

NOTICE OF AMENDED REGULATION

December 7, 2015

DEPARTMENT OF EDUCATION

Division of Universities
University of North Florida

REGULATION TITLE:

Pre-Employment Requirements

REGULATION NO.:

4.0080R

SUMMARY: Proposed revisions to the regulation include: requiring a level 2 criminal background check, pursuant to Florida Statue; successful completion of a level 2 criminal background check for those who occupy positions of trust, as designated by the University; and outlining the various types of duties, which constitute positions of trust at the University.

FULL TEXT:

The full text of the regulation being proposed is attached.

AUTHORITY:

Board of Governors Regulation 1.001
Board of Governors Regulation Development Procedure – March 23, 2006
Collective Bargaining Agreement

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Scott Bennett, Associate Vice President Administration and Finance

INDIVIDUAL TO BE CONTACTED REGARDING THE AMENDED REGULATION:

Stephanie Howell, Paralegal, Office of the General Counsel, showell@unf.edu, phone (904)620-2828; fax (904)620-1044; Building 1, Room 2100, 1 UNF Drive, Jacksonville, FL 32224.

Any comments regarding the amendment of the regulation must be sent in writing to the contact person on or before December 22, 2015, to receive full consideration.



Regulation Number	Subject	Effective Date	Revised Date
4.0080R	<u>Pre-Employment QualificationsBackground Checks</u>	02/01/06	
Responsible Division / Department: President's Office / Human Resources			
New Regulation	<input checked="" type="checkbox"/> Major Revision of Existing Regulation	<input type="checkbox"/> Minor/Technical Revision of Existing Regulation	<input type="checkbox"/> Reaffirmation of Existing Regulation

I. OBJECTIVE & PURPOSE -

In support of the University's effort to maintain and foster safety and security of students, faculty, and staff, the University requires pre-employment Level 2 criminal background checks, pursuant to the procedure in section 435.04, Florida Statutes. This includes fingerprinting, through a vendor selected by the University, for all prospective faculty and staff including student employees who are hired to perform positions designated as a Position of Trust. In some unique cases volunteers may be required to undergo a successful background check before being permitted to perform services on behalf of the University. Additionally, any current employee who occupies a Position of Trust as defined in this regulation, will be required to successfully undergo a Level 2 background check as a condition of continued employment in such a position.

II. STATEMENT OF REGULATION

A. criminal background checks of all prospective faculty; and Administrative & Professional (A&P), Support (USPS) and OPS employees, excluding student employees. Pre-employment Background Checks.

All prospective faculty and staff, will be offered employment contingent upon completion of a successful Level 2 background check. Student employees will generally not be required to undergo a pre-employment background check unless they are hired to perform a position designated as a Position of Trust. For purposes of this regulation, the term "student employees" refers to any individual at the University whose primary status is that of a student including graduate assistants, graduate teaching assistants and graduate research assistants. In some unique cases volunteers may be required to undergo a successful background check before being permitted to perform services on behalf of the University.

II. STATEMENT OF REGULATION

A. All prospective Faculty, Administrative, Support and OPS employees excluding students, will be offered employment contingent upon completion of a successful background check. The background screenings will check seven (7) years of history for the applicant and will provide the University with critical information to make the best and most informed hiring decisions. All background checks will be centralized and funded through Human Resources unless otherwise specified by Human Resources. -

Determination of the type of background checks to be conducted will be made by Human Resources in conjunction with the hiring department. For example, positions designated as "positions of trust" may require different types of background checks including fingerprinting ("level II") as described by Florida law and/or credit checks may be required depending on the position's job duties.

Positions of trust include, but are not limited

B. Background Checks for Current Employees.

Employees who were hired by UNF prior to, the following:

1. Persons who receive and process payments made by cash, checks, implementation of this regulation or did not undergo a UNF pre-employment background check at the time of hire and have a change in status, for example moving from OPS (temporary employment) to USPS or debit/credit cards;
2. Persons A&P (regular employment) will be provided this change in status contingent upon completion of a successful background check. Likewise, current employees who perform budgetary, accounting, are promoted or who are reassigned to a position of trust or other position requiring a background check by law, will be offered the promotion or reassignment status contingent upon completion of a successful background check that is appropriate for the position's new duties. Persons who are reassigned but do not successfully pass a Level 2 background check, may be subject to termination of their employment. fiscal activities; and
3. Persons

C. Positions of Trust

Employees occupying Positions of Trust must undergo a successful Level 2 background check every five (5) years. Positions with control over operational processes through functional roles or ITS system the following types of duties have been determined to be Positions of Trust:

1. Working with children/minors OR access to vulnerable populations: responsibilities require unsupervised or significant access to vulnerable populations.

For purposes of this policy, a minor is a person under the age of eighteen (18) who is not enrolled or accepted for enrollment at UNF. Examples of settings with vulnerable populations include child care centers, summer camps for minors and pre-college or enrichment programs. This category also includes employees who are not directly working in those units, but have unsupervised access to the unit when the vulnerable population is present. This category does not include faculty or instructional academic staff performing regular teaching, service, and research responsibilities unless these responsibilities include unsupervised or significant access to vulnerable populations.

