

Pre-Employment Screening Procedure

POLICY:

A pre-employment screening procedure for potential employees is established to include national/ international (as applicable) background checks, state criminal background checks, and certain disclosures as mandated by the State of Arkansas.

All offers of employment must be subject to approval of background checks.

ELIGIBILITY:

The following pre-employment screening procedure applies to all new employees with hire dates July 1, 2021, and after. Student labor positions with the exception of Resident Assistants are not subject to this procedure (see exceptions in the Pre-Employment Screening Procedure Specific to Student Workers with Access into Secure Systems section).

Current employees in good standing are not subject to a new background check unless they change to a new position with additional fiduciary responsibilities within the University.

Subsequent background checks may be applicable if there is a break in service (see definition below).

The University has contracted with third party vendors to conduct the applicable background checks. The Human Resources Office staff will review and approve the State of Arkansas disclosure forms.

PRIVACY:

Employment screenings can reveal private information about the employee. Although the results of the screening will not be shared, the supervisor will be made aware if an individual is not hireable by the University. This information must be kept confidential.

TIMELINE:

The background checks and disclosure forms must be completed and cleared through the Human Resources Office (HR) **BEFORE** a contract, notice of employment, or other employment document can be issued/approved. If the background check is not completed and cleared through HR by the stated hire date, the individual may not begin employment.

The start date of the employment document will be the first day worked after approval is received. For employees who teach, this means that the faculty member, adjunct or graduate assistant may **not** begin the class or classes until the background checks are successfully completed and the disclosure forms are cleared with HR, even if the class is online. For other employees, this means they may not begin any part of their assignment until cleared through HR.

As new full-time faculty are contracted, in many instances, several months before their actual start date, HR and University Counsel have approved these background checks and disclosure forms to be completed at the time of offer of employment with the express understanding that the offer of employment is contingent upon successful completion and approval of the criminal background check and disclosure forms. The same procedure has also been approved for new adjuncts, which will allow timely scheduling of courses and assignment of teaching responsibilities by the dean and department head. All offers of employment must contain the following language: "This offer of employment is contingent upon successful completion and approval of the criminal background check and disclosure forms."

For classified and extra labor employees, the employee’s application for the position must be submitted and approved by HR **prior** to initiation of the employment screening procedure to ensure that the state minimum qualifications for the position are met.

For graduate assistants, the background checks and disclosure forms must be completed and cleared through HR **before** the *Approval for Graduate Assistant Position* form is sent to the Graduate College office.

Please remember: No employee may begin employment until the background checks and disclosure forms are complete and cleared through HR.

PROCESS:

Supervisor:

The supervisor logs into their OneTech page and clicks on *Employee* located on the left side of the screen followed by clicking on *Self-Service Banner* located in the middle portion of the page. Next, the supervisor will click on their *Supervisor* tab at access the *Pre-Employment Screening Request* for a background to be submitted.

A supervisor is defined as the individual administratively responsible for the budget/position being filled. The supervisor completes the request form for each potential employee and hits *Send to HR*. The supervisor should enter the primary email address for the potential employee as determined by the employee.

When the submission is successful an email will be created to the potential employee providing them with a link along with instructions on how to complete the State of Arkansas disclosure forms. Additionally, the supervisor’s email will be sent to the hrbackgroundchecks@atu.edu email address and will log the name and email of the sender. HR will later use the generated email to reply back to the employee’s supervisor once the background checks and disclosure forms are completed and cleared.

Human Resources:

The HR office will review to determine if a background check is needed and initiate the applicant screening through the third party vendor as follows:

Transfer Applicants into position without new fiduciary responsibility	No new background check needed
Current employees in good standing hired into add’l positions (ex: camp)	No new background check needed
Returning Camp workers from 1-year or less break in service	Sex Offender Registry & state police
Resident Assistants/Athletic Student Workers	Sex Offender Registry & state police
New Applicant never employed at ATU	Full BG check national & state
Applicants with a break in service	Full BG check national & state
New Camp workers	Full BG check national & state
Transfer Applicants into position of new fiduciary responsibility	Full BG check national & state

Potential Employee/Screening Agency:

Once HR supplies the screening agency with the potential employee’s name and email address, the screening agency will send the potential employee an email with directions on how to log into their website and provide the information needed for the background checks. The screening agency will maintain the individual’s name and email as entered by HR indefinitely or until the HR office requests the information be deleted. However, each potential employee should be made aware of the importance of logging into the agency’s website as soon as possible after receiving the email.

Note: If the potential employee does not have a primary email address, that individual may go to the HR office and use a computer for entry of their personal information.

Personal information to be entered by each potential employee includes, but may not be limited to: full legal name, social security number, date of birth, and residence address. As the national background check will review addresses held during the past seven (7) years, numerous addresses may be required.

Human Resources/Employment Screening Committee:

HR will be notified by the screening agency when the checks are complete. If an offense is returned, an Employment Screening Committee (composed of a representative from Human Resources, Academic Affairs, Administration and Finance, and Student Services with University Counsel serving in an advisory capacity) will review the screening results.

In accordance with federal and/or state law, a previous conviction will not automatically disqualify an applicant from consideration for employment. Each applicant identified with a criminal conviction will be evaluated on a case-by-case basis. The following factors will be considered for those applicants with a criminal conviction history in determining whether to extend an offer of employment:

1. The nature or gravity of the offense(s); and
2. The time since the conviction and/or completion of sentence; and
3. The nature of the job held or sought.

