

Employment Background Check Policy

Subject Personnel

Web Link https://www.montana.edu/policy/background_check/

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Responsible Party University Human Resources

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100.00 Introduction and Purpose

Montana State University is committed to protecting the security, safety, and health of employees, students, and others, safeguarding the assets and resources of the University, and assuring individuals in responsible positions are worthy of the trust they are given. Therefore, Montana State University has adopted a policy requiring Employment Background Checks.

Background Checks shall be required prior to employing faculty, professional and classified employees, except as provided below. This policy applies regardless of whether or not a competitive recruitment process is used.

200.00 Policy

1. As a condition of hire, Background Checks are required on all applicants offered a faculty, contracted, or classified position which is expected to last (4) four months or longer, except for student employees. In addition, in the event an initial employment period of less than four (4) months is subsequently extended to exceed four (4) months, a Background Check must be completed at the time employment is extended.
2. Background Checks are required for students and positions of less than (4) four months which are safety or security sensitive, such as police department employees and preschool teachers.
3. Background Checks may be required at the discretion of Human Resources for any student employee or any employment appointments that are less than four (4) months which include safety or security sensitive duties such as handling currency, accounts payable, having access to sensitive computerized databases or laboratories, or having access to a master key.
4. Background Checks may be required for employees obtaining safety or security sensitive duties, such as a change in positions or significant change in duties as determined by Authorized Initiators.
 - a) Employees who have a completed background check on file and experience a break in service in employment will not be required to have an additional background check if they have been in an active work status within 2 years.
 - b) Employees who have a completed background check on file at the campuses of MSU-Billings, MSU-Great Falls College of Technology and MSU-Northern and have been in an active work status within 2 years will be considered to have met the requirements of this policy for employment on the MSU Bozeman campus.

- c) A background check may be required in the circumstances of A or B above at the discretion of the hiring authority if the employee begins working in a different department or college and/or different job capacity that includes safety or security sensitive duties such as handling currency, accounts payable, having access to sensitive computerized databases or laboratories, or having access to a master key.

300.00 Procedure

1. Notification

Written notification of the requirement to successfully pass a Background Check will be given during advertisement and/or at time of application.

2. Initiation of Check

Background Checks will be initiated only by Human Resources (classified, contract professional and faculty employees), the Extension Personnel Office (Extension Agents, Faculty or Specialists), or by other Human Resources Professionals to whom that responsibility has been formally delegated by Human Resources (referred to in this policy collectively as “Authorized Initiators”).

Authorized Initiators may only initiate Background Checks once they receive a completed and signed Authorization for Pre-Employment Background Check form.

3. Background Checks

Background Checks will include, at a minimum, a multi-state criminal background check including felonies and misdemeanors, a social security trace, and a National Sexual Offender Registry check. Background Checks may also include a credit check (conducted in compliance with the Fair Credit Reporting Act), driver history check, and credentials verification for applicants designated by Human Resources (classified, faculty or contract professional employees) or the Extension Personnel Office (Extension Agents, Faculty or Specialists).

Background Checks conducted by the US Department of Homeland Security for international, non-citizen job candidates as part of the visa process may be considered adequate for the purposes of this policy if the candidate has not previously resided in the United States.

4. Conditional Offer of Employment

The Background Check must be completed before employment begins, except as provided below. Any offers made before a background check has been completed shall be expressly conditional upon successful completion of the Background Check. Employment may begin prior to completion of the Background Check only as a conditional offer of employment and when the hiring authority establishes to the satisfaction of Human Resources there is a compelling need. In such cases, Human Resources will provide the hiring authority with condition of hire language.

Conditional offers shall be withdrawn if the results of the background check are deemed to disqualify the applicant for the position (regardless if conditional employment began).

5. Results of Background Check

Results from a Background Check will be considered in the following manner.

If the Background Check reveals criminal records or other serious misconduct (other than minor traffic violations), the Authorized Initiator will consult with Legal Counsel and the University Police Chief. In such cases, the Authorized Initiator, Legal Counsel, University Police Chief, and, if determined necessary, the hiring authority shall make an initial determination as to whether the Background Check results would disqualify the candidate for the position.

The group's consideration shall include, but not be limited to, the following factors:

- a) number of offenses or misconduct and the circumstances of each;
- b) length of time between the offense or misconduct and the application for employment;
- c) other employment history; evidence of applicant's rehabilitation efforts;
- d) severity of the offense or misconduct; and
- e) the relevance of the offense or misconduct to responsibilities of the position.

To the extent required by the Fair Credit Reporting Act (FCRA), applicants will be informed, in writing, notice of adverse information discovered in the Background Check and given an opportunity to respond. Upon conclusion of the review, written notice will be sent to the candidate regarding the employer's decision of eligibility for the position.

All results of the Background Check will remain confidential, will be maintained by Human Resources or Authorized Initiators, and will be disclosed only to authorized employees who have a need to know in the performance of their job assignments.

Failure to disclose criminal convictions requested during the application process may result in disqualification for employment or termination of employment.

Disqualification of a candidate based on information discovered in the Background Check is not subject to grievance or appeal by the candidate.

6. Responsibility for Costs

The hiring authority will be responsible for the costs associated with the Background Check. The investigation will be conducted by a qualified vendor approved by the University to conduct such investigations.