

Background Checks

The CSU has revised and updated/clarified the Background Check Policy. Below is an overview of the campus process related to background checks, which is effective immediately. As always, please contact Human Resources or Faculty Affairs with any questions.

Affected Groups

The policy requires background checks for the following groups:

1. **All new hires** (Staff, Faculty, and MPPs; includes temporary, intermittent, probationary and at-will employees).
2. **Current employees** who;
 - a. voluntarily promote, transfer, or are reassigned into a sensitive position that requires a background check, or
 - b. are under voluntary consideration for positions in which a background check is required by law

Unless they have successfully completed a CSU background check within the past 12 months on our campus.

3. **Rehires:** Any former employee (including a rehired annuitant and temporary faculty member) who is re-appointed to a CSU position after a break in service of twelve (12) months or more and has not had a CSU background check within the past 12 months on our campus.
4. **Student workers:** Student workers are CSU students appointed in CSU non-represented and/or represented student classifications. Their educational relationship with the university is predominant.

A background check is required **ONLY** if the student is being considered for a position in which a background check is **required by law** and if they have not had the specifically required checks within the past 12 months on our campus.

5. **Employees, volunteers, and consultants who work at CSU-hosted recreational camps and clinics on or off campus:**
 - a. In an effort to provide the safest possible environment for minor children, the CSU will conduct a background (fingerprint) check, including criminal records check and sexual offender registry check for all CSU employees, volunteers, and consultants who perform work involving direct contact with minor children at CSU-hosted recreational camps that are operated by the CSU or on CSU property, a CSU auxiliary, or by an outside entity.
 - b. The term “recreational” includes, but is not limited to, sports, dance, academic, and other recreational camps or clinics for minor children hosted by the CSU.

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- c. As part of the agreement to operate on CSU property or under the CSU name, outside entities are responsible for ensuring that the appropriate background checks are completed for its volunteers and employees.
 - d. Bargaining unit employees who have worked in the past or who are currently working with camps and/or clinics on the campus (e.g. youth activities) are subject to this requirement unless they have successfully completed a criminal records check and sexual offender registry check within the past 12 months on our campus.
6. **Employees of Auxiliaries and Outside Entities:** The CSU requires auxiliaries and outside entities that employ individuals in positions who are subject to legal background check requirements and those in positions defined as sensitive by CSU policy to certify that such individuals have completed appropriate background checks.
 7. **Employees of Independent Contractors:** As part of the agreement to operate under the CSU name or on CSU property, independent contractors are responsible for attesting that the appropriate background checks have been completed.

Background Checks Required by Law

These include but are not limited to:

1. Sworn CSU Police Personnel
2. Police Officer Cadets
3. Police Dispatchers
4. Positions with direct contact with minor children at a camp operated by the CSU
5. Positions with access to stored criminal offender record information
6. Positions with access to patients, drugs or medication

The background check requirement will also apply to current CSU employees in positions for which new laws require such background checks.

Sensitive Positions

Whether a CSU position should be considered sensitive is determined by the duties and responsibilities of the position. Sensitive positions are those designated by the CSU as requiring heightened scrutiny of individuals holding the position, based on potential for harm to children, concerns for the safety and security of the people, animals, or property, or heightened risk of financial loss to the CSU or individuals in the university community. The Sensitive Positions grid has been updated and is attached as a separate document.

