



BOISE STATE UNIVERSITY

University Policy 7005

Background Verifications

Effective Date

August 25, 2020

Last Revision Date

December 21, 2021

Responsible Party

Human Resources, (208) 426-1616

Scope and Audience

This policy applies to:

- A prospective non-student employee who is a Final Candidate;
- A current, non-student employee who is a Final Candidate for a new position which requires a Background Verification;
- A non-student employee after a break in service greater than twelve (12) months;
- A Student Employee who is a Final Candidate for a sensitive position or a position in a sensitive location, as defined in Appendix A;
- A recipient of a Graduate Assistantship;
- An adult (18 years of age or older) prior to interaction or participation with Minors in Programs;
- A Volunteer, Affiliate, or Affiliate Faculty serving in a sensitive position or sensitive location as defined in Appendix A.

Additional Authority

- 28 CFR 16.30 through 16.34
 - Idaho Code § 67-3008
 - Idaho Code § 72-1701
 - Employer Alcohol and Drug-free Workplace Act
 - Fair Credit Reporting Act 15 U.S.C. § 1681 et seq.
 - University Policy 6340 (Payment Card Industry Data Security Standards - PCI DSS)
 - University Policy 7035 (Affiliate, Affiliate Faculty, and Visitor Appointment and Privileges)
 - University Policy 7630 (Recruitment and Hiring)
 - University Policy 12060 (Protection of Minors)
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1. Policy Purpose

To establish Background Verification requirements and processes for prospective employees, current employees, and certain Volunteers; to protect employees, students, and assets; and to promote a safe University environment. Background Verifications are used to evaluate an individual's eligibility to engage in certain work or activities related to the University.

2. Policy Statement

Boise State University is committed to maintaining a safe and secure environment for Members of the University Community by obtaining information from Background Verifications for specific individuals and/or positions covered under this policy.

3. Definitions

3.1 Affiliate

An individual associated with the University as a board or advisory committee member, contractor, or/and in non-instructional capacities who is not a University employee or student.

3.2 Affiliate Faculty

An individual who does not have direct teaching responsibilities for the University's students and who does not receive monetary compensation from the University; but who, nonetheless, provides instruction in programs with classroom, online, clinical, or laboratory experiences.

3.3 Background Verification

The gathering and review of records from any or all of the following: Criminal History Check; Excluded Parties List System (EPLS) check, Financial History Check; Driver's License Records Check; Degree and Education Verification and License Check; and controlled substances check as outlined in University Policies 7020 (Drug and Alcohol Free Workplace) and 7510 (Drug and Alcohol Screening).

3.4 Criminal Conviction

Being found guilty through entry of a verdict or judgment or by entering a guilty plea or a plea of no contest or by receiving a deferred adjudication for a felony or misdemeanor offense other than a Minor Traffic Violation or infraction. This includes Criminal Convictions for which an individual's record has been expunged.

3.5 Criminal History Check

The gathering of in-state, out-of-state, and international criminal history records (misdemeanor and felony Criminal Convictions); sex-offender registries; and the OFAC Terrorist Watch. These records are obtained from law enforcement agencies or third-party vendors.

3.6 Degree and Education Verification and License Check

Verifies the highest earned degree, professional licenses, and certifications as listed by the Final Candidate on the job application and/or resume. For Final Candidates for Faculty positions, all post-secondary degrees will be verified.

3.7 Driver's License Record (DLR) Check

The process of gathering and reviewing driver's license and/or motor vehicle records and/or driving-related information from any jurisdiction where a Final Candidate has a motor vehicle record. A DLR Check is also known as a Motor Vehicle Record "MVR" check. These records are obtained from law enforcement agencies or third-party vendors.

3.8 Fair Credit Reporting Act

The Fair Credit Reporting Act (FCRA), enforced by the U.S. Federal Trade Commission (FTC), is designed to promote accuracy and ensure the privacy of the information used in consumer reports and investigative consumer reports. The Federal Trade Commission (FTC), which enforces the FCRA, treats Criminal History Check reports as investigative consumer reports.

3.9 Final Candidate

An applicant who is being offered employment, promotion, demotion, or internal transfer by, or being considered for affiliation or Volunteer service with the University contingent upon successful completion of a Background Verification. A Final Candidate will be provided with a FCRA Rights notification if applicable.

3.10 Financial History Check

The process of gathering and reviewing financial history records and/or information furnished by a credit reporting agency (credit report), a civil court, or a third-party vendor which obtains and provides credit reports.

3.11 Graduate Assistantship

Degree-seeking graduate student receiving financial assistance including, but not limited to, tuition and/or a stipend through a mentored University employment experience. The graduate assistantship includes a work obligation and educational/developmental activities integrated with the student's University graduate degree program.

3.12 Internal Transfer

A current employee being promoted or transferred within the University, including within, or external to, their department.

