



Procedure for University Policy Number 2221

Subject: Background Investigations

Responsible Parties: Human Resources & Payroll

1. Employees Investigated

As a condition of employment, Human Resources and Payroll will conduct a confidential background investigation on all new and rehired salaried employees, and on current employees who transfer within the University or work with minors who are not enrolled in university courses. If an employee has had a background check within the past three years, a new check need not be run.

Biomedical Research Laboratory

All faculty, staff, and volunteers who will be working with select agents and/or toxins in the BSL-3 or with animals within the Biomedical Research Laboratory must also complete the Pre-employment Medical Screening Requirements, be approved of by the HHS Secretary or Administrator following a security risk assessment by the Attorney General (as mandated by 42 CFR 73.10) and complete extensive health and safety training commensurate with the function of the position.

University Police

University Police will conduct background investigations based on their policies and procedures for their own new employees, rehired employees, and employees who transfer into the University Police Department.

Sponsored Events

Individuals supervising and participating in the following activities are subject to background investigations:

- (1) the event involves one or more “minors,” defined as an individual under the age of 18; and
- (2) at any given time, at least one minor is in the sole custody of a George Mason University employee, or employees of an event; and

- (3) a university organization number is associated with the event or a separate contract is executed with the university employee(s) responsible for the event.

Event Coordinators are responsible for notifying all staff of this requirement and sending the necessary information to Human Resources for background checks to be submitted (See *Sponsored Events Forms*)

2. Reporting Requirement

In addition, as a condition of continued employment, each employee must inform his or her supervisor within 5 business days if he or she is convicted of any crime (not including traffic infractions). Reporting of convictions is applicable to all employees, regardless of whether their positions are subject to an original background check.

The University reserves the right to conduct a background investigation on other employees as needed. For all other employee types, departments must assess the need for background investigations, considering length of employment and job description, and request of a background investigation through Human Resources and Payroll.

3. Conducting the Background Investigation

Background investigations will be conducted in the states where an applicant has lived or worked for the past seven years. Typically, the background investigation will include a review of the employee's records to include social security number search, credit report (if related to potential job duties, e.g. Cash Office, Payroll Office), criminal records search (any misdemeanor convictions and/or felony convictions are reported), and the National Sex Offender Registry. In addition, the Office of Foreign Assets Control of The US Department of Treasury (OFAC) Prohibited Parties list will be reviewed. Where the results may be related to potential job duties, an employee's background investigation may also include a credit report.

The employee must complete a release form as soon as a contingent offer of employment is made or they are identified as a custodian of minors.

George Mason University will comply with the federal Fair Credit Reporting Act (FCRA) when conducting background investigations and/or credit searches. George Mason University will:

1. 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.
2. Obtain authorization from the individual.
3. 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.
4. Provide the individual with a summary of his or her rights under the FCRA.

5. Inform the individual that If the results of the report indicate something contradictory or something not disclosed by the employee, the University may take adverse action, provide the individual with a Statement of Consumer Rights from the FTC, provide the individual the opportunity to review a copy of his/her report, and advise the individual of his/her right to dispute inaccurate information. The individual will be granted reasonable time to contest the information (5 business days).

4. Review Process

Human Resources and Payroll will initially review the criminal history records to determine job relatedness. 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 (including the administrative line up to the President) and the individuals involved in the assessment of job-relatedness may be informed of results of the background investigation. Those who violate the terms of this policy, including violations of confidentiality, are subject to disciplinary action including termination.

In making the determination of job-relatedness, Human Resources and Payroll, in coordination with the hiring department, will consider certain factors including but not limited to: (1) how recently the conviction occurred and whether the record has been clear since; (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.

5. Preliminary Offers

Departments may make an offer to the selected candidate in accordance with the University hiring policy and procedures; however, the offer is contingent on the results of the background investigation. Human Resources and Payroll will contact the department with the results of the background investigation results as soon as possible.

If the employee commences work before the results of the background investigation have been received, the offer letter will state that the continuation of employment is dependent on the results.