I. Purpose of the Policy

To protect the campus community and its assets, it is the responsibility of the University to ensure that individuals applying for or assigned to certain campus positions have no history of criminal behavior which would render them unsuitable for employment. Although this is no guarantee against criminal acts, it may reduce the likelihood of crime, and may reduce the campus’s liability in the event a crime occurs. It also helps protect hiring departments from the possibility of lawsuits, which exact a heavy cost in time and morale, and from the cost of embezzlement (the University’s Employee Dishonesty Insurance Policy has a deductible of $1 million, meaning anything less that that is paid by the department). Additional background checks may be warranted such as drug testing, review of DMV record and/or verification of license, certification and/or degree. All critical duties must be withheld until all required background checks are complete.

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

II. Definitions

A. California Department of Justice (DOJ) Rap Sheet: A summary of an individual’s criminal history maintained by the California Attorney General’s Office.

B. Criminal Conviction: Judgment of a jury or judge that a person is guilty of a crime as charged.

C. Critical Position: A job with responsibilities that can be criminally abused at great harm to the campus community and/or general public as described in UC policy PPSM 21.E- Appointment.

D. Department of Motor Vehicles Employer Pull Notice (EPN) Program: A service offered by DMV which provides employers and regulatory agencies with a means for promoting driver safety through the ongoing review of driving records. The employer automatically receives a driving record when any of the following activities occur: accidents, convictions, failures to appear in court, and license suspensions or revocations.
E. **Fiduciary Responsibility:** Responsibility for the custody or administration, or both, of property (including cash) belonging to the University.

F. **Live Scan Criminal Background Check:** A process by which an individual’s fingerprints are captured electronically and used by the California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) to determine whether an applicant, employee or volunteer has a criminal history.

G. **Master Key Access:** Possession of a mechanical device, such as a key or card, allowing entry to all or many parts of a facility.

H. **Office of Record:** The office having responsibility for responding to information requests, meeting reporting requirements, responding to audits, and retaining records for specific types of data.

I. **Personally Identifiable Information:** Information that identifies or describes an individual, including but not limited to name, address, telephone number, family members, Social Security Number, credit card number, and personal characteristics that would make the individual’s identity easily discoverable.

J. **Suitability for Employment:** Meeting or exceeding the criteria for a position.

### III. Policy Summary

Background checks are required for individuals under consideration for hire or appointment into critical staff and student employment and volunteer positions; current employees who are reclassified, transferred, demoted or promoted into critical positions; current employees and volunteers who are assigned duties such that their positions are designated as critical. Critical position designation must be in accordance with the UC [Critical Functions Guide](https://www.ucsc.edu/about/diversity-equality-and-inclusion/critical-functions-guide).

Background checks may include but are not limited to:
- review of an individual’s criminal conviction history;
- review of DMV records;
- initial and on-going drug tests (as required under Dept. of Transportation guidelines);
- verification of required license, certification or degree.

Information obtained during the background check will be used to determine an individual’s suitability for employment in a critical position.
A criminal history background check should be initiated prior to employment, but no more than five business days after a new or rehired employee’s hire date. Candidates under consideration for employment may request that the check be completed prior to employment. When the individual is already an employee in the UC system, the criminal history background check must be completed (including, when appropriate, a review and determination by the Criminal Background Check Review Committee of suitability for employment) before the individual can begin working in the critical position.

All University Police Department employees including Police Officers and Public Safety Dispatchers must follow the mandates of the State of California as a condition of employment. These mandates require a more extensive background investigation process administered by the Campus Police Department.

The California Department of Motor Vehicles Employer Pull Notice Program is covered under separate procedures administered by the Campus Transit Manager.

Refer to provisions of existing collective bargaining agreements for exceptions to the background check policy.

Reference checks including confirmation of required educational standing and verification of prior employment must be conducted for all selected candidates including those being hired or appointed into critical positions.

IV. Procedures

A. DETERMINING CRITICAL POSITIONS

Critical position designation is in accordance with the UC Critical Functions Guide. Staff Human Resources will determine critical position designation for all staff and student positions. Managers and supervisors are responsible for critical designation of volunteer assignments. Final determination may require consultation with the manager or supervisor, and other relevant campus units. Critical positions subject to background check(s) involve one or more of the following responsibilities:

1. Master key access to residence and other facilities;
2. Direct responsibility for the care, safety and security of humans or animals; or the safety of personal and University property;
3. Direct access to or responsibility for cash and cash equivalents (e.g. checks, credit card receipts) or University property disbursements or receipt;
4. Direct access to or responsibility for controlled substances or hazardous materials;
5. Extensive authority for committing the financial resources of the University;
6. Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury, or health problems;
7. Requirement of a professional license, certificate or degree, the absence of which would expose the University to legal liability and/or adverse public reaction;
8. Direct access to and/or responsibility for information affecting national security;
9. Direct access to and/or responsibility for protected, personal, or other sensitive data.

Required background checks should be noted on the job description and other relevant documentation (e.g., EAR form, RMS Recruitment Worksheet).

