POLICY STATEMENT

The University of North Dakota (UND) is committed to providing a safe and secure environment for all students, faculty, staff, and visitors; and to protecting its funds, property, and other assets. Well-informed hiring decisions contribute to this effort. UND conducts a criminal history records check (CHRC) on faculty, staff, and students hired for positions as indicated in this policy.

REASON FOR POLICY

North Dakota State Board of Higher Education (SBHE) policies 511 and 602.3 require institutions adopt a policy or procedure regarding CHRC on job applicants. Subsequently, the North Dakota University System (NDUS) Chancellor adopted NDUS Procedure 602.3 authorizing positions for FBI CHRC.

This policy and procedure is adopted to implement SBHE Policy 602.3 and NDUS Procedure 602.3 for job applicants at UND.

SCOPE OF POLICY

This policy applies to all members of the University community and should be read by:

✓ President
✓ Vice Presidents
✓ Deans, Directors & Department Heads
✓ Area Managers & Supervisors
✓ Faculty
✓ Staff
✓ Students
✓ Others job applicants as described herein

WEB SITE REFERENCES

This policy: http://UND.edu/finance-operations/_files/docs/3-2-criminal-history-checks.pdf
Policy Office: http://UND.edu/finance-operations/policy-office/
Vice President for Finance & Operations: http://UND.edu/finance-operations/
Human Resources: http://UND.edu/finance-operations/human-resources-payroll/
## RELATED INFORMATION

<table>
<thead>
<tr>
<th></th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>NDCC 12-60-24.2(s) – Criminal History Record Checks</td>
<td><a href="http://www.legis.nd.gov/cencode/t12c60.pdf">www.legis.nd.gov/cencode/t12c60.pdf</a></td>
</tr>
</tbody>
</table>

## CONTACTS

Specific questions should be directed to the following:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Telephone</th>
<th>E-Mail / Web Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Clarification</td>
<td>Human Resources</td>
<td>(701) 777-4361</td>
<td><a href="mailto:UND.humanresources@UND.edu">UND.humanresources@UND.edu</a> <a href="http://UND.edu/finance-operations/human-resources-payroll/">http://UND.edu/finance-operations/human-resources-payroll/</a></td>
</tr>
</tbody>
</table>

## DEFINITIONS

<table>
<thead>
<tr>
<th>Benefit Type</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Benefited Employee</td>
<td>SBHE policy 703.2 defines benefited employee as “an employee, including probationary employees, who works at least 20 hours per week and 20 weeks each year.”</td>
</tr>
<tr>
<td>CHRC</td>
<td>Criminal history records check</td>
</tr>
<tr>
<td>FBI</td>
<td>Federal Bureau of Investigation</td>
</tr>
<tr>
<td>NDUS</td>
<td>North Dakota University System</td>
</tr>
<tr>
<td>New Hire</td>
<td>Includes new hires, re-hires, transfers, and promotions within the same institution, except when a CHRC and sex offender registry check have been completed at the employing institutions within the last nine months. Promotions do not include faculty promotions when moving from one faculty rank to another faculty rank (e.g., instructor to assistant professor, etc.) and, transfers from another NDUS institution.</td>
</tr>
<tr>
<td>SBHE</td>
<td>State Board of Higher Education</td>
</tr>
<tr>
<td>SOR</td>
<td>Sex offender registry</td>
</tr>
<tr>
<td>NDCC</td>
<td>North Dakota Century Code</td>
</tr>
</tbody>
</table>
PRINCIPLES

OVERVIEW – UND is committed to providing a safe and secure environment for all students, faculty, staff, and visitors; and to protecting its funds, property, and other assets. Well-informed hiring decisions contribute to this effort. UND conducts a CHRC on faculty, staff, and students hired for positions as indicated in this policy and in accordance with SBHE policies 511 and 602.3 and NDUS procedure 602.3.

A nationwide FBI CHRC is authorized for all NDUS positions. Moreover, a nationwide FBI CHRC is required before beginning employment in the following positions:
1. Police officer,
2. Security guard; and
3. University police dispatchers/call center operators.

CHRC and sex offender registry (SOR) checks are required before beginning employment in the following positions:
1. All benefited employees, and
2. Non-benefited employees, including volunteers who:
   a. Have access to confidential or proprietary information;
   b. Have master keys;
   c. Have access to cash, credit, debit, or other University financial transactions;
   d. Are residence hall and/or apartment managers, directors, or assistants;
   e. Are child care employees and other employees who have unsupervised contact with minor children;
   f. Are responsible for, or with access to, controlled substances and other drugs, explosives and/or potentially dangerous chemicals, and other substances;
   g. Are instructional faculty and staff, including graduate teaching assistants; or
   h. Are counselors or coaches.