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Persons Exempt from Background Check Requirements

1. **Student Workers**: are exempt unless being considered for a position in which a background check is required by law.
2. **Student Activities**: Students participating in activities associated with service learning, community engagement, student clubs, student government, internships, field-trips, and other similar curricular or co-curricular activities are subject to separate regulations and policies and are not included under this policy.
3. **Volunteers**: are exempt unless performing duties for which a background check is required by law.
4. **Faculty Participants in Faculty Early Retirement Program (FERP)**: Participants who enter the Faculty Early Retirement Program are not subject to background check requirements for the duration of the FERP appointment, unless they are moved into a sensitive position that would otherwise require a background check.
5. **Employees Re-appointed to the Same Class & Campus Within Twelve (12) Months** shall not be treated as a rehire as defined on page 1, and therefore will not be required to undergo a background check
6. **Individuals who provide one-time services (e.g., public talks, guest lectures, conference presentations, workshop facilitations)** are exempt from the background check requirement. These activities are typically non-sensitive and provide low levels of risk to the organization,

Type of Background Checks

Depending on the status of the applicant (new hire or rehire) and the nature of the position, the following background checks will be conducted.

Required Background Checks

- Employment Verification – for the previous five (5) years
- Education – as appropriate to the position. Official transcripts may be required
- Reference Checks – Utilizing a standardized inquiry, the campus will obtain three (3) references
- Criminal Records Checks – the campus will perform criminal records check
- Fingerprints – fingerprinting is required for all employees/volunteers who have direct contact with minor children

Checks that May Be Done if Job-Related

- Credit Report History Check
- Motor Vehicle Records/Licensing Check
- State/National Sexual Offender Registry Check – for all employment positions with regular or direct contact with minors. CSU may conduct periodic sexual offender registry checks.
- Professional Licensing, Certification and/or Credential Verification

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Communication

Position Descriptions should reference the background check requirements in the qualifications. **All advertisements, notices, and postings must also state:**

A background check (including a criminal records check) must be completed satisfactorily before any candidate can be offered a position with the CSU. Failure to satisfactorily complete the background check may affect the application status of applicants or continued employment of current CSU employees who apply for the position.

All background checks must be completed before an appointment is finalized and the candidate, including one who is a current employee, or volunteer begins work in the new position or assignment.

Questions

Any questions regarding the CSU Background Check Policy or our campus process should be directed to Human Resources, Faculty Affairs, or Procurement as indicated below.

1. The **Office of Human Resources** will coordinate background checks for the following groups:
 - MPPs
 - Staff
 - Auxiliary
 - Foundation
 - Non-Unit 11 student employees
 - Volunteers
 - Special Consultants

2. The **Office of Faculty Affairs** will coordinate background checks for the following groups:
 - Unit 3 employees
 - Unit 11 employees

3. **Procurement** will work with departments to ensure that independent contractors provide verification that they have completed all required background checks.

Considerations for Sensitive Positions

Key Duties & Responsibilities	Examples of Occupation/Position	Examples of Major Position Functions or Tasks
Responsibility for the care, safety and security of people (including children and minors), animals	<ul style="list-style-type: none"> • Childcare services personnel¹ • Coaches¹ • Camp and Clinic Staff¹ • Counseling Services • Health Care Services • Public Safety Services • Recreational related services • Healthcare Professionals 	<ul style="list-style-type: none"> • Provides services for and/or directly works with children and minors • Provides student and employee psychological counseling services • Provides health care and related services • Provides services for and/or work with animals
Authority to commit financial resources of the university through contracts greater than \$10,000	<ul style="list-style-type: none"> • Contracts and Procurement Managers and Staff • Buyers • Controllers • Financial Managers • Administrative Managers 	<ul style="list-style-type: none"> • Approves contracts • Approves bids and RFP's • Approves vendors & products • Approves payments • Ability to commit funds and services for programs and projects
Access to, or control on a regular basis of amounts greater than \$10,000 in cash, checks, credit cards and/or credit card account information	<ul style="list-style-type: none"> • Business and Accounting Managers and staff • Procurement • Collections • Cashiers 	<ul style="list-style-type: none"> • Transfers, withdraws, and/or deposits money • Uses a company-issued credit card to purchase items • Handling/receipt of funds
Possession of building master or sub-master keys for building access, or unsupervised access to CSU property	<ul style="list-style-type: none"> • Building Engineers • Facilities Personnel • Custodians • Locksmiths • Maintenance Personnel • Other employees who have access to master or sub-master keys for building access 	<ul style="list-style-type: none"> • Enters workspaces for maintenance or repair of equipment • Works in residences and other facilities for ongoing maintenance • Maintains building security • Enters facilities for installation and/or cleaning
Access to controlled or hazardous substances	<ul style="list-style-type: none"> • Pharmaceutical Personnel • Healthcare Professionals • Custodians • Employees with access to hazardous chemicals or controlled substances 	<ul style="list-style-type: none"> • Dispenses prescription medication • Maintains drug formulary • Duties requiring access to controlled substances • Uses hazardous chemicals
Access to and responsibility for detailed personally identifiable information about students, faculty, staff or alumni as defined in CSU Information Security Standards	<ul style="list-style-type: none"> • Auditors • HR and Payroll Managers and staff • Information Technology Personnel • Programmers • Information Systems personnel • Healthcare staff • Registrars • Employees with access to Level 1 data through campus data centers/systems 	<ul style="list-style-type: none"> • Works with Level 1 data as defined under CSU Information Security Standards² • Work requiring access to patient files in a healthcare facility • Systems maintenance
Control over campus business processes, either through functional roles or system security access	<ul style="list-style-type: none"> • IT Management • HR Management • Information Officers • Information Security • Business and Finance Management 	<ul style="list-style-type: none"> • Control over/ability to modify employee, student, financial databases