B. CONDUCTING A CRIMINAL BACKGROUND CHECK

A criminal history background check is conducted through the California Department of Justice (DOJ) Live Scan System. DOJ uses fingerprints and other key data points to gather state criminal conviction information going back to age 18 or younger where possible. A DOJ FBI check is also required when the individual has resided outside of California within the last 10 years.

The DOJ Live Scan services are provided by UCSC Mail Services on a walk-in or appointment basis. Live Scan results are processed by SHR Employment. Detailed procedures are available at, http://shr.ucsc.edu/shr-procedures/section-c/c19_livescanguide.pdf

The unit authorizes UCSC Mail Services to initiate a California Department of Justice (DOJ) Live Scan Background Check prior to or concurrent with the personnel action (hiring, transfer, promotion, reclassification, or reassignment of job duties) of an individual. Under no circumstances should a criminal background check be initiated more than five business days after a new or rehired employee’s hire date. Candidates under consideration for employment may request that background check(s) be completed prior to employment. When the individual is already an employee in the UC system, the criminal background check must be completed (including, when appropriate, a review and determination by the Criminal Background Check Review Committee of suitability for employment) before the individual begins working in the critical position. An employee’s probationary period should be extended when the completion of a criminal history background check is delayed. All critical duties must be withheld until all required background checks are complete.

The unit must notify the individual under consideration that the offer of any personnel action (employment, transfer, promotion, reclassification, or
reassignment) or volunteer assignment is conditional upon the University’s determination that the individual has successfully completed the criminal background check. The notification must include a warning that falsification of information submitted on University application materials is cause for corrective action up to and including dismissal.

Performing a criminal background check does not relieve the unit of its obligation to perform reference checks, verify prior employment, or conduct any other background check required by law or University policy.

C. WHEN A CRIMINAL BACKGROUND CHECK REVEALS CONVICTIONS

A Criminal Background Check Review Committee consisting of the Associate Vice Chancellor-Risk and Safety Services, Assistant Vice Chancellor-Staff Human Resources, and the Campus Controller will be notified when criminal background checks results contain conviction history. The Committee will review the results and make a final determination regarding the individual’s suitability of employment for specific positions. The Committee will complete its review within ten business days of receiving notification from DOJ or other authorized agency. The Review Committee may recommend implementation of additional controls before a unit can employ an individual with a conviction. Only criminal convictions will be considered in determining an individual’s suitability for employment. Detention and/or arrest without conviction does not constitute valid grounds for employment decisions and cannot play a part in the decision-making process.

However, if an individual has a criminal case pending, his or her suitability for continued employment may be reviewed upon disposition of the case. Certain types of convictions will automatically preclude appointment into a critical position. For example, individuals with convictions for embezzlement, identity theft, or fraud will not be hired into positions with fiduciary responsibilities. Convictions for child molestation and other sex offenses will automatically preclude an individual from employment that involves direct unsupervised contact with students and/or minors, outreach programs, or access to residence facilities. Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs, may also be grounds for denial of employment or appointment into a critical position. The above list is not inclusive, but is intended to illustrate the decision-making criteria. Moreover, nothing precludes the University from considering the above convictions when determining suitability of employment for other types of positions.

In determining an individual’s suitability for employment or change in job duties where the individual under consideration has convictions, the Committee will consider among other relevant factors, the specific duties of the position, the number of offenses and circumstances of each, age of the conviction, employment history and whether the offenses were disclosed on the application.
An individual who disputes the accuracy of the information obtained in a criminal history background check will be referred to the California DOJ so that they can initiate a Claim of Alleged Inaccuracy or Incompleteness (Form BCII 8706). They will be required to state the basis for the claim and include any available proof or corroboration to substantiate their claim. Such a dispute will not necessarily impact the hiring process.

V. Responsibilities

A. Manager/Supervisor:

1. Provide job related information to Staff Human Resources which will be used to assess critical position designation for staff and student positions.

2. Ensure critical position designation is appropriately identified on relevant documents (e.g., EAR form, RMS Recruitment Worksheet). This includes all staff and student employment and volunteer positions.

3. Ensure all background checks for a current employee are complete prior to the transfer, promotion, demotion, reclassification or reassignment of critical duties. Under no circumstances should critical duties be assigned until all required background checks are complete.

4. Ensure that candidates under consideration for employment are aware of their right to request that the background check be completed prior to hire.

5. Ensure that a volunteer, new or rehired employee’s background check is initiated prior to assignment or employment, but no more than five business days after the start date.

6. Ensure that an employee’s probationary period is extended when the completion of a criminal history background check is delayed and that all critical duties are withheld until the background check is complete.

7. Notify the individual under consideration for a critical position that an offer of any personnel action (employment, transfer, promotion, reclassification, or change in duties) is contingent upon the University’s determination that the individual has successfully completed all background checks, and that falsification of information submitted on University application materials may be cause for corrective action up to and including dismissal.

