

Procedures for University Policy Number 2221

1. Employees Investigated

As a condition of employment, Human Resources and Payroll will conduct a confidential background investigation on all new and rehired employees, on current employees who transfer within the University, and individuals that instruct/supervise minors who are not enrolled in university courses.

Employees cannot begin work until their background check(s) has been successfully completed. Delinquent background check requests (older than 5 days) may result in a delayed start date or termination. If an employee has successfully completed a background check within the past three years, a new check need not be run.

Biomedical Research Laboratory

All employees and volunteers who will be working with select agents and/or toxins in the BSL-3or 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.

Select agents are biological agents and toxins, regulated by the Federal Select Agent Program, that have been determined to have the potential to pose a severe threat to public health and safety, to animal and plant health, or to animal or plant products. For more information, visit the following link: <https://www.cdc.gov/phpr/dsat/what-is-select-agents.htm>.

University Police

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

Office of Risk Management

Employees with driving responsibilities are required to complete a Motor Vehicle Report (MVR) in addition to their criminal background check. Employees must consent to provide access to their MVR for full review and the MVR results must meet the minimum acceptable criteria as established in the policy procedures of the Vehicle Use Policy 1411.

MVRs are reviewed by the Office of Risk Management upon initial hire. Employees will receive a new MVR request annually thereafter. If an employee does not adhere to the MVR process (within 5 days of receiving the request), they will not be authorized to operate a vehicle on behalf of Mason.

Sensitive Positions

Positions that are deemed “sensitive” may have additional background check requirements (e.g. fingerprinting).

Child Development Center

Employees of the Child Development Center must complete additional background checks and fingerprinting to satisfy the VA Department of Social Services and VA State Police requirements.

Accreditation Requirements

Additional background checks may be requested by departments with accreditation requirements. The request must be made by the Department Head and approved by Human Resources. Once approved, background checks will be processed. Please note, this process may require current employees to complete a background check outside of the policy's guidelines. Departments may be responsible for costs associated with the requests.

Office of Housing and Residence Life

Live-in partners are required to successfully complete the background check requirement before residing with an employee on campus. Requests must be submitted by the department to bkground@gmu.edu. Costs related to the background check are covered by the department.

Contractors

Contractors at George Mason University shall manage their own background check policy and process.

Active Security Clearances

If an applicant or employee possesses an active security clearance issued by the US Federal Government, proof of that active security clearance will be considered in lieu of conducting a new background investigation.

The verification statement must include:

- the official letter head of the issuing department, unit or entity
- a handwritten or official electronic signature
- point of contact information for confirmation (if necessary)
- the level and expiration date of the security clearance

Programs, Events, and Camps with Minors

Employees, volunteers, and agents instructing and/or supervising minors in an internal event that meets any of the following criteria are subject to background investigations:

- (1) the event involves one or more "minors," defined as an individual under the age of 18;
- (2) at any given time, at least one minor is in the sole custody of a George Mason University employee, or staff member of an event;
- (3) a university organization number is associated with the internal event.

Event coordinators are responsible for:

- notifying all employees, volunteers, and agents of the background check requirement.
- using the appropriate form to send information to Human Resources for background check submission. Forms must be submitted to at least 10 days before the start of an event.
- communicating to event staff the requirement to report suspected incidents of child abuse or neglect within 24 hours, pursuant to Va. Code § 63.2-1509. Failure to report such incidents may result in financial or criminal penalties.

Please review the [Coordinator Form](#) for more information.

2. Reporting Requirements

As a condition of continued employment, employees must inform Employee Relations (HR Background Check Consultant) within 5 business days of any conviction (not including minor traffic infractions). Reporting of convictions is applicable to all employees.

Employees authorized to drive a State Operated Vehicle (SOV) for university business must report traffic related convictions to their supervisor and Risk Management (see Policy 1411).

3. Conducting the Background Investigation

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 or event participation purposes.*
- 2. Obtain authorization from the individual to conduct the background investigation.*
- 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 individual will be granted reasonable time to contest incorrect information (5 business days).*

The background check process is audited on a regular basis. Incomplete requests that are found will be completed by having a custom case created or by the employee submitting a new request.

Background investigations will search the states where an applicant has lived, worked, or established credit. Typically, the background investigation will include a review of the employee's records to include social security number search, national and county criminal records search (any misdemeanor convictions and/or felony convictions are reported according to state law), and the National Sex Offender Registry. In addition, the SanctionsScreen+ search will be completed.

Employees will receive an electronic background check request once a contingent offer of employment is made or they are identified as an employee, volunteer or agent of an internal event with minors. There is a five (5) day limit to initiate the background investigation. Employment or participation in events with minors may be delayed until the results of the investigation are received and reviewed.

Where the results may be related to potential job duties or further investigation is needed, an employee's background check may also include a credit report, motor vehicle report, drug test, education verification, military service review, or a federal criminal search. Additional searches may be included as a part of the original background check request or as a separate custom case.

4. Review Process

Human Resources and Payroll will initially review the criminal history records to determine job relatedness. Convictions disclosed 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.