

Background Check Policy

1 OVERVIEW

California State University Dominguez Hills Toro Auxiliary Partners (“Toro Auxiliary Partners”) is committed to ensuring that its mission and the mission of the University are supported by qualified staff members and its community is as safe as possible. California State University Dominguez Hills Toro Auxiliary Partners is also committed to taking meaningful actions to protect its finances, property, and other assets. The policy sets forth Toro Auxiliary Partners’ procedure for conducting pre-employment background checks for all staff positions.

2 SCOPE

Information discovered through the background check process will be used solely for the purpose of evaluating a Selected Candidate’s suitability for employment and will not be used to discriminate against a Selected Candidate on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, gender identity/expression, national origin, genetic information, marital/familial status, disability, military, veteran status, or any other protected status.

3 DEFINITIONS

Selected Candidate: The candidate selected by the hiring department or committee for a regular or temporary staff position at Toro Auxiliary Partners who has extended an offer of employment contingent upon successful completion of a background check with results acceptable to the organization.

Background Check: Process of verifying Selected Candidate’s employment, education, criminal, sex and violent offender, license, and/or credit histories. The nature and scope of the background check will be determined by Toro Auxiliary Partners and appropriate for the position.

Background Check Vendor: A company engaged by Toro Auxiliary Partners to conduct background checks. Whenever a background check vendor conducts all or any portion of the background check, Toro Auxiliary Partners will require the vendor to comply with state and federal law, including the requirements of the Fair Credit Reporting Act (“FCRA”).

Adverse Action: A denial of employment or any other decision made for employment purposes that adversely affects any current or prospective employee.

CSUDH Toro Auxiliary Partners may terminate temporary employees at any time for any lawful reason. The most likely reason for discharge may be due to a predetermined end date, loss of grant funding, or removal from external work sites as determined by the customer. For regular employees, the following are examples of offenses that may result in immediate discharge:

- Insubordination
- Breach of confidentiality
- Falsification of records, timecards, or benefit requests
- Theft or unauthorized use of Foundation or employee property
- Dishonesty
- Use, possession, or influence of drugs/alcohol in violation of policy
- Gross misconduct or gross negligence
- Discrimination in violation of TAP's Affirmative Action Policy
- Three (3) consecutive unapproved absences/Job Abandonment
- Sexual harassment
- Workplace violence
- Violation of TAP's employment policies

4 PROCEDURE

Consent to Conduct Background Checks and Confidentiality

A Selected Candidate will be informed during the pre-employment process that any offer of employment is contingent upon completion of a successful confidential background check. Prior to conducting the background check, an electronic written consent will be obtained from the Selected Candidate. Refusal to authorize the background check will make the Selected Candidate ineligible for employment. Generally, employment in the position should not begin until Toro Auxiliary Partners has received and reviewed the results of the background check. Exceptions may be made at the hiring department's request with the approval of Toro Auxiliary Partners Human Resource Director or Executive Director.

Determining Required Background Checks for Position

Generally, Selected Candidates are subject to standard background checks of employment, educational, criminal, sex and violent offender histories. Student positions will only undergo a criminal background check.

Criteria for identifying a position as possibly requiring license, credit, or other additional background checks include but are not limited to:

1. Direct responsibility for the care, safety, and/or security of individuals;
2. Direct responsibility for handling or managing money or credit information;
3. Responsibility for operating vehicles or machinery that could cause accidental injury or death; or
4. A requirement for a certificate, professional license, or accreditation.

Types of Background Checks

Toro Auxiliary Partners may, depending on position, run any or all of the following checks:

- 1) Employment History Check: Verifies that the Selected Candidate worked in the positions cited or listed in the Selected Candidate's application for employment for at least the seven (7) years immediately preceding the Selected Candidate's application to Toro Auxiliary Partners.
- 2) Educational History Check: Verifies that the Selected Candidate possesses the relevant educational credentials cited or listed in the Selected Candidate's application.
- 3) Criminal History Check: A search for any felony or misdemeanor convictions or pleas which are acknowledgements of responsibility (e.g. plea of no contest or nolo contendere) and which have not been annulled or sealed during the seven (7) years immediately preceding the Selected Candidate's application to Toro Auxiliary Partners.
- 4) Sex and Violent Offender Check: A search of state and federal sex offender registries.
- 5) License History Check: Verifies that the Selected Candidate possesses the licenses cited or listed in the Selected Candidate's application, resume, or cover letter, including establishing the current status of the relevant licenses. This includes, for example, checking any motor vehicle driver's license required for the position, or any professional license required for the position.
- 6) Credit history check: Checking the credit history of the Selected Candidate.