3.13 Member of the University Community

Includes any individual who is:

- A University student;
- A University employee (Faculty, Classified or Non-Classified/Professional);
- A University contractor or vendor;
- A University Affiliate or Volunteer; or
- Guests, to include but not limited to, event attendees, participants in University-sponsored co-curricular or auxiliary programs, visitors and customers.

3.14 Minor Traffic Violations

Moving violations or traffic infractions that do not involve alcohol, controlled substances, reckless driving, aggressive driving, or a pattern of disregarding motor vehicle laws.

3.15 Personally-Identifiable Information

The combination of an individual's first and last name plus one or more of the following:

- Social Security Number;
- Bank account number;
- Credit card number; or
- Date of birth.

3.16 Requesting Department

The University department seeking to employ, affiliate, obtain, or facilitate the Volunteer services of an individual at, or for, the University.

3.17 Student Employee

A University student employed in any position as defined in University Policy 7470 (Student Employment) and University Policy 7000 (Position Definitions). Examples of Student Employees in sensitive positions or sensitive locations include, but are not limited to:

- An individual supervising, or regularly interacting with, vulnerable individuals or minors;
- An individual with direct access to, or control of, cash, checks, credit card account information, or Personally-Identifiable Information which might enable identity theft;
- An individual possessing a building master key(s), access to laboratory facilities, access to regulated facilities, access to University residential facilities;
- An individual operating University-owned, -leased, or -controlled vehicles; or
- An individual with direct access to, or responsibility for controlled substances or hazardous materials.

3.18 Volunteer

An individual not employed or compensated by Boise State University who voluntarily and willingly performs a service for, or on behalf of, the University. Examples include, but are not limited to:

- An individual assisting with activities that include minors and/or at-risk adults;
- An individual spending the night in a situation where minors and/or at-risk adults are present;
- An individual in childcare facilities; or
- An individual in a sensitive position or in a sensitive location as described in Appendix A to this policy.

4. Background Verification

All offers of employment are conditioned on a Final Candidate successfully passing the University's Background Verification. The University's Background Verification may include one or more of the following:

4.1 Criminal History Check

Criminal History Checks are conducted on:

- a. All non-student prospective employees as defined by University Policy 7000 (Position Definitions) at the time of a conditional offer of employment by the University, or after a break in service greater than twelve (12) months;
- b. All current employees, including Student Employees, who become subject to a Background Verification as indicated in this policy due to the sensitive nature or location of the position;
- c. Volunteers, Affiliates, and Affiliate Faculty at the time of initial association with the University, and at the time of any subsequent associations with the University, or with a break in association greater than twelve (12) months, who are subject to a Background Verification as indicated in this policy due to the sensitive nature or location of the position.

4.2 Financial History Check

Financial History Checks may be conducted on a Final Candidate whose position:

- a. Provides direct access to, has responsibility for, or routinely handles cash and cash equivalents; credit card information; University property disbursements or receipts; or extensive authority for committing the financial resources of the University; or
- b. Is at a management level wherein management of one's personal obligations is indicative of one's ability to manage the affairs of the University.

4.3 Driver's License Record Check

Driver's License Record Checks may be conducted on a Final Candidate, Affiliate, or Volunteer in a position that:

- a. An essential job function is operating a University-owned, leased, or controlled vehicle for any purpose;
- b. Is assigned a University-owned, -leased, -loaned, or -controlled vehicle for any purpose.
- c. Is responsible for transporting passengers or property under the control of Boise State University; or
- d. Is responsible for transporting minors on behalf of the University at any time.

4.4 Degree and Education Verification and License Check

A Degree and Education Verification and License Check is conducted on a Final Candidate, Affiliate, or Volunteer for a position in which a certain educational, employment, and/or license credential is necessary to meet a minimum qualification for the position.

5. Sensitive Positions or Sensitive Locations

Due to the nature of duties or location in which the work is performed, some University positions are deemed sensitive. These positions require a Background Verification at the time of initial hire, promotion (other than advances in academic rank), demotion, lateral transfer, affiliation, or volunteer service (See Appendix A for a description of such positions).

6. Procedure for Background Verifications

- a. All positions listed under the scope of this policy require a Criminal History Check. Human Resources will determine if a position qualifies for a Financial History Check, a DLR Check, a Degree and Education Verification and License Check, and/or a drug or alcohol test.
- b. Human Resources will ensure all position descriptions and job announcements clearly disclose final employment offers are contingent upon a Final Candidate's successful completion of a Background Verification and a determination by the University that the information derived from the Background Verification does not disqualify the individual.
- c. A Requesting Department seeking to engage an Affiliate, Affiliate Faculty, or Volunteer must notify the individual of the requirement for successful completion of a Background Verification prior to engaging the individual.
- d. Once a Requesting Department identifies a Final Candidate, Affiliate, Affiliate Faculty, or Volunteer, the individual must complete the Background Verification consent. The consent will be used to initiate the process and additional information is sent on how to complete any additional required history or record-check processes.

7. Review of Background Verification Information

Human Resources, in consultation with the President/appropriate Vice President, or designee, will determine if an individual's employment/affiliation/volunteering should be declined.

