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## Policy Information

**Effective Date:**

June 29, 2006

**Last Revised Date:**

February, 2020

**Policy Number:**

HR-401

**Reference:**

Classified Staff Human Resources Policy Manual 103.1

University Handbook for Appointed Personnel 2.23

Student Employment Manual 103.0

University Staff Manual 1-106

**Responsible Unit:**

Division of Human Resources

**Email:**

[hradmin@email.arizona.edu](mailto:hradmin@email.arizona.edu) [1]

## Purpose and Summary

In order to create a safe and secure workplace and to ensure that University of Arizona employees are qualified to perform the jobs for which the University hires them, the University will conduct pre-employment screening, including criminal background checks, on all finalists.

## Scope

All employment offers are contingent upon the finalist's successful completion of the applicable pre-employment screening process as defined here.

## Definitions

**“Criminal Record Background Check”** includes checks of motor vehicle license, court records, and criminal convictions based on identification and personal information provided by the finalist.

**“Finalist”** means any person in the group of individuals actually submitted to the hiring official for selection as a new hire, or any employee of a university who seeks a transfer, a reclassification, or a reassignment.

**“Fingerprint-Based Criminal Record Background Check”** includes state and nationwide checks for criminal convictions based on the finalist's fingerprints.

**“Security- or Safety-Sensitive Position”** means any position designated as a Security- or Safety-Sensitive position by a university due to applicable federal or state law or pursuant to rules or policies adopted by the Arizona Board of Regents or the University. These include, but are not limited to, the following types of positions:

- University administrators and others with significant financial oversight responsibilities (president; provost; vice provosts; deans; vice presidents; assistant and associate vice provosts, vice presidents, and deans; department heads; department directors; and business managers).
- Positions that have unsupervised contact with minors who are not enrolled students of the University.
- Positions that have direct access to Select Agents, as defined by the USA PATRIOT Act of 2001 and the Public Health Security and Bioterrorism Preparedness Response Act of 2002, except where excluded by law because the Principal Investigator does not, at any time, exceed the Select Agent regulatory threshold quantities specified under the applicable regulations.
- Positions with unrestricted access to residence hall rooms.
- Other positions designated by a dean or vice president as Security- or Safety-Sensitive. A dean or vice president may designate a position Security- or Safety-Sensitive by notifying and justifying to the Vice President & Chief Human Resources Officer that the position's responsibilities may expose the University to significant liability. The CHRO may consult with knowledgeable subject experts as appropriate to the circumstances of the proposed hire.
- Employees of the University of Arizona Police Department (UAPD). Pre-employment screening for these individuals shall be conducted in accordance with UAPD hiring protocols.

## **Policy**

### **Standard Pre-Employment Screening**

Prior to extending an offer of employment (including internal hires), the hiring authority or a designee will check and verify the following information:

- Professional references
- Educational credentials
- Employment history and past performance
- Professional license or certification (if required)

The Division of Human Resources will arrange the following records checks:

- Motor vehicle
- Criminal background
- Commercial driver's license (if applicable)

## **Criminal Background Check Application**

A fingerprint-based criminal record background check is conducted on all finalists, both internal and external, for Security- or Safety-Sensitive positions, and on all finalists who have disclosed a prior felony conviction on pre-employment forms.

A name-based criminal record background check is conducted on all finalists, both internal and external, for all other positions.

When a finalist for a change of position (such as reclassification, promotion, transfer, or other similar change) or a finalist previously employed by the University has had a criminal background check within the past 12 months equal to the criminal background check required of the new position, Human Resources may exempt the department from conducting a duplicate check at the time of the internal change or rehire.

## **Background Checks for Non-Employees**

Currently, the University is not required to conduct criminal background checks on undergraduate and graduate student workers, affiliates, associates, or volunteers, unless such individuals perform a Security- or Safety-Sensitive job. Health sciences students, however, may be required to submit to criminal background checks in order to participate in training programs at University-affiliated institutions, under policies and procedures in effect at those institutions.

## **Compliance and Responsibilities**

The Division of Human Resources coordinates all criminal and motor vehicle records checks and the resulting reports. In considering whether to hire a finalist who has been convicted of a criminal offense, the University will consider the following factors:

- The relevance of a criminal conviction to job duties
- The date of the most recent offense and employment history since the commission of the crime
- The nature of the offense
- The accuracy of the information the finalist provided on pre-employment forms.
- If the felony occurred when the individual was a minor, consideration will be given to whether the minor was treated as an adult for purposes of prosecution.

Any material misrepresentation or omission on any employment application materials, including but not limited to the job application, résumé, or vita, may be grounds for rejection of the application or termination of any subsequent employment with the University.

## **Compliance with the Fair Credit Reporting Act**

In some cases, an outside vendor may uncover information that may disqualify a finalist from employment consideration. In such a case, the University will notify the finalist of the information and provide a minimum of five days for the finalist to refute, explain, or correct the information.

## **Record Retention**

The Division of Human Resources manages and retains criminal pre-employment screening information. Information collected on successful finalists is stored separately from the official employee files. Documents related to pre-employment screening information collected by hiring departments are filed and maintained in the departments and destroyed after three years, in accordance with the State of Arizona Records Retention Schedule.

## Information Release

Criminal history record information is regarded as confidential and will be released only consistent with applicable law.

## Related Information\*

[Pre-Employment Screening and Background Checking Procedures](#) [2]

[Arizona Board of Regents Policy 6-709](#) [3]

[Arizona Revised Statutes § 15-1649](#) [4]

## Revision History\*

Non-substantive title update February 12, 2020

Revised January 30, 2015, to reflect removal of criminal convictions question from employment application

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**Source URL:** <https://policy.arizona.edu/human-resources/pre-employment-screening-policy>

### Links

[1] <mailto:hradmin@email.arizona.edu>

[2] <https://hr.arizona.edu/supervisors/recruitment/background-checks>

[3] <https://public.azregents.edu/Policy%20Manual/6-709-Mandatory%20Background%20Checks-Employees-Process%20for%20Hiring-Retaining-Termination%20Employees%20Convicted-Felony%20Offense.pdf>

[4] <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/01649.htm>