

NOTICE OF AMENDED REGULATION

May 6, 2014

DEPARTMENT OF EDUCATION

Division of Universities
University of North Florida

REGULATION TITLE:

Pre-Employment Requirements

REGULATION NO.:

4.0080R

SUMMARY:

This Pre-Employment Requirements regulation, renamed Background Checks, has been revised to broaden the regulation so that pre-employment criminal background checks will be conducted on all new faculty and staff hires and current faculty and staff who because of their job duties pursuant to Florida law are required to undergo background checks. Previously, the regulation was more broadly worded but limited pre-employment criminal background checks to specific types of positions such as "positions of trust". These positions included employees who dealt with financial transactions, children and had other job responsibilities requiring pre-employment criminal background checks. The prior regulation also excluded pre-employment background checks for applicants who upon hire would be "in-unit" faculty whose terms and conditions of employment are covered by the collective bargaining agreement between the UNF Board of Trustees and the United Faculty of Florida. The revised regulation also includes the criteria upon which criminal background checks will be reviewed which is modeled after review procedures recommended by the United States Equal Employment Opportunity Commission ("EEOC")

FULL TEXT:

The full text of the regulation being proposed is attached.

AUTHORITY:

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 PROPOSED 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 May 21, 2014, to receive full consideration.



Regulation Number	Subject	Effective Date	Revised Date
4.0080R	Pre-Employment Requirements <u>Background Checks</u>	02/01/06	
Responsible Division / Department: Administration & Finance / 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

~~The purpose of this regulation is to ensure that the University conducts thorough background screenings of prospective non-unit faculty, Administrative, Support and OPS employees. In support of the University’s effort to maintain and foster safety and security of students, faculty, and staff, the University requires pre-employment criminal background checks of all prospective faculty; and Administrative & Professional (A&P), Support (USPS) and OPS employees, excluding student employees. 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

~~I. A. All prospective non-unit Faculty, Administrative A&P, Support USPS and OPS employees may be subject to background checks upon an offer of employment. Continued employment is contingent upon the satisfactory results of the checks and continued maintenance of position eligibility requirements. 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.~~

~~B. Checks may include federal, state, and local criminal background. Those positions that require operation of a motor vehicle will include a driver’s license check.~~

- ~~C. Employees promoted or reassigned to a position of trust (i.e., handling money, driving, access to secure property, working with children, etc.) may be subject to a criminal background check upon promotion or reassignment.~~
- ~~D. The Office of Human Resources (OHR) or the Office of Academic Affairs either reviews the reports or is provided eligibility criteria by the entity who conducts the background checks and makes decisions regarding suitability for employment, or continued employment based on the reports received and the particular job.~~
- ~~E. All prospective employees may be subject to fingerprinting upon an offer of employment, depending on the offered position.~~
- ~~F. University Police Department (UPD) conducts fingerprinting checks through the Florida Department of Law Enforcement (FDLE) for all positions in Law Enforcement, Child Care and those with responsibility for handling cash, or working in the Residence Halls.~~
- ~~G. OHR reviews reports and makes decisions regarding suitability for employment based on findings and the particular job.~~
- ~~H. Hiring departments must conduct reference checks on all prospective employees to establish suitability for employment using the guidelines established by the OHR.~~
- ~~I. The OHR must receive the written results of all reference checks for inclusion in the employee's personnel file.~~
- ~~J. All prospective employees may be subject to a urine drug test upon an offer of employment, depending on the offered position.~~

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 depending on the position's job duties.

Positions of trust include, but are not limited to, the following:

1. Persons who receive and process payments made by cash, checks, or debit/credit cards;
2. Persons who perform budgetary, accounting, or other fiscal activities; and
3. Persons with control over operational processes through functional roles or ITS system security access.

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. Persons working in a childcare center;

4. Persons working in a school system/district; and
5. Persons working in the UNF Police Department.

B. 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:

- Certify to the consumer-reporting agency that the employer is in compliance with the FCRA and will not misuse the information it receives.
- 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.
- Obtain written authorization from the applicant or employee.
- 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.
- Inform the applicant that the report will include information about the individual's character, general reputation, personal characteristics, etc.
- 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.

C. 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.

1. Scope of 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, A above.

- b. 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. 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. 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:

- 1. The nature and gravity of the offense; and
- 2. The time period that has elapsed since the conviction; and
- 3. The nature of the job for which the applicant is applying; and
- 4. Reoccurrence and pattern of criminal behavior; and
- 5. Truthfulness of the applicant in disclosing the offense(s); and
- 6. 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. 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: 1001.74, FS.; 1001.75, FS. 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.

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: Italic