ACD 126: Reference check and background verification

Recruitment and Selection: Fingerprinting process

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Security-sensitive positions
Positions that require fingerprinting | Security-sensitive positions

Definition
Security-sensitive positions include positions with the potential to expose the university to extensive liability and are designated by the university in accordance with ASU ACD 126 (Reference Check and Background Verification) and Arizona Board of Regents' policy 6-709.

Positions listed below have been designated as "security-sensitive" and require a Criminal Background Check of the final candidate. This information is required for individuals not currently employed by ASU as well as those currently employed by the university who are moving or transferring into a security-sensitive position. Security-sensitive positions include positions with the potential to expose the university to extensive liability and are designated by the university in accordance with ASU ACD 126 (Reference Check and Background Verification) and Arizona Board of Regents' policy 6-709.

University administrators - including acting and interim

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<tr>
<td>President</td>
<td>Vice President</td>
<td>Chief Financial Officer</td>
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<tr>
<td>Provost</td>
<td>Deputy Exec VP University Service</td>
<td>Chief Information Officer</td>
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<td>Sr. Vice President &amp; Secretary of the University</td>
<td>Senior Vice President</td>
<td>Dean</td>
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<td>Vice Provost</td>
<td>Senior Advisor</td>
<td>Associate Dean</td>
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<td>Assistant Dean</td>
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Positions with unsupervised contact with minors
Will be identified based upon the duties and functions of the job. Includes positions involving unsupervised work with minors who are not enrolled students of the university such as cooperative programs, 4-H and summer youth camps. "Unsupervised" can be further defined as performing job duties in the presence of a minor in a confined room, vehicle or work space without the presence of another adult; or being in the presence of a minor outside the view of another adult within 30 feet.

Positions with direct access to select (biological and biochemical) agents
Positions that have direct access to Select Agents, as defined by the USA Patriot Act of 2001 and the Public Health Security and Bioterrorism Preparedness Response Act of 2002, except where excluded by law because the Principle Investigator does not, at any time, exceed the Select Agent regulatory threshold quantities specified under the applicable regulations.

Positions with unrestricted access to residence hall rooms
Includes all positions within Residential Life that have access to master keys to the residence halls.

Other positions designated by a dean or vice president as “security or safety-sensitive”

Some examples include:

- positions with Information Technology, due to their responsibility for oversight and management of the institutions computer systems and accessibility to data; and

- positions that handle financial transactions as a job responsibility. These responsibilities include, but are not limited to: approval authority within the accounting system, collecting and handling of cash or checks, writing or approving checks, having access to a direct money stream, being an authorized ASU Purchasing Cardholder, or being a fiduciary to ASU.

This policy also applies to finalists who indicate a prior felony conviction, and all non-student staff hires who handle cash and checks on an ongoing basis.

Note: Exempted from the fingerprinting requirement are staff hired for a specific event held only once or twice a year and who do not handle cash and checks on a continuing basis and employees of the ASU Police Department (ASU PD). Pre-employment screening of these individuals shall be conducted in accordance with ASU PD hiring protocols.
ARS 15-1649: Fingerprinting academic and nonacademic personnel; civil immunity; definitions

A. The finalist for a security- or safety-sensitive position at a university that is under the jurisdiction of the Arizona board of regents shall be fingerprinted as a condition of employment. The finalist shall submit a full set of fingerprints to the university for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the Federal Bureau of Investigation.

B. A university may use information obtained pursuant to this section only for the purpose of evaluating the finalists for employment in security- or safety-sensitive positions. A university may provide information received pursuant to this section to any other university that is evaluating the finalist for employment if the university is under the jurisdiction of the Arizona Board of Regents. A university may refuse to hire, may rescind an offer of employment to or may review and terminate the employment of a finalist or employee who has been convicted of or who has admitted committing any criminal offense. A university considering terminating an employee pursuant to this subsection shall provide due process to the employee in accordance with policies adopted by the Arizona Board of Regents and the university before taking disciplinary action.

C. A university that relies on information obtained pursuant to this section in making employment decisions is immune from civil liability for use of the information unless the information obtained is false and the university knows the information is false or acts with reckless disregard of the information's truth or falsity.

D. A security- or safety-sensitive position shall be identified as a security- or safety-sensitive position in the job description and in any advertisements for the position.

E. For the purposes of this section:
   1. **Finalist** means any person in the group of individuals actually submitted to the hiring official for selection as a new hire or any university employee who seeks a transfer, a reclassification or a reassignment to a security- or safety-sensitive position.
   2. **Security or safety-sensitive position** means any position designated as a security- or safety-sensitive position by a university due to applicable federal or state law or pursuant to rules or policies adopted by the Arizona Board of Regents or the university.
Fingerprint process

Submitted via IBM Kenexa BrassRing

Some staff hires and some student hires

- **If Fingerprint is required**, HR status will automatically be changed from “Fingerprint required” to “Fingerprint initiated”. Kenexa will automatically send applicant an email of “Fingerprint Instructions”. Proceed with Final Offer.
  - Fingerprinting is conducted Monday-Friday between 10–11 a.m. or 2:30–3:30 p.m. **by appointment** at the Tempe campus. On the day of your fingerprinting appointment, come to Tempe University Center (UCNTRA) at 1100 E. University Drive, Tempe, AZ 85281, check in with the HR Employee Service Desk and bring picture ID (i.e. driver’s license, passport, state issued ID. ASU ID is not valid for identity).
  - For fingerprinting at West or Downtown campus, email backgroundcheck@asu.edu

- **Fingerprint appointments not scheduled within 30-60 days’ timeframe or no shows for original appointment:**
  Hiring Department is responsible to contact Applicant/Employees with follow-up email as a reminder to schedule or reschedule call 855-278-5081.
  - Rescinded due to ACD 126 requirements not fulfilled

- **If Fingerprint required and background check required**, HR status will automatically be changed to “Fingerprint Initiated.” Candidate will then receive an automatic “Fingerprint Instructions” email.

