

## **George Mason University's Background Investigation Policy Frequently Asked Questions**

### **General Information**

#### **Why do we have this policy?**

To protect the campus community, the University must ensure that individuals hired to work at Mason have no history of criminal behavior relevant to their employment.

#### **Do current employees have to undergo background investigations?**

Current employees do not have to undergo background investigations unless there's a transfer, promotion, reclassification, accreditation requirement, change in their job duties or access to sensitive information, 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 employees and current employees who transfer or are promoted into a position. This includes all paid positions.

Background investigations are also required for employees instructing and supervising minors that are not enrolled in university courses. 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 FCRA**

#### **Who will have access to the background investigation results?**

Human Resources and Payroll will review the criminal history records to determine whether any criminal incidents may be related to their job at the university. Convictions disclosed in the employment/onboarding 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 authorization from the individual to conduct the background investigation.
- 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, 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.

Departments that manage their own state required background checks will follow state laws for filing and destroying that information.

### **Funding, Costs, and Financial Liability**

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

The expense for conducting employment background investigations will be funded through central campus funds and handled in Human Resources and Payroll. Background investigations conducted for events serving minors, volunteers, and outside programs will be paid by the sponsor of the event or the individual's department.

## **Hiring and Results**

### **Turnaround Time**

#### **How long does a background investigation take?**

Background investigation results are typically returned in two (2) business days.

#### **Can employees be hired before the background investigation has cleared?**

Employees cannot begin work until the background investigation requirement is completed successfully.

### **Reviewing Results**

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 when appropriate) may consider certain factors including but not limited to: (1) how recently the conviction occurred; (2) the frequency and severity of the crime(s); (3) job relatedness and (4) 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 Human Resources, in consultation with the hiring department (when appropriate).