

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

DATE: June 12, 2008

REGULATION CHAPTER NO.: Chapter 10

REGULATION CHAPTER TITLE: Personnel

REGULATION TITLE AND NUMBER: Employee Background Screening and Fingerprinting (10.131).

SUMMARY OF REGULATION: This new regulation outlines the University's background screening policy. It specifies the University's responsibilities in conducting security screenings on job candidates to whom an offer of employment has been extended for positions of special trust or positions located in safety sensitive areas as well as background screenings involving current employees and volunteers. This regulation also supplements the employment and education verification process performed in support of the University's hiring process.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution; Board of Governors Regulation Development Procedure dated July 21, 2005, Board of Governors Resolution Adopted January 7, 2003; Chapters 409, Chapter 943 and Section 827.01, Florida Statutes.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Ms. Teresa Hardee, Vice President for Administration and Financial Services.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Nellie Woodruff, Assistant Vice President for Human Resources, 211 Foote-Hilyer Administration Center, Tallahassee, Florida 32307-3100, (850) 599-3611 (phone), (850) 561-2080 (fax), nellie.woodruff@famu.edu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of this new regulation follows:

**Regulations of
Florida A&M University**



10.131 Employee Background Screening and Fingerprinting.

(1) Purpose of Intent

The purpose of this regulation is to specify the protocols and responsibilities of Florida A&M University (University) in conducting security checks/screening on job candidates to whom an offer of employment has been extended for positions of special trust or responsibility or positions located in safety sensitive areas. Security background checks/screenings involving current employees and volunteers are also addressed. This regulation supplements the employment and education verification process performed in support of the University's hiring process.

(2) Statement of Policy

(a) Security background checks/screenings will be conducted on all job candidates to whom an offer of employment has been made for positions of special trust or responsibility or positions located in safety sensitive areas whose duties may include one or more of the following:

1. Working with children/minors (National Child Protection Act 1993 as amended). A child/minor is defined as any person under the age of 18 in accordance with Section 827.01, Florida Statutes;
2. Access to cash, credit card numbers and/or demand deposits;
3. Access to campus buildings, including residences as a result of being 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 that will result in one of the following: refund, wire transfer, automatic clearing house transaction, vendor add/change or vendor address change; or
8. Ability to access underlying codes/processing protocol supporting the University's Enterprise Information Technology (EIT) systems applications or complete final processing of EIT security access transactions.

The post-offer, pre-employment background check/screening will include:

1. Name and Address Verification
 2. Social Security Number Verification
 3. Potential Criminal History via Fingerprinting Search (state and/or national).
- (b) A security background check/screening shall also apply to employees in designated positions of special trust or responsibility or positions located in safety sensitive areas and accepted volunteers in positions whose duties may include one or more of the duties specified in section (2)(a) 1.- 8. above.
- (c) A security background check/screening to verify that the candidate possesses a valid driver's license and verify the candidate's driving history will be performed on candidates offered positions whose duties include, but are not limited to operating licensed motor vehicles owned by the University at least one or more times per week. Drivers license/driving record checks will be performed annually at the discretion of University management.
- (d) If the security background check/screening reveals that an applicant has pled nolo contendere (no contest) to, or been convicted of, a first-degree misdemeanor or a felony, or adverse driving history where applicable, the following factors will be considered to determine whether the convictions are grounds for denying or continuing employment or acceptance as a volunteer:
1. The nature and gravity of the offense(s) for which convicted;
 2. The time period that has lapsed since the conviction;
 3. The nature of the position being considered; and
 4. Falsification of employment and personnel-related documents.
- (e) A security background check/screening may be conducted on a current employee if University management has reason to believe an employee falsified his or her employment application and/or other personnel-related documents; if the employee occupies a position of special trust or responsibility or positions located in safety sensitive areas and a security background check/screening was not conducted at the time of hire; or for other justifiable reasons. Except for ongoing police investigations, the Office of Human Resources will be responsible for conducting any security background checks/screenings on current employees. Should a security background check/screening reveal any felony or first degree misdemeanor convictions not previously divulged by an employee/volunteer, the Office of Human Resources will consult with the appropriate hiring authority regarding the individual's continued employment.
- (f) Current employees and volunteers shall notify University management of any felony or first degree misdemeanor to which they have pled nolo contendere or guilty or are convicted of, or if applicable to their position, if their driver's license is

suspended subsequent to their employment or volunteer work with the University. Such notification must be made within three (3) working days of the conviction or driver's license suspension. Factors identified in paragraph (2)(d) above will be considered in determining the individual's continued employment.

- (g) This regulation applies to all employees and volunteers in positions of special trust or responsibility or positions located in safety sensitive areas provided, however, that its application is subject to the terms and conditions of any existing applicable collective bargaining agreements.

(3) Procedures

- (a) The Office of Human Resources will coordinate all employee and volunteer security background checks and screening activities, with the exception of those required for the Florida A&M University Department of Public Safety.
- (b) When any hiring authority submits a Position Vacancy Announcement (PVA) to the Office of Human Resources, the PVA will specify whether a driver's license/records check is to be completed in addition to name, address and social security number verification and potential criminal history check/screening.
- (c) All advertisements for positions will inform applicants of the security background checks/screenings required. The requirement to undergo a security background check/screening will be contained in the official position description.
- (d) Costs for any security background checks or additional screenings will be incurred by the hiring authority, candidate, employee or volunteer.
- (e) Post offer, pre-employment employees will sign a release form which allows the Office of Human Resources to conduct a background check/screening and review the results. Employment is contingent upon the results of the background check/screening.
- (f) Upon acceptance of OPS employees or volunteers into a program or department, the department utilizing the OPS employee or volunteer will be responsible for notifying the Office of Human Resources of any circumstances pertaining to their duties that require a security background check/screening as noted in paragraph (2)(b) above. The OPS employee or volunteer will be referred to the Office of Human Resources to facilitate the appropriate security background check/screening. Each will sign a release form and the security check/screening processing will begin.
- (g) If a candidate or volunteer begins working in the position prior to receipt of the background check/screening results, the hiring authority shall inform the candidate/volunteer that continued employment or acceptance is contingent upon the results.

- (h) Results of all background checks/screening will be kept confidential and will be disclosed only to the extent necessary to administer and enforce this regulation or pursuant to applicable federal and state law.
- (i) If results are of concern, the Office of Human Resources will evaluate the information in conjunction with the Office of the General Counsel and consult with the hiring authority. If the employee, candidate or volunteer is not to continue employment or volunteering with the University, the Office of Human Resources will notify the appropriate hiring authority.
- (j) Prior to making an offer of employment for positions of special trust or responsibility or positions located in safety sensitive areas involving law enforcement positions, the Florida A&M University Department of Public Safety will complete and obtain results from background checks/screenings with specific criteria set forth by Criminal Justice Standards and Training Commission (CJSTC) and enforced by Florida Department of Law Enforcement (FDLE) in accordance with Florida Statutes, on candidates being considered for employment in said department. Records of those results will be retained in the University's Department of Public Safety. All other records will be kept in a separate, secured file in the Office of Human Resources.

Specific Authority Board of Governors Regulation Development Procedure Dated July 21, 2005. Law Implemented Article IX, Florida Constitution, Board of Governors Resolution Adopted January 7, 2003, Chapters 435, Chapter 943 and Section 827.01, Florida Statutes History-New -08.