Procedure for University Policy Number 2221

Subject: Criminal Background Investigations

Responsible Parties: Human Resources & Payroll

Employees Investigated

As a condition of employment, Human Resources and Payroll will conduct a confidential criminal background investigation on new employees, rehired employees, and employees who transfer into selected classified, administrative/professional faculty, instructional faculty, and research faculty positions. If an employee moves from one covered position to another and has had a background check within the past three years, a new check need not be rerun. Criminal background investigations will be conducted in the states where an applicant lived or worked for the past seven years and will include the Sex Offender Registry.

In addition, as a condition of continued employment, every employee must inform his/her supervisor within 5 business days if he/she is convicted of any crime (not including traffic infractions).

The University reserves the right to conduct a criminal background investigation on other employees as needed. For all other employee types (hourly, adjunct, etc.), departments must assess the need for criminal conviction background investigations considering length of employment and performance of duties defined in University Policy Number 2221. Departments should consult with Human Resources and Payroll when performing this assessment.

Conducting the Criminal Background Investigation

George Mason University reserves the right to conduct investigations on the widest scope possible. Normally, the criminal 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 OFAC (Office of Foreign Assets Control of The US Department of Treasury) Terrorist Watch list will be reviewed.

The employee must complete a release form as soon as a contingent offer of employment is made.
George Mason University will comply with the federal Fair Credit Reporting Act (FCRA) when conducting criminal background investigations and/or credit searches. George Mason University will:

- Disclose to the individual its plans to obtain a criminal 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.
- 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 Federal Trade Commission (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).

**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 and the conviction(s). Failure to disclose a conviction(s) is deemed falsification of application and may result in termination.

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

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 information on the criminal background investigation of an employee on a need-to-know basis. 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 how recently the conviction occurred and whether the record has been clear since; the frequency and severity of the crime(s); and 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.

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.

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 criminal background investigation. Human Resources and Payroll will contact the department with the results of the criminal background investigation results as soon as possible.

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

Additional Investigations

Every employee must inform his/her supervisor or the designated person in the department within five business days if he/she is convicted of a crime (not including traffic infractions). Reporting of convictions is applicable to all employees, whether or not their positions are subject to an original background check.