



Human Resources and Payroll

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Frequently Asked Questions

George Mason University's Background Investigation Policy

General Information

Why do we have this policy?

To protect the campus community, the University must ensure that individuals employed in selected positions (cash handlers, police officers, child care workers, and data managers with access to personal information) have no history of criminal behavior relevant to their employment.

The full text of the policy is located at: <http://www.gmu.edu/facstaff/policy/newpolicy/2221adm.html>.

What exactly does this policy do?

The policy provides guidance for determining when positions require background investigations. It articulates the responsibilities of the department and other campus units, describes the process for background investigations, including the notification process, and provides for the confidentiality of information gathered and the protection of privacy of individuals undergoing background investigations.

Who determines which positions are “selected” as requiring background investigations?

The University Policy Number 2221 identifies which positions are initially selected as requiring background investigations. As new positions are created, Human Resources & Payroll will assist the hiring department in making that determination.

Do current employees have to undergo background investigations?

Current employees do not have to undergo background investigations unless a transfer, promotion, reclassification, change in their job duties moves them into a new position, or they begin working with minors who are not enrolled in university courses.

When are background investigations required?

Background investigations are required for all new and rehired salaried employees and current employees who transfer into a selected position. This includes classified, administrative/professional faculty, instructional

faculty, and research faculty positions. Background investigations are also required for employees working with minors that are not enrolled in university courses.

For all other employee types, departments must individually assess the need for background investigations considering length of employment and job descriptions and request a background investigation by Human Resources and Payroll. If departments are interested in adding additional categories or positions to the list of selected positions, they will need to contact Human Resources & Payroll.

Where policies and contractual provisions related to background investigations for specific personnel programs currently exist, it is intended that the provisions of this policy be applied in conjunction with those provisions.

Does a background investigation include investigating into a person's credit rating and personal finances?

A credit report may be conducted when the results would be related to potential job duties. For example, those with access to significant levels of cash or negotiable securities, including direct access to or control over cash, checks, credit card account information (includes cash handling or credit card acceptance positions) and/or those with significant responsibility for the execution or approval of financial transactions (e. g. payroll, cash office)

Access and Privacy

Who will have access to the background investigation results?

Human Resources and Payroll will initially review the criminal history records to determine whether any criminal incidents may be related to their job at the university. Convictions revealed in the employment/orientation process and any additional convictions that may exist on the criminal record will be confidentially reviewed and may be considered cause for denying employment or termination based upon the nature of the job. Failure to disclose a conviction(s) is deemed falsification of application and may result in termination.

Any information related to criminal history will be maintained in the strictest confidence possible. Only essential personnel involved in the hiring process may be informed of the results of a background investigation. Those who violate the terms of this policy, including violations of confidentiality, are subject to disciplinary action including termination.

What is the Fair Credit Reporting Act (FCRA) and what does it do for me?

The Fair Credit Reporting Act (FCRA), enforced by the US 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 FTC, which enforces the FCRA, treats background investigations as investigative consumer reports.

George Mason University will comply with the FCRA when conducting background investigations and/or credit searches. George Mason University will:

- Disclose to the individual its plans to obtain a background investigative report and/or a consumer report and that the information will be used solely for employment purposes.

- Obtain written authorization from the individual.
- 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.
- Provide the individual with a summary of his or her rights under the FCRA.

What happens if there is an error in the information reported or I disagree with the information?

George Mason University, through its vendor HireRight, will inform the individual if the results of the report indicate something contradictory or something not disclosed by the employee. If the University intends to take adverse action, the individual will be provided with a Statement of Consumer Rights from the Federal Trade Commission FTC, the individual will be given the opportunity to review a copy of his/her report, and the individual will be advised of his/her right to dispute inaccurate information. The individual will be granted reasonable time to contest the information (5 business days).

Where should departments file background investigation information?

Background investigation information will remain with the background investigation vendor. A copy of the report may remain the Human Resources & Payroll department but individual hiring departments will not have a copy of the report.

Funding, Costs & Financial Liability

What are the costs for background investigations, who determines the rates, and who pays for them?

The expense for conducting the background investigation will be funded through central campus funds and handled in Human Resources and Payroll. Background investigations conducted for camps and outside programs will be paid by the sponsor of the event.

Time Issues

How long does a background investigation take?

The length of time for completion depends on where the individual has lived and worked for the past seven (7) years. George Mason University typically will receive background investigation results in two business days.

Hiring Issues

Can employees be hired before the background investigation has cleared?

We recommend that employee should not begin working until successful completion of the background investigation process. Offers may be extended contingent upon satisfactory background investigation.

Review Committee

Who has the final decision-making authority regarding the suitability of an individual for employment in a selected position?

In making the determination of job-relatedness, Human Resources and Payroll, in coordination with the hiring department, may consider certain factors including but not limited to: (1) how recently the conviction occurred; (2) the frequency and severity of the crime(s); and (3) the age of the individual at the time the crime was committed. The safety and security of the campus and the members of the campus community will be the university's foremost consideration.

Does a criminal conviction automatically preclude an applicant from employment/hiring or a current employee from a reclassification/promotion?

This depends on many factors including but not limited to: (1) job relatedness; (2) time of conviction; (3) age at the time of the conviction; and (3) nature and frequency of the conviction. Disclosure versus failure to disclose is key as well.

If the individual has failed to disclose a conviction, Human Resources and Payroll will normally recommend denying employment. If an individual has convictions, that may be a case for denying employment. The determination to deny employment to the selected candidate will be made by the hiring authority, in consultation with Human Resources and Payroll.