background Investigation, and information on how to dispute information in the report. A copy of "A Summary of Your Rights under the Fair Credit Reporting Act" must also be provided to the candidate. This summary will be typically provided by the CRA performing the Background Investigation.

The candidate must be given an opportunity (a minimum of five (5) and no more than ten business

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days) to provide an explanation in writing of the circumstances surrounding the results of the Background Investigation, or credentials check including any mitigating factors, and have this explanation considered prior to finalizing the employment eligibility decision.

If the candidate does not respond to the employer's attempt to gather additional information regarding their background, the employer shall make its employment decision. The Institution is not responsible for discovering, researching, or verifying that there are possible mitigating factors. The burden of proof to present mitigating factors rests entirely with the applicant.

A copy of their report shall be given to each applicant and/or employee as applicable.

Adverse Action Notice. If the candidate is determined to be ineligible for employment following the pre-adverse action disclosure period, the Hiring Department will be notified, and an adverse action notice must be sent to the candidate. This notice must include the following:

- the name, address, and telephone number of the CRA that supplied the Background Investigation report.
- a statement that the CRA that supplied the Background Investigation report did not make the decision to take the adverse action and cannot give specific reasons for it; and
- a notice of the individual's right to dispute the accuracy and completeness of any information the CRA furnished in the Background Investigation report and the right of the individual to obtain an additional free report from the CRA upon request within sixty days of the adverse action.

An ineligibility determination for a specific position due to a criminal conviction or credit report does not necessarily render an individual ineligible for all employment with the Institution and each determination will be made on a case-by-case basis.

### Record Retention and Disposing of Background Investigation Reports

Background investigation reports on new or existing employees shall be considered confidential and protected as such. The reports will remain with the system of record in accordance with the applicable laws and records retention schedule (i.e., BI Vendor), the BIO or designee will maintain all communications related to the decision. For audit purposes, Institutions must store independent records of completion of a background investigation.

Reports for all non-successful applicants for employment and applicants for promotion must be stored and destroyed in accordance with applicable laws and the University System of Georgia (USG) record retention guidelines for three (3) years.

Institutions must take appropriate protective measures to properly store and dispose of sensitive information gathered from background investigations.

## Responsible Parties and Contact Information

Party	Responsibility	Phone/Email/URL
<b>Vice Chancellor for Human Resources, USG</b>	Provide guidance to Institution Chief Human Resource Officers and hiring departments to ensure compliance with policy.	404-962-3235 <a href="mailto:usg-hr@usg.edu">usg-hr@usg.edu</a>
<b>Institution Chief Human Resources Officers</b>	Ensure background investigations are conducted and acted upon in compliance with policy.	See University System <a href="#">HR Officer Listing</a>
<b>Chief Legal Affairs Officer, USG</b>	Provide guidance to Institution Chief Human Resource Officers and hiring departments to ensure compliance with policy.	<a href="#">Legal Officer Listing</a>

### Website Address for This Policy

- [HRAP on Background Investigations](#)
- [HRAP Appendix 1 – Additional Guidance on Background Investigations](#)

### Appendices (Internal Documents, Forms and Web Links)

- [Background Check Process Workflow](#)
- [BOR Policy Manual, Section 8](#)
- [BOR Policy Manual 6.9 Programs Serving Minors](#)
- [BOR Policy 6.15.5 Campus Security and Policy](#)
- [HRAP Employment Application](#)
- [HRAP General Criteria for Employment](#)
- [HRAP Eligibility for Rehire](#)
- [BPM 3.1.3 Background Checks of Supplier Employees](#)
- [BPM 3.3 Purchase Cards](#)
- [FCRA – Sample Preliminary Notice of Adverse Action](#)
- [Georgia Archives Retention Schedule](#)
- [HRAP on Conflict of Interest](#)
- [Best Practices for Protecting Minors Document](#)

### Related Documents and Resources (External)

- [US EEOC Background Checks](#)
- [US EEOC Enforcement Guidance](#)
- O.C.G.A 45-23-5 Ineligibility for Public Employment
- O.C.G.A 35.8.8 and Ga Post Background Manual
- P-Card Holder Background Checks O.C.G.A. §50-5-83
- [Ga Professional Standards Commission - Moral Turpitude](#)
- [US Bankruptcy Code 525A](#)

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## Human Resources Administrative Practices Manual (HRAP) Appendix - Conducting Background Investigations

### Overview

The document provides additional guidance related to the implementation of The Human Resource Administrative Practices Manual (HRAP) on Background Investigations.

### Frequently Asked Questions:

#### 1. Do all employees require a background check?

A background check is a condition of employment for USG Institutions and required for all newly hired faculty, staff, and administrators (including regular full and part time positions). Any current employee being transferred, reassigned, reclassified, or promoted to a Position of Trust is also subject to a background check unless a background investigation conforming to this policy has been performed within the 12 months.

Background Checks are also required for students, temporary employees, and affiliates prior to hire when serving in Positions of Trust.

For students, temporary employees and affiliates who are not in a Position of Trust, an Institution may also elect to perform reference checks and/or background investigations. The process must be documented and applied in a consistent manner within the Institution.

#### 2. What is the Difference between a Position of Trust and Other Positions?

Positions of Trust involve responsibilities demanding a significant degree of public trust with significant risk for causing damage to the institution or realizing personal gain for the individual. As such, unlike other applicants who may not be asked to disclose criminal history prior to a conditional of employment; Applicants for Positions of Trust may be asked to disclose criminal record history during the initial screening process and prior to a conditional employment offer. Positions of Trust must be identified prior to posting the position and made known to applicants. (Also reference HRAP on Employment Applications).

**3. Can a criminal history check be requested to cover more than a seven - year period?**

Not generally, however there are limited circumstances where the position responsibilities are covered by federal, state, accreditation, or licensing bodies which require criminal history check of more than seven years.

