



CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

BACKGROUND CHECK POLICY

Each CSU campus is responsible for establishing campus requirements for background checks for applicants and university employees, as appropriate, to help protect the campus community and its assets. The University needs to ensure that individuals assigned to certain campus positions (example: cash handlers, police officers, child care workers, individuals working with minors, and individuals with access to personal information) do not have a history of criminal behavior relevant to their employment. While this is not a guarantee against criminal acts, it reduces the likelihood of crime, and may reduce the campus's liability if a crime occurs.

The campus recognizes that its need to investigate an employees' criminal history must be balanced with the need to protect those employees' privacy. University policy, along with 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.

Criminal background checks are required for job applicants seeking certain sensitive positions. They are not required for any person who is a current CSU employee at the time this policy goes into effect.

The Office of Human Resources is responsible for initiating and coordinating the background check. If the background check reveals a conviction relevant to the sensitive position, the individual may be disqualified from holding the sensitive position. In making such a decision, the campus will consider the nature of the crime, the job for which the applicant is being considered, when the crime and the conviction occurred and the applicant's conduct, performance and/or rehabilitation efforts given.

POSITIONS SUBJECT TO BACKGROUND CHECKING

The campus president, or designee, shall determine whether a position is a sensitive position that requires a background check. Such positions may involve, but are not limited to, those which have:

- responsibility for the care, safety and security of people, including children and minors, or property.
- direct access to, or control over, cash, checks, credit cards, and/or credit card account information.
- authority to commit financial resources of the university through contracts greater than \$5,000.
- control over campus business processes, either through functional roles or system security access.
- access to detailed personally identifiable information about students, faculty, staff or alumni, which might enable identify theft.
- access to controlled substance.
- possession of building master or sub-master keys for building access, if they have 24 hour keys.

These positions include permanent, temporary, hourly intermittent, student and volunteer positions.

RESPONSIBILITIES

The Office of Human Resources, in consultation with the hiring department, determines whether a position should be designated as sensitive and will document that information on the Job Announcement and advertisements for staff and management positions. For academic positions, this determination should be made in consultation with the hiring department and the Office of the Vice President for Academic Affairs. The requirement for a background check shall be noted on their position announcement and advertisements.

After the employment determination is made to hire a job applicant, the Office of Human Resources or the Office of the Vice President for Academic Affairs, as appropriate, will contact the applicant and provide a conditional offer based on successful passing of the background check. The background check may include one, two or all three of the following reports: DMV check, credit report, and/or fingerprinting through California Department of Justice and the FBI, including a check of the Sex Offenders Registry website.

CREDIT CHECKS

The campus may consider credit history reports for individuals who can affect the institution financially. This may include individuals in accounting functions, but may also include individuals who, for example, have a certain credit limit on a procurement card. Credit reports and companies that compile reports are governed in California by the Consumer Credit Reporting Agencies Act (CCRAA). The CCRAA allows the employer to obtain a copy of an individual's credit report for employment purposes. Job applicants are entitled to prior notice if the campus intends to obtain a credit report. Written authorization from the applicant is required before the campus may procure the report. The campus will provide a letter to the applicant containing the notice and other information required by the CCRAA. The applicant is also entitled to receive a copy of the report and notice of any adverse action resulting from the report.

FINGERPRINTING

Applicants who have been determined to require fingerprinting will be contacted by the Office of Human Resources when an appointment for Live Scan has been made. The individual will have their fingerprints taken through Live Scan which electronically transmits the fingerprints to the California Department of Justice and the FBI. Processing usually takes up to five (5) working days. At times, the processing can be delayed. Employment, generally, may not begin prior to HR receiving the results of the fingerprinting. If an exception is made and employment begins prior to the results being received, employment will be conditional, based on successfully passing this requirement.

The Human Resources Department will receive the results of the Live Scan and will contact the individual and the hiring department to complete the employment transaction if the results show no convictions. If the results show that convictions exist, the Human

Resources Department will receive legal consultation to determine the disposition of the results. The department and individual will be appropriately notified. The specific information provided through Live Scan will be treated confidentially.

The job applicant must pay \$12 cash at the time of the Live Scan processing. The hiring department will reimburse the \$12 from its petty account to the individual for the expenses of the transaction. Subsequently, the campus is charged by the agency conducting the scan and that amount will be charged to the employing department.