8. Notify Staff Human Resources Employment Office when an individual no longer holds a critical position.

9. Maintain security and confidentiality of background check information and documentation.

10. Pay a recharge to the UCSC Mail Services for processing of criminal background checks.

11. Ensure that employees who routinely drive University vehicles as part of their job are enrolled in the DMV Employer Pull Notice (EPN) Program. This is in accordance with Section III.C.5 of Business and Finance Bulletin 46, “Use of University Vehicles.”
B. Applicant/Employee:
1. Complete and sign a UCSC employment application prior to initiation of a background check. Falsification of information submitted on application materials may be cause for disciplinary action up to and including dismissal.
2. Timely completion of the DOJ Live Scan fingerprinting process facilitated by Campus Mail Services.
3. Report any subsequent convictions to his/her direct supervisor. Failure to do so may be sufficient reason to take disciplinary action up to and including dismissal.

C. Volunteer:
1. Timely completion of the DOJ Live Scan fingerprinting process.
2. Report any subsequent convictions to his/her direct supervisor. Failure to do so may be sufficient reason to take disciplinary action up to and including dismissal.

D. Staff Human Resources:
1. Provide background check policy interpretation.
2. Ensure appropriate critical position designation for staff and student positions.
3. Ensure job announcements for critical positions include notification of applicable background check requirements.
4. Ensure formal job offers for critical positions include contingency notification.
5. Confirm completion of criminal history background check. The Employment Manager will inform the individual and the Manager/Supervisor when conviction information disqualifies them from employment in a critical position.
6. Update Employee Background Check Screen (EBCC) in the Payroll/Personnel System (PPS) upon completion of background checks.
7. Ensure campus compliance with DOJ No Longer Interested program.
8. Maintain security and confidentiality of background check information and documentation.
9. Serve as the Office of Record for criminal history background check files.

E. UCSC Mail Services:
1. Ensure timely processing of DOJ Live Scan service requests.
2. Recharge the campus unit for Live Scan services at a rate approved by the UCSC Recharge Committee.
3. Notify the campus when recharge rates change.
4. Maintain security and confidentiality of background check information and documentation.
F. Criminal Background Check Review Committee:

1. Review criminal background checks which reveal convictions and determine within ten business days whether such convictions disqualify an individual from holding a critical position.
2. Determine appropriate action when an applicant falsifies or fails to disclose information in University application materials.

G. UCSC Transit Services:

1. Upon request from the manager or supervisor, enroll an employee who routinely drives a campus vehicle on university business in the DMV Employer Pull Notice (EPN) Program.

VI. Getting Help

The campus Staff Human Resources Office provides training and assistance to campus units (including help in completing forms, carrying out procedures, or interpreting policy).

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<thead>
<tr>
<th>If you need help with ...</th>
<th>Contact ...</th>
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<tbody>
<tr>
<td>Critical position designation.</td>
<td>Staff Human Resources, Compensation</td>
</tr>
<tr>
<td>Policy interpretation.</td>
<td>Lori Castro, SHR Employment Manager; 459-2960 or <a href="mailto:lhcastro@ucsc.edu">lhcastro@ucsc.edu</a></td>
</tr>
<tr>
<td>Criminal history background check procedure.</td>
<td>Lori Castro, SHR Employment Manager; 459-2960 or <a href="mailto:lhcastro@ucsc.edu">lhcastro@ucsc.edu</a></td>
</tr>
<tr>
<td>Department of Motor Vehicles Pull Notice program.</td>
<td>UCSC Transit Manager; 459-4206.</td>
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VII. Applicability and Authority

This policy should be read by:
- Vice Chancellors, Deans, Directors, and Unit Heads;
- Managers, supervisors, and anyone else hiring or appointing staff or student employees, or assigning volunteers to positions that require a background check;
- Individuals holding or applying for positions that require a background check.

This policy does not apply to employees in academic titles, except for the responsibilities of academic employees who manage/supervise a covered employee.
This policy replaces UCSC Policy and Procedures for Conduction of Background Investigations, dated 11/1/1997.

The Staff Human Resources unit within Business and Administrative Services (BAS) Division is the campus authority for the Background Check policy. This policy was reviewed and approved by Executive Vice Chancellor, Galloway on x/x/20xx. Next review date is x/x/20xx.

VIII. Related Policies/References for More Information

Related Policies and Procedures

University of California
PPSM 21, Appointment
PPSM 21.E, Appointment – Critical Functions Guideline
Business and Finance Bulletin 46, Use of University Vehicles
Business and Finance Bulletin IS-3, Electronic Information Security
Business and Finance Bulletin BUS-49, Cashiering Responsibilities and Guidelines
UCOP RMP-8, Legal Requirements on Privacy of and Access to Information

University of California Santa Cruz
A.1 Recruitment
A.10 Volunteers
A.15 Classification/Reclassification
UC Policies & Collective Bargaining Agreements
SPS001, Key Control and Access

References
DMV Employer Pull Notice (EPN) Program
Guide for Writing Effective Job Descriptions
State of California Department of Justice – Background Checks
Frequently Asked Questions (To be developed)

Implementation Procedures
[To be developed]

Related Forms
Background Investigation Request (BIR)
Live Scan Service Request
Background Investigation No Longer Interested (NLI) Form