**4. Do all USG positions require a credit check?**

No. Only Positions with financial/fiduciary will require both a background check and credit check. Such responsibilities require operation, access or control of financial resources to include: P-Card access; Budget authority in making significant financial decisions; Primary responsibilities require handling, receiving, or having custody of money, checks or securities, or accounting for supplies or other property; authorizing (or making appropriations for) expenditures; approving, certifying, signing or countersigning checks, drafts, warrants, vouchers, orders or other documents providing for the payout or delivery of money, securities, supplies or other property, or service of process; maintaining or auditing accounts of money, checks, securities, time records, supplies, or other property, or taking physical inventories of money, checks, securities, supplies, or other property.

**5. What are some examples of positions that may require a credit check?**

Typical examples of positions that require a credit check are provided below and may be modified to meet organizational needs.

Examples of positions that typically require a credit check.

- Senior Executive Officers/Administrator Positions with centralized and primary responsibility for significant institutional fiscal responsibility. (Reference USG Job Classification BCAT 100 series).
- All positions in the following departments, regardless of job title or function: Finance & Business Strategy, Bursar's Office, Controller's Office, and the Office of Financial Aid or the equivalent departments at an institution even if they are named differently.
- All employees with central accounting function roles.

Examples of positions that typically do not require a credit check.

- Infrequent or incidental access to cash, checks or credit/debit card information.  
Access to finance system for conducting institutional business, such as an Accounting Technician responsible for entering data in the system.

- Operation of Cash Registers with strict accounting controls and procedures in place.

Operation of a cafeteria cash register with nominal access to cash and strict daily accounting controls to minimize fraud and abuse.

**6. How often should an institution update its Positions of Trust and Credit Check Positions Lists?**

Both lists should be updated annually. Additionally, when a position is vacated or when significant changes have been made to the responsibilities, institutions should evaluate such positions and make determinations based on related responsibilities.

**7. If a position's responsibilities consistently include intermittent assignment of duties associated with that of a Position of Trust is a background check required? Example, an employee working in an academic office throughout the year and assigned to a program serving minors each summer.**

In this case, the position should be listed as a Position of Trust if they are reasonably anticipated to have direct contact or interaction with minor program participants or medical patients as defined within the HRAP on Background Investigation.

## **Background Investigation Scenarios**

The information provided below is not all inclusive. The Institutions office of Legal Affairs should be conferred with for scenarios not represented here or for guidance on more complex scenarios.

- The Background Investigation report shows no convictions: The selected candidate is eligible for employment and the Department and candidate are notified.
- The Background Investigation report shows an arrest or pending criminal charges, but no conviction. If an individual has a criminal case pending, their employment eligibility will be determined upon disposition of the case. Only criminal convictions may be considered when determining a candidate's eligibility for a specific position or employment. Detention and/or arrest without conviction do not constitute valid grounds for adverse employment decisions and do not play a part in the decision-making process. Candidates will be contacted in writing and provided with a timeframe to communicate the resolution, along with documentation, of the case for a final determination to be made. (Reference HRAP General Criteria for

Employment for reporting requirements for current employees.)

- **The Background Investigation report shows one or more felony convictions or conviction of one or more crimes of moral turpitude:** The selected candidate may be ineligible for employment with the institution. Before making a final determination, the Office of Human Resources must notify the candidate and follow the Pre-Adverse Action Disclosure process.
  - If the candidate successfully shows that they have no felony convictions or convictions of crimes of moral turpitude, then the candidate shall be eligible for further consideration of employment. The Office of Human Resources will notify the candidate and Hiring Department of this determination.
  - If the candidate is unsuccessful in showing no felony convictions or convictions of crimes of moral turpitude, the candidate may provide the BIO (Background Investigation Officer) with additional information to be considered in the background screening including, but not limited to, the circumstances surrounding the results of the Background Investigation, including any mitigating factors, and have this explanation considered prior to finalizing the employment eligibility decision.
  - The candidate shall have no more than ten (10) business days to provide any additional information to the BIO.
  - Upon submission of additional information, the BIO and BIC (Background Investigation Committee) (as applicable) shall convene to conduct an individualized assessment of the applicant's candidacy for the vacant position. The assessment shall determine whether the disqualification of the candidate for past criminal conduct is job related and consistent with business and educational necessity.
    - In making such a determination, the BIC and BIO shall consider: information relevant to the responsibilities of the position for which the candidate is being considered to include the nature, number and gravity of the offense or conduct for which the candidate was convicted; and the amount of time that has passed since the conviction.
  - In addition, to the extent that it is available, the BIO and BIC (as applicable) may consider additional factors as outlined in the HRAP on Background Investigation.
  - If a candidate is deemed ineligible for employment, the Hiring Department will be notified, and the Office of Human Resources will notify the candidate following the Adverse Action Notice requirements.



- **The selected candidate did not disclose the criminal convictions.** The Office of Human Resources will notify the candidate in writing that the Background Investigation revealed criminal convictions that were not disclosed and that they will be removed from consideration for the involved position due to misrepresentation and falsifying application materials unless they contact the Hiring Office and correct any inaccuracies contained in the report within a minimum of five (5) days. This notification will be accompanied by an Adverse Action Disclosure following the guidelines.
  - If the candidate successfully shows that they do not have criminal convictions, then the candidate shall be eligible for employment. The Office of Human Resources will notify the Hiring Department of this determination.
  - If the candidate is unsuccessful in showing no criminal convictions, and the subsequent evaluation results in a determination of misrepresentation, then the candidate is ineligible for employment due to misrepresentation and falsifying application materials. An Adverse Action Notice must then be sent to the candidate following the guidelines above.