In addition, the Human Resources Department will check the Sex Offenders Registry website.

DEPARTMENT OF MOTOR VEHICLE (DMV) CHECKS

The campus shall perform verification of a valid motor vehicles license, generally a California driver's license, for each applicant who will drive, as a part of his/her university duties. The license must be appropriate to the vehicle operated (e.g., a bus driver has a special license). In certain cases, including but not limited to applicants whose primary responsibility will be driving or applicants who will routinely transport groups of students, faculty or staff, a more thorough Department of Motor Vehicle check may be conducted, as determined appropriate by the campus.

All prospective applicants who are likely to drive more that one (1) time a month once employed with the university, will be required to complete the campus' Defensive Driving Program in order to receive travel claim reimbursement. Each employee's DMV record will be pulled at that time, prior to the certificate being issued. The State Defensive Driving Permit must be renewed every three (3) years.

- Only criminal convictions will be considered in determining an individual's suitability for employment. Detention and/or arrest without conviction do 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 hiring or promotion into a sensitive position. For example, individuals with convictions for theft, embezzlement, identity theft, or fraud cannot 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, 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. The above list is not inclusive, but is intended to illustrate the decision-making criteria.
- In determining an individual's suitability for employment where the individual under consideration has convictions, the Human Resources Department will consider the specific duties of the position, the number of offenses and circumstances of each, and whether the offenses were disclosed on the application.
- The Human Resources Department will notify all subjects of the results of their background check. If the results of the background check preclude an individual from employment, the Human Resources Department will disclose to the subject the date(s) and the types of conviction(s) found in the background check.
- Copies of DOJ "rap sheets" do not have to be provided to the subject under the California Investigative Consumer Reporting Agencies Act. Subjects of background checks are, however, entitled to receive a summary of the background check from the Human Resources Department regardless of the results of the check. The Human Resources Department will provide subjects of background checks with information regarding how they can obtain the same information directly from the DOJ.
- **The Human Resources Department will give written notice and the name of the agency that conducted the background check to the individual when employment is denied based on information received from an outside reporting agency, as required by the Fair Credit Reporting Act (FCRA), which also covers background checks.**
- The Human Resources Department will serve as the Office of Record for background check results. In the case of background checks completed for prospective University police officers, the Office of Human Resources will maintain the files for the positions of Chief and Lieutenant, while the department will retain the backgrounds for all other positions.



CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

Applicant/Employee Disclosure Statement FCRA – ICRA

In connection with your application for employment at the University, a consumer report or an investigative consumer report may be obtained. The University will determine in its sole discretion which positions require background checks. The consumer report or investigative consumer report will be used for employment purposes: to evaluate an individual for employment as an employee. The University will obtain any such reports from credit reporting firms, Department of Justice, FBI, DMV.

The background check may include information concerning your employment history, education, qualifications, motor vehicle record, character, general reputation, personal characteristics, social security verification, police and criminal records, civil records, workers' compensation claims, credit and indebtedness history, and mode of living, and may be obtained from public records, through personal interviews with your neighbors, friends, or associates or with others with whom you are acquainted or who may have knowledge concerning the above items of information, in compliance with applicable law.

Attached to this Disclosure Statement are: (1) a summary of your rights under the federal Fair Credit Reporting Act (FCRA); and, (2) a summary of the provisions of Civil Code § 1786.22, a section of the California Investigative Consumer Reporting Agencies Act (ICRA) that sets forth certain duties of investigative consumer reporting agencies to provide you with files and information.

You must acknowledge below receipt of this Disclosure Statement. You must also authorize in writing the procurement of the consumer report or investigative consumer report before such a report may be obtained. A separate authorization form is attached.

I hereby acknowledge that I have received the Applicant/Employee Disclosure Statement, FCRA – ICRA .