7.1 Consideration of Criminal History Check

- a. The nature and gravity of the crime in relationship to the work or service to be performed and the position;
- b. Intervening circumstances relevant to the responsibilities and circumstances of the position, services, or employment including but not limited to:
 - The passage of time since the crime or completion of criminal sentence;
 - The age of the individual at the time of the crime,
 - The subsequent commission of another relevant crime;
 - Whether the conviction was set aside and the legal effect of setting the conviction aside;

- The individual's employment and Volunteer history, particularly subsequent to the conviction and any other indication of rehabilitation;
- c. The individual's falsification of, or lack of candor in, the individual's disclosure statement pertaining to conviction(s).

7.1.2 Consideration of Non-Automatic Disqualifying Criminal Convictions

Except as outlined in Section 7.1.3, a prior Criminal Conviction does not automatically disqualify an individual from employment, promotion, demotion, transfer, or a Volunteer/Affiliate position with the University. The subject individual's Criminal Conviction history will be evaluated for relevance to the specific position responsibilities.

7.1.3 Disqualifying Criteria

A Criminal Conviction history involving any of the following offenses will result in the automatic disqualification of the subject individual, or if applicable, the subject individual's dismissal/reassignment:

- a. Criminal Conviction for any crime against or involving a minor or vulnerable adult. These include, but are not limited to: convictions for child or vulnerable adult abuse, exploitation abandonment, or sexual crimes of any nature.
- b. Criminal Conviction for any other crime the University reasonably believes could endanger a vulnerable person or minor. Such convictions include, but are not limited to: human trafficking, kidnapping, mayhem, manslaughter or murder in any degree, assault, felony domestic violence, robbery, or video voyeurism.
- c. Being listed on a child-abuse registry or in a state or federal sex-offender registry.

7.2 Consideration of Financial History Check

- a. In accordance with federal law, the University cannot deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is, or has been, a debtor or is associated with a debtor under the Bankruptcy Act solely because of bankruptcy.
- b. The University will consider a Final Candidate's financial history in conjunction with Reference Checks, Criminal Convictions, and work history in determining whether a Final Candidate is eligible for employment or transfer into a position in which a Financial History Check is required.

7.3 Consideration of Driver's License Record Check

As part of the Background Verification, based on a DLR check or disclosure of a negative DLR history to the Requesting Department, Human Resources, in conjunction with the appropriate administrator or the designated representative in the relevant Division/College, as part of the Background Verification, will evaluate and determine whether the individual is eligible for a position in which driving is a required part of the individual's regularly assigned job/affiliation/Volunteer duties.

8. Pre-Adverse Action Notification

If after evaluating the results of a Criminal History Check, and/or if applicable, a Financial History Check, DLR Check, and/or a Degree and Education Verification and License check the University declines to allow the subject individual's employment, affiliation, or volunteer service by, or for, the University, Human Resources will notify the Requesting Department and a pre-adverse action notice will be issued to the subject individual. If the University determines it might not hire or allow affiliation/volunteering by a Final Candidate, the University complies with the Fair Credit Reporting Act, when applicable.

9. Protection of Privacy and Confidentiality

Background Verification information will be available only to those persons involved in making decisions regarding employment, promotion, demotion, affiliation/Volunteer status, or performing the Background Verification. The information will be used only for the purpose of making an employment, promotion, demotion, Internal Transfer, or affiliation/Volunteer status decision and shall be treated as confidential information.

10. Related Information

University Policy 7020 (Drug and Alcohol Free Workplace)

University Policy 7510 (Drug and Alcohol Screening)

11. Appendix A: Sensitive Positions and Sensitive Locations

A position is considered to be sensitive or to be in a sensitive location if one of the following exists for the position's duties or location:

- a. Has access to controlled substances;
- b. Has access to cash or checks in excess of \$5,000 at any one time, or access to credit cards, and/or credit card information;

- c. May receive or deliver merchandise items with a value exceeding \$5,000;
- d. Has responsibility for the care, safety, and security of people or property;
- e. Has supervision of or regular contact with minors or vulnerable adults;
- f. All individuals who will be interacting or participating with Minors in Programs, as defined by University Policy 12060 (Protection of Minors) prior to the individual's participation in such program(s);
- g. Has authority to commit financial resources of the University through contracts;
- h. Has control over University business processes, either through financial rules or system security access;
- i. Has access to detailed Personally-Identifiable Information about students, faculty, staff, or alumni, which might enable identity theft, e.g. Human Resources, Information Technology or positions in other departments with similar access; or
- j. Has possession of building master or sub-master keys for building access.

Sensitive locations include University Housing, University-sponsored camps, University venues (e.g., Albertsons Stadium, Extra Mile Arena, Morrison Center).

12. Appendix B: Fair Credit Reporting Act (FCRA) Rights

https://files.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf

Revision History

October 2012; December 2013; August 2018; July 2019; January 2020; August 25, 2020; December 21, 2021