The CHRC may be a North Dakota Bureau of Criminal Investigation check, a nationwide FBI check, or check of another state or multiple jurisdictions. The check of the sex offender registry will be a national check.

Additional checks may be done for other positions as determined by the department head at the time of recruitment with concurrence of the Office of Human Resources pursuant to NDUS procedure 602.3.

CHRCs will be used only to evaluate candidates/employees for employment purposes and will not be used to discriminate on the basis of sex, race, color, religion, age, national origin, creed, physical or mental disability, status with regard to marriage or public assistance, sexual orientation, gender identity, genetic information, veteran’s status, political belief, or participation in lawful activity off the employer’s premises during nonworking hours.

PROCEDURES

Position Announcements

Position announcements for positions requiring a CHRC will include a statement notifying applicants that a criminal history record check is required.

Offer of Employment

An offer to the top candidate may be made “contingent upon successfully completing a criminal history check.”

The CHRC and SOR check must be completed before beginning employment. If there is an urgent documented need to start employment; within seven working days of selection and prior to the completion of the check, the employee may begin work as scheduled upon approval from the director of human resources and under proper
supervision. Assigned duties will be limited during this interim period. Moreover, continued employment is subject to successful completion of the checks.

If a CHRC and SOR check has been conducted by UND on the candidate within the last nine months, another CHRC and SOR check is not required.

Criminal History Records Check Authorization Form

Declining to complete the Criminal History Records Check Authorization form will remove a candidate from further consideration for a vacancy.

Upon receipt of the CHRC Authorization form and recommendation for selection for hire, Human Resources will process the authorization for the CHRC with the appropriate agency or private licensed vendor. Costs associated with conducting the check will be incurred by the hiring department.

Authorization is made with the understanding that UND reserves the right to withdraw the offer of employment or terminate employment if the results of the check are unsatisfactory.

Clearance for Hire

The director of human resources in consultation with the supervisor or the department’s human resource manager, legal counsel, and chief of police will determine clearance for employment. Disqualification of a candidate will be based on 1) falsification of application or authorization information, or 2) an unsatisfactory CHRC as it relates to the position.

1. A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration. If the candidate is a current employee, falsification may also subject the individual to disciplinary action, up to and including termination.

2. A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with UND. Candidates’ eligibility will depend on a variety of factors, such as the nature, severity, and frequency of the offense or offenses; the time elapsed since conviction and the rehabilitation record; the actions and activities of the individual since the offense or offenses, including the individual’s subsequent work history; the truthfulness and completeness of the candidate’s disclosure of the conviction(s); whether a criminal conviction has a direct bearing on the individual’s ability to fulfill job duties and responsibilities; the risk to the safety and welfare of employees, students, the general public, or UND property; and any other relevant information.

3. If a decision is tentatively made not to hire an applicant (or to withdraw an offer) based on the results of the CHRC, Human Resources will provide the appropriate notifications to the applicant/employee. The applicant/employee will have three working days from the receipt of the notification to challenge the findings and an additional seven working days to successfully resolve it. If the findings are upheld, Human Resources will notify the individual of the non-selection. Although the federal Fair Credit Reporting Act requires notification procedures if an outside vendor is used to conduct the checks, this notification process will be followed even if an outside vendor is not used.

Records Retention

The Office of Human Resources will maintain CHRC records in accordance with records retention guidelines and North Dakota open records law.
RESPONSIBILITIES

| Hiring Department | ▪ Submit a Criminal History Records Check Authorization form to Human Resources for the final candidate.  
▪ Responsible for costs associated with conducting the check. |
|-------------------|--------------------------------------------------------------------------------------------------|
| Human Resources   | ▪ Process Criminal History Records Check Authorization forms.  
▪ The director of human resources in consultation with the supervisor or the department’s HR manager, legal counsel, and chief of police will determine clearance for employment.  
▪ Provide appropriate notification to an applicant/employee that they are tentatively not hired based on results of the check.  
▪ Notify applicant/employee of non-selection.  
▪ Maintain check records in accordance with records retention guidelines and North Dakota open records law. |

FORMS


APPENDICES

There are no appendices associated with this document.

REVISION RECORD

| 10/22/2009 – Policy Implementation | ▪ Updated policy to be in compliance with changes to SBHE policy and NDUS procedure  
▪ Changed name of policy to Criminal History Records Check  
▪ Updated website links throughout document  
▪ Added definitions based on NDUS procedure  
▪ Updated employees/positions requiring CHRC and SOR check  
▪ Updated list of protected classes in Principles |
|-----------------------------------|--------------------------------------------------------------------------------------------------|
| 06/30/2015 – Policy Revision      | ▪ Changed “check” to “CHRC” in some instances for consistency purposes  
▪ Reordered paragraphs and revised content in Procedures: Criminal History Records Check Authorization Form for clarity |
| 09/08/2015 – Policy Revision      | |