Background Checks for Current Employees, Faculty, and Staff

Background checks will not be required for current Toro Auxiliary Partners employees under the following circumstances:

1. Employee transfers or promotions if the background check or checks required for the position were completed within the five (5) years preceding the transfer or promotion.

2. Shift changes where the employee continues to hold the same position in the same department;
3. Lateral position changes within the same department resulting from a reorganization or restructuring of a work unit.
4. Faculty seeking additional employment with Toro Auxiliary Partners who are current employees of California State University Dominguez Hills. However, positions requiring Live scan will not be waived. Live scan results must be on file for positions requiring that level of screening.
5. In instances when a Live scan is required, Toro Auxiliary Partners may waive the need for a student background check the outcome would yield the same results.

Background Checks for Former Employees

Background checks will not be required for former Toro Auxiliary Partners employees who are offered a regular or temporary staff position within 12 months of ending their most recent Toro Auxiliary Partners employment.

Current Employees and Duty to Report Convictions/Pleas

Employees have an ongoing responsibility during their employment to make Toro Auxiliary Partners aware of any felony or misdemeanor convictions or pleas which are acknowledgements of responsibility. Any convictions or pleas should be reported to Toro Auxiliary Partners Human Resources immediately

Evaluation of Background Check Results

Once background checks are completed, Toro Auxiliary Partners will make a final hiring decision based upon the information gathered. Records of the background check will be maintained in the Toro Auxiliary Partners Human Resources office separately from the employee personnel files. If negative information is obtained through the background check process, Toro Auxiliary Partners will determine whether the information is job-related and if a decision not to hire would be consistent with business necessity. In making this determination, Toro Auxiliary Partners will consider, among all other relevant information, the following:

1. For all criminal convictions or pleas, the nature and seriousness of the offense(s), the number and type of offense(s), the amount of time that has elapsed since the offense(s), whether such offense(s) are related to the responsibilities of the position, and the accuracy and completeness of the information provided by the Selected Candidate during the application process.
2. For all other negative information, the nature and seriousness of the activities or data obtained, the amount of time that has elapsed since the activities or data, whether the information is related to the responsibilities of the position, and the accuracy and completeness of the information provided by the Selected Candidate during the application process.

Adverse Action Taken Due to Background Check Results

If adverse action is probable based in whole or in part on the results of a background check covered by the FCRA, the Selected Candidate will receive a copy of the background check report, a Pre-Adverse Action Notice, and a document summarizing the Selected Candidate's rights under the FCRA. Selected Candidates will be permitted to provide responsive information regarding their criminal history, including evidence that they did not commit the offense (in the case of a misidentification), evidence of rehabilitation or character, the length of time since the last criminal conviction, and other extenuating circumstances. The Selected Candidate will be given five (5) business days to provide this information so as not to halt the recruitment process for the position. Extensions may be provided to the Selected Candidate at the sole discretion of Toro Auxiliary Partners. If adverse action is taken against the Selected Candidate in whole or in part based upon the results of a background check, the Selected Candidate will receive an Adverse Action Notice indicating that the offer will be rescinded. The Selected Candidate will also receive a document summarizing the Selected Candidate's rights under the FCRA.

Exceptions to the Background Check Policy

Exceptions to this policy may be made at the discretion of Toro Auxiliary Partners through TAP Human Resources, Executive Director or designee. Categories of employees that are excluded from this policy include, temporary employees not directly paid by Toro Auxiliary Partners, consultants, and volunteers, unless a background check is otherwise required by state or federal law, an accrediting body, or Toro Auxiliary Partners, or is deemed to be a sensitive position as designed by the CSU.

Changes to the Background Check Policy

Changes to the Background Check Policy may be made with written approval from the Toro Auxiliary Partner's Executive Director.

5 BACKGROUND AND LIVESCAN EXPENSE

Background check costs are the responsibility of the requesting department. Authorized signers approve the costs of background check upon submission of the Sensitive Determination Form. The account number(s) identified on the form will be used to charge the fees.

6 RESOURCES

[Sensitive Determination Form](#)