I. Policy

A. In an effort to provide the safest possible environment for our campus community, CSU Chico shall conduct criminal records checks on applicants as described in this Policy.

B. Policy Scope

1. The criminal records check will be conducted via LiveScan.

2. This program applies to all new employees for permanent or temporary positions. Also included are current employees who are applicants for MPP positions at a time base of .5 or greater.

3. Employees of the Department of Public Safety are covered under a separate recruitment program (including California Peace Officer Standards and Training) and different background checking requirements shall apply.

4. The University reserves the right to require a background check for any volunteer employee of the University.

II. Procedure - Responsible Parties

A. Hiring Department

1. Notifies Faculty Affairs/Human Resources Services Center that a final candidate(s) have been selected or a candidate is in Chico for an interview and the Department wants the criminal records check conducted while the candidate is in Chico.

2. The cost of the LiveScan will be borne by the hiring department.

B. University Police Department


2. Notifies the Human Resources Service Center/Faculty Affairs when there is a finding of concern.

3. Upon request provides the subjects of the criminal record checks with the forms needed to either request a summary of their record check results or to appeal to the DOJ regarding findings.

4. The University Police Department (UPD) shall securely store all LiveScan results and committee actions.

C. Human Resources Service Center and/or Faculty Affairs

1. Assures that all postings indicate the criminal record check requirement, the candidates have been informed about the criminal records screening requirement, and the forms are provided to the finalist(s) who will undergo the LiveScan process.
2. Human Resources Service Center/Faculty Affairs convenes the Background Verification Committee when there is a finding of concern.

3. Maintains confidentiality of criminal record check information.

4. Notifies the hiring department when a candidate is disqualified for hire.

5. Provides feedback to candidates/employees whenever there is a finding and the Background Verification Committee disqualifies the candidate/employee based on those results.

D. Background Verification Committee

1. Is appointed by the President or the President’s designee.

2. Initially this Committee shall be comprised of two or more of the following people, as appropriate:

   Assistant Vice President of Human Resources
   Campus Risk Manager
   Campus Chief of Police
   Director of Labor Relations
   Assistant Vice President for Faculty Affairs

3. Is charged with the responsibility of determining the suitability of candidates that have results of concern from the LiveScan criminal background check.

III. LiveScan Procedure

A. Notice - Job announcements shall include a statement indicating that candidates are subject to a criminal records check.

B. Release Form - The candidate shall be provided a release form for the criminal background check to sign and return prior to the initiation of the check. Said release will also contain the procedure an applicant/employee may use to challenge the accuracy of a background check report. Refusal to sign the release form constitutes a voluntary withdrawal of candidacy.

C. The Human Resources Services Center/Faculty Affairs in conjunction with the hiring department will determine when to conduct the criminal records check. The LiveScan screening may be conducted when:

   1. The applicant is the first choice for employment; or
   2. The Department elects to screen the final or top candidates for the position; or
   3. The applicant is not from the immediate area and is in Chico for the interview.

D. In most cases offers of employment are not to be made prior to receiving the results of the LiveScan. If circumstances require that an offer or decision be made before the completion of the investigation, the offer must be in writing and state that the offer is contingent on the completion of a satisfactory criminal records investigation.
E. Under no circumstances are applicants to be hired or to start working prior to receiving the results of the LiveScan.

F. The Human Resources Service Center or the Office of Faculty Affairs will inform the department and the candidate when we will not be offering the candidate the position.

### IV. Procedure – LiveScan Report Findings

A. If LiveScan reports a felony conviction or misdemeanors that may be related to the employee’s position, the University Police Department will call the Human Resources Services Center or Faculty Affairs to schedule a meeting of the Background Verification Committee to review the results.

B. The Committee’s decisions will be based on factors that include:

- Seriousness of the crime (felony/misdemeanor);
- The type of crime (theft, violence, etc.);
- The relationship between the job duties and the crime;
- The age of the candidate when the crime occurred;
- The number of years since the crime occurred;
- The number of criminal convictions; and
- Whether or not the candidate revealed the conviction on the employment application.

C. If LiveScan reveals a conviction relevant to the position, the candidate may be disqualified from employment consideration.

D. If the candidate has a criminal case pending, the candidate may not be denied employment. However, employment conditions may be imposed, and the candidate’s suitability for employment may be reviewed upon disposition of the case.

E. These guidelines do not automatically exclude a candidate with convictions from consideration for employment.

F. CSU, Chico shall in no way use this information to discriminate on the basis of race, religion, ancestry, color, sex, sexual orientation, gender identity, age, physical disability, mental disability, veteran status, marital status, pregnancy, medical condition and/or national origin.

G. The University recognizes that its need to investigate a candidate’s background must be balanced with the need to protect privacy. University policy and state and federal laws recognize the individual’s right to privacy and prohibit campus employees and others from seeking, using, and disclosing personal information except within the scope of their assigned duties.

H. Candidates who have been disqualified from employment or an MPP position may be afforded an opportunity to present factual information regarding the accuracy of the LiveScan report. The Background Verification Committee will take the information presented into consideration.

I. The candidate (applicant) may request a summary of the background check from the Department of Justice within thirty (30) days of receipt of a notice that the background check has been completed.