¹ Sexual offender registry check required for those who perform work involving regular or direct contact with minor children

² Link: <http://www.calstate.edu/icsuam/documents/Section8000.pdf>

Considerations for Sensitive Positions

Key Duties & Responsibilities	Examples of Occupation/Position	Examples of Major Position Functions or Tasks
Responsibilities that require the employee to possess a license, degree, credential or other certification in order to meet minimum job qualifications and/or to qualify for continued employment in a particular occupation or position ³	<ul style="list-style-type: none"> • Athletic Trainers • Attorneys • Counselors • Diving/Water Safety • Engineers • Healthcare Professionals • Heavy Equipment Operators • Pest Control • Police Officers 	<ul style="list-style-type: none"> • Counsels employees or students • Designs or build facilities and offices • Provides legal advice • Renders medical services • Renders safety services
Responsibility for operating commercial vehicles, machinery or equipment that could pose environmental hazards or cause injury, illness, or death ⁴	<ul style="list-style-type: none"> • Automotive Technicians • Equipment Operators • Environmental Health and Safety Officers • Groundskeepers • Police Officers • Transit Drivers 	<ul style="list-style-type: none"> • Operation of University or commercial vehicles • Operation of heavy equipment or machinery • Responders to emergencies involving potentially hazardous substances

The posted position description shall state that the position has been designated to be a sensitive position. In addition to identifying any specific background checks all posted position descriptions for sensitive position should include an identifier (e.g., checkbox) indicating whether or not the position will have access to **Level 1 data**.

The list of positions and tasks (above) is illustrative and is not exhaustive.

Level 1 Data - Examples of Level 1 – Confidential information include but are not limited to:

- Passwords or credentials that grant access to level 1 and level 2 data
- PINs (Personal Identification Numbers)
- Birth date combined with last four digits of SSN and name
- Credit Card numbers with cardholder name
- Tax ID with name
- Driver’s license number, state identification card, and other forms of national or international identification (such as passports, visas, etc.) in combination with name
- Social Security number and name
- Health insurance information
- Medical records related to an individual
- Psychological Counseling records related to an individual
- Bank account or debit card information in combination with any required security code, access code, or password that would permit access to an individual’s financial account
- Biometric information (fingerprints)
- Electronic or digitized signatures
- Private key (digital certificate)
- Law enforcement personnel records
- Criminal background check results

³ Appropriate professional licensing, certification, and/or credential verification is required

⁴ Motor Vehicle Records/Licensing check is required