Signature: _____ Date: _____



CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

THE FAIR CREDIT REPORTING ACT (FCRA) A SUMMARY OF YOUR RIGHTS

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every “consumer reporting agency” (CRA). Most CRAs are credit bureaus that gather and sell information about you – such as if you pay your bills on time or filed bankruptcy – to creditors, employers, landlords, and other businesses. CRAs also gather information supplied by public record sources – such as information contained in criminal records and driving records – for the use of employers and others. You can find the complete text of the FCRA, 15 U.S.C. §§1681 – 1681 u, at the Federal Trade Commission’s web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

You must be told if information in your file has been used against you. Anyone who uses information from a CRA to take action against you – such as denying an application for credit, insurance, or employment – must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.

You can find out what is in your file. At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of the information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. Otherwise, a CRA may charge you up to eight dollars.

You can dispute inaccurate information with the CRA. If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs – to which it has provided the data – of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA’s investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.

Inaccurate information must be corrected or deleted. A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified. If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In-addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.

Outdated information may not be reported. In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.

Access to your file is limited. A CRA may provide information about you only to people with a need recognized by the FCRA – usually to consider an application with a creditor, insurer, employer, landlord, or other business.

Your consent is required for reports that are provided to employers, or reports that contain medical information. A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.

You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers. Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the list indefinitely.

You may seek damages from violators. If a CRA, a user or (in some cases) a provider CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA.



CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

FOR QUESTIONS CONCERNS REGARDING:

Type of Business:	Contact:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission Consumer Response Center – FCRA Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word “National” or initials “N.A.” appear in or after bank’s name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 1-800-613-6743
Federal Reserve System member banks (except national banks and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 (202) 452-3693
Savings associations and federally chartered savings banks (word “Federal” or initials “F.S.B.” appear in federal institution’s name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 1-800-842-6929
Federal credit unions (words “Federal Credit Union” appear in institution’s name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 (703) 519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs 550 17 th Street, N.W. Washington, DC 20429 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 (202) 366-1306
Activities subject to the Parkers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 (202) 720-7051



CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

California Investigative Consumer Reporting Agencies Act (ICRA) A Summary of Your Rights Under California Law

Under California law, you are entitled upon presentation of proper identification* to find out from an investigative consumer reporting agency (CRA) what is in your file, as follows:

1. In person, by visual inspection of your file during normal business hours and on reasonable notice. You may be accompanied by one other person of your choosing, who must furnish reasonable identification. The CRA may require you to furnish a written statement granting permission to the CRA to discuss your file in such person's presence.
2. By obtaining a summary of it via telephone call, if you have made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by you or charged directly to you.
3. By requesting in writing, with proper identification, that a copy of it be sent to a specified addressee by certified mail. The CRA complying with such requests for certified mailings shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the investigative CRA.

The CRA may not charge you more than the actual copying costs for providing you with a copy of your file. The CRA will provide trained personnel to explain any information furnished to you. The CRA will provide a written explanation of any coded information contained in files maintained on you. If you choose to visually inspect the file under option 1 above, this written explanation will be provided whenever the file is provided to you.

* The term "proper identification" as used above shall mean that information generally deemed sufficient to identify a person. Such information includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if the consumer is unable to reasonably identify himself/herself with the information described herein, may an investigative CRA require additional information concerning your employment and personal or family history in order to verify your identity.



CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

Applicant/Employee Authorization FCRA – ICRA

I, _____, hereby authorize California State University, Bakersfield to obtain a consumer report or an investigative consumer report about me from the *Department of Justice, Federal Bureau of Investigation, California Credit Bureau or Department of Motor Vehicles* in connection with the University's assessment and consideration of my application for employment or any of the other purposes described in the Disclosure Statement provided to me by the University. I acknowledge that I have received the Disclosure Statement and have read it and the attachments to it thoroughly.

If you would like to receive a copy of the investigative consumer report, if one is obtained, please check this box and you will be provided a copy within 3 business days of the date it is received by the University. Yes ___ No ___

I hereby authorize and request, without any reservation, any present or former employer, school, police department, financial institution, division of motor vehicle, consumer reporting agencies, or other persons or agencies having knowledge of me to furnish the University and/or *Department of Justice, Federal Bureau of Investigation, California Credit Bureau or Department of Motor Vehicles* with any and all background information in their possession regarding me which may be obtained pursuant to law, in order that my employment qualifications may be evaluated.

I also agree that a fax or photocopy of this authorization with my signature is to be accepted with the same authority as the original.

Signature: _____ Date: _____