2. Accountable or who have access to cash, credit card sales or management of credit card processing, and demand deposits;
3. Access to campus buildings, including residential housing facilities (assigned building master keys);
4. Access to surplus property;
5. Ability to complete final processing of payroll or payroll corrections, investments, security access- transactions or purchase orders;
6. Ability to process a payment, print or distribute checks;
7. Ability to update, prepare, generate or enter a transaction (refund, wire transfer, automatic clearing house transaction, vendor add/change or vendor address change);
8. Ability to access underlying codes/processing protocol supporting the University's ITS applications or complete, ITS security access transactions.
9. Executives, those holding regular or interim positions to include Provost, Dean and VP.

D. Additional Positions Requiring a Successful Level 2 Background Check

There are other positions where Florida law requires employees or volunteers to undergo a fingerprint ("level II") background check based on the nature of services performed and/or with whom the individual works. These positions include, but are not limited to the following: -

1. Persons who work with vulnerable populations, such as minors, individuals with disabilities or the elderly;
2. Persons working with minors in summer camps;
- 3
2. Persons working in a childcare center;
- 4.3. Persons working in a school system/district; and
- 5.4. Persons working in the UNF Police Department.

BE. Background Check Process. The University may collect background information, including credit information for

specified positions, on applicants consistent with the Fair Credit Reporting Act (FCRA). In order to obtain a credit report, FCRA requires organizations, including the University, to obtain a candidate's written authorization before obtaining a credit report. When doing this, the University must:

1.

1. Certify to the consumer-reporting agency that the employer is in compliance with the FCRA and will not misuse the information it receives.

2. Disclose to the applicant or employee, on a separate form, its plans to obtain a consumer or investigative consumer report and that the information received will be used solely for employment purposes.

3.

3. Obtain written authorization from the applicant or employee.

4.

4. Inform the individual of his or her right to request additional information on the nature of the report and the means through which such information may be obtained.

5.

5. Inform the applicant that the report will include information about the individual's character, general reputation, personal characteristics, etc.

6.

6. Provide the individual with a summary of his or her rights under the FCRA.

If the results of the background/credit check(s) are negative, the Office of Human Resources will comply with the required FCRA notification, ensuring that the applicant is provided with a Statement of Consumer Rights; provide the opportunity for the individual to review a copy of their background/credit report(s); and advise of their rights to dispute inaccurate information.

G.

F. Request for Reconsideration of Background Check Decisions.

An applicant, through the Office of Human Resources, may request reconsideration of a decision not to hire the individual based upon the results of a background check. A request for reconsideration will only be granted when the background check results are in dispute. Current employees who occupy Positions of Trust may also request reconsideration of background check results through the Office of Human Resources. The request for reconsideration process can be reviewed on the Office of Human Resources website at (insert web link).

G. Background checks may include criminal records (County and State Criminal Felony and Misdemeanor, National Criminal Database, Federal Criminal), national sex offender registry check, social security and name verification. Positions that require operation of a motor vehicle may include a driver's license/motor vehicle record check.

H. When a Background Check will not be Required. 1. Scope of

1. Background Checks.

~~Employees who were hired by UNF prior to the implementation of this regulation or did not undergo a UNF pre-employment background check at the time of hire and have a change in status, for example moving from OPS (temporary employment) to USPS or A&P (regular employment) will be provided this change in status contingent upon completion of a successful background check. Likewise, current employees who are promoted or who are reassigned to a position of trust or other position requiring a background check by law, will be offered the promotion or reassignment status contingent upon completion of a successful background check that is appropriate for the position's new duties. Persons who are reassigned but do not successfully pass a background check, may be subject to termination of their employment.~~

~~2. When a Background Check will not be Required.~~

~~a. Persons who undergo a UNF pre-employment check and have a change in status, for example from an OPS to USPS or A&P position and maintain continuous employment with UNF, will not have to undergo another background check prior to the change in status unless the new status is considered a "position of trust" as described in section II, AB above.~~

b.

2. Promotions of faculty from assistant professor to associate professor and associate professor to full professor are not considered a change in status where a background check is required. Similarly, if an in-unit faculty member is promoted to a faculty administrative position, no background check will be required unless the new status is considered a "position of trust" as described in section II, A above.

c.

3. If a current employee separates from UNF but resumes employment within less than one (1) year, the person will not have to undergo a pre-employment background check.

d.

4. The results of each background check will be reviewed with the following considerations and in accordance with Equal Employment Opportunity Commission (EEOC) guidelines, to determine whether the records are grounds for denying employment:

4a. The nature and gravity of the offense; and

4b. The time period that has elapsed since the conviction; and

4c. The nature of the job for which the applicant is applying; (i.e. – those who apply for a position requiring operation of a vehicle, may not be considered based on a poor driving record or DUI conviction); and

4d. Reoccurrence and pattern of criminal behavior; and

4e. Truthfulness of the applicant in disclosing the offense(s) behavior (i.e – those who are not honest in disclosing criminal histories will generally not be considered for employment); and

4f.

f. Information supplied by the applicant about the offenses(s).

An unfavorable background check for one position will not prohibit applicants from applying for and being considered for other positions at the University.

e.

5. Information gathered as a part of the background check, other than exempt information by law, is public record. -

NOTE: As set forth in the Code of Conduct and Ethics, 1.0020P, all faculty and staff are required to report alleged violations of law including arrests by a law enforcement official that could impact the individual's temporary or continued performance of their job duties. -

References: Florida Board of Governors Regulation 1.001(5) and relevant Collective Bargaining Agreements ; History: NEW 2-1-06; Repealed 6C9-4 Adopted by the University of North Florida Board of Trustees as part of the University's Personnel Program on January 26, 2006. Formerly 4.005; Amended and approved by the BOT June 10, 2014.