Should Arkansas Tech University consider an adverse decision on the applicant based on the criminal background check information, the applicant must:

- Be notified of the potential adverse decision based on the criminal background information;
- Be provided a copy of the criminal background report; and
- Be given the opportunity to provide to the Criminal Background Check Committee additional written information to dispute within five business days the accuracy of the criminal background report.

A final employment decision shall not be made until the applicant's additional information has been considered or such time that the applicant fails to respond as required.

If no offense is returned, the supervisor will be notified by HR to proceed with hire. If an offense is returned and review by the Employment Screening Committee determines that the offense will not preclude the hire, the supervisor will be notified by HR to proceed with hire. If an offense is returned and review by the Committee determines that the person may not be hired, the supervisor will be notified by HR that the applicant does not qualify for employment at the University.

For verification of identity, HR will issuance/confirm of a T number based from the data entered into the screening agencies portal from the employee.

Appealing a Decision:

The committee is making the decision as objectively as possible. However, if there is a concern, this can be discussed with the area Vice President/Athletic Director/Chancellor. If that appropriate Executive Council member agrees with the concerns, the matter may then be presented to the President by the appropriate Executive Council member. The President will review with the Director of HR to understand the reasoning of the denial before making a decision.

BREAK IN SERVICE:

HR is responsible for determining if a break in service has occurred. Guidance is listed below.

Full-time (faculty or staff):

If the full-time employee leaves the university for more than 3 months and then applies for and is offered a position, background checks and new disclosure forms will be required.

Adjuncts:

Summer will not count as a break in service for these positions. If the adjunct teaches fall and spring semesters, it is treated as a continuous full year of service and no new background check is needed. If the adjunct only teaches one semester (fall or spring) and not the other, it would count as a break in service and require a background check. However, if the adjunct is brand new for a summer term, then background checks and disclosure forms would obviously be required.

Graduate Assistants:

A break in service for a graduate assistant is defined the same as for adjuncts (i.e., not on contract for a fall or spring term).

Extra Labor:

A break in service for an extra labor employee is defined as lack of employment for more than 3 months.

PRE-EMPLOYMENT SCREENING PROCEDURE SPECIFIC TO CAMPS/WORKSHOPS/ SEMINARS INVOLVING MINORS:

Due to the inclusion of minors (individuals under the age of 18) in various camps/workshops/seminars held on campus or sponsored on campus, this section is devoted to specific procedures relating to campus personnel involved in those activities. These procedures may vary slightly from those outlined above.

Pre-employment screenings should be requested and a list of staff provided to HR approximately four weeks prior to the beginning of the camp/workshop/seminar to ensure timely review. No employee will be allowed to participate in the planned activity until the pre-employment screening process is complete and a successful background check is received. It is the responsibility of the camp/workshop/seminar organizer to ensure that background checks are initiated for all individuals working the event.

PRE-EMPLOYMENT SCREENING PROCEDURE SPECIFIC TO STUDENT WORKERS:

While the general population of student workers (non-work study and college work study) are not subject to pre-employment screening, students who have access to keys, live with other students as a part of their job, whose work could require them to be in locker rooms while students are present, or who are currently being asked to assist in office and other technical tasks which necessitate the student having access to data systems or areas that contain regulated or confidential data may need a background check. These can be defined within:

Regulated Data: Extremely sensitive, such as but not limited to, social security numbers, credit card numbers, bank accounts, driver's license, health information (HIPPA), student information, prospective student information, donor information, or other data that may be subject to FERPA guidelines;

Confidential Data: Highly sensitive, such as but not limited to, research details, library transactions, personnel information, information covered by non-disclosure agreements, financial information, contracts, facilities, management information, or other information that could increase a risk to health or personal security.

Any student worker with current access to a secure system will be required to undergo a pre-employment screening. Additionally, any student worker with requested access to a secure system will be required to undergo a pre-employment screening. The pre-employment screening procedures described elsewhere within this document shall be followed by the supervisor.

A student being requested to participate in a pre-employment screening may refuse. However, if the job duties assigned to the student worker position require the student to have access to a secure system and the student refuses the pre-employment screening, the supervisor may withdraw the offer of employment and is under no obligation to find alternative employment for the student.

Should an offense be returned on the pre-employment screening, the procedures listed under the “Human Resources/Employment Screening Committee” section of this document shall be followed. Access to the secure system will be terminated upon either the student’s graduation or termination from the position.

VISITING SCHOLARS:

In order to increase the exposure of students to practical applications of theory and other educational viewpoints, many professors utilize visiting lecturers who are not typical employees of the university. These individuals most frequently attend one or two class sessions, with the instructor also in attendance, and speak to specific topics for which they have specialized, expert or practical knowledge. These individuals may receive a small honorarium or may not charge for their services, depending on various factors. Regardless, they are not employees of the university but guests.

As long as the instructor or other responsible employee (such as a department head) is present during the lecture, the visiting scholar should not be subjected to pre-employment screening. However, in the rare instances where a visiting scholar may have one-on-one interaction with a student or students in private and unsupervised, the visiting scholar must agree and be subjected to pre-employment screening. The same process outlined herein for new adjuncts or other new employees shall apply.

ANCILLARY POSITIONS:

The university contracts with certain individuals who provide support services for different functions or events being held on campus. Examples include scorekeepers, referees and umpires, interpreters for the hearing impaired, and multimedia specialists. As these individuals do not typically have any direct, unsupervised interaction with students, they should not be subject to pre-employment screening. If, however, an unusual service being provided by an ancillary position should include direct and unsupervised interaction with a student or group of students, then the Human Resources Office may determine that pre-employment screening is warranted.

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