- If Background check is required, OHR will initiate the “BGC Required” to “BGC Initiated”
- Kenexa BrassRing will connect with our vendor (HireRight) and automatically send an email notification to the candidate with the link to the consent form. This email will explain the need for the ASU background check so that candidate knows the request is legitimate.
- The email will have candidate “username and password” to electronically log into HireRight and complete the submission. **Reminder**: Have candidate check there spam/junk mail folder for HireRight email.
- Candidate is responsible to complete and electronically submit the background check information to HireRight. **Note**: HireRight will process background check upon completion of Consent and Disclosure Form by candidate.
- Hiring Department and OHR will receive email acknowledgement that BGC has been submitted and in process.

**If candidate** has not completed the consent and disclosure form, Hiring Manager and candidate will receive a 48 hour email reminder.
Submitted via Outside of Kenexa BrassRing

All faculty hires (manual process)

• Department will complete **HR background check and fingerprint cover sheet** (First page only)
• Department will then send **HR background check and fingerprint cover sheet** to OHR: eFAX 480.993.0006 | Email backgroundcheck@asu.edu
• OHR will contact the candidate and HR BOM to schedule a fingerprint session
• Recruiter will complete the fingerprint session and send the prints in for processing to DPS. The department may move forward with the offer letter. The hire is contingent on the candidate successfully passing the fingerprint check.

➢ If the department will be ordering additional services completed in HireRight in addition to the fingerprint request:
  (i.e., Employment verification or education verification) Please select these services on the HR Background and Fingerprint Cover Sheet and attach the following forms:
  ▪ Consent and disclosure form
  ▪ Pre-Employment inquiry form
  ▪ Copy of the applicant resume

• If BGC/FP pass, OHR will send Hiring Manager clearance email
• If BGC/FP fail, OHR will contact department and complete adverse action procedure

Note: Applicant should keep the Summary of Rights according to FCRA. Do not submit to HR.

For additional assistance, please contact backgroundcheck@asu.edu.

**Applicant/Employee has an AZ Fingerprint Clearance Card**

- ASU accepts Fingerprint Clearance Card in the lieu of being fingerprinted
- Applicant/Employee may “walk-in” between 8 a.m. to 5 p.m.
- Monday - Friday at Tempe Campus and submit the following forms:
  ➢ Authorization form for Fingerprint Clearance Card
  ➢ Provide the actual laminated Fingerprint Clearance Card

For additional assistance, please contact backgroundcheck@asu.edu
Process overview

FP discrepancy process

- OHR will process the fingerprint
  - If pass, OHR will send Hiring Manager clearance email
  - If fail, OHR will contact department and complete adverse action procedure

- Hiring Department:
  - can continue with hiring process, or
  - if potentially disqualifying information is received, OHR Recruitment and Selection will forward to the designated HR Partner for further review and discussion with hiring manager.

- Information evaluation
  When considering whether or not to hire an individual with a criminal history, many factors will be assessed during the background investigation review, including:
  - accuracy of the information the individual provided on the employment application and/or in the recruitment process.
  - date of the most recent offense;
  - nature and number of convictions;
  - relative threat to the security of ASU or its employees and students; and
  - relevance of a criminal conviction to the posted job duties.

The finalist has a minimum of five days to refute, explain or correct the information. If there is no change in status within five days, the finalist will be withdrawn from the candidate list. If the finalist is a current employee, his or her suitability for continued employment will be evaluated. In some cases, presidential approval may be required before an offer of employment is extended.

ASU may refuse to hire a finalist, may withdraw a conditional offer of employment to a finalist, or may terminate an employee where the finalist has made a false representation of material fact or does not provide material factual information during the employment process.

OHR Recruitment and Selection will review results and send an email notification confirming results and any further action, if required:
Fingerprint clearance emails
Please note: the fingerprint results on the above-referenced person have been returned as clear.
Reminder: ACD 126: Reference check and background verification
Hiring process
As part of the hiring process, ASU requires disclosure of relevant employment, education, and criminal history information. ASU will conduct a variety of checks to ensure the accuracy of the information provided and the eligibility of the final applicants for each open position.

Standard pre-employment screening
The hiring authority or a designee shall check references and verify the educational credentials, employment histories, and past performance of a finalist before it extends a final offer of employment.

Types and cost of fingerprinting

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<th>Required for security-sensitive positions (ARS 15-1649):</th>
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<td>Fingerprint check for ASU clearance</td>
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Exceptions for fingerprinting:
Current employees can submit a Fingerprint Clearance Card in lieu of being fingerprinted for
• P-Card applications only, which will be validated with AZ DPS.

Billing
Departments will be invoiced via Advantage when an Inventory Sheet has been submitted to AZ DPS or no later than the first week of each month.

Records
SPP 1101: Personnel Records

The Office of Human Resources will:
Manage and retain all background verification reports. Information collected on qualified candidates hired by the university will be stored separately from the official employee file and kept on file for five years after the employee terminates or retires.

Note: Hiring departments are not required to maintain a separate background file on employees because OHR maintains a file. If, however, a department retains a background file in addition to the minimum requirements (SPP 1101: Person nel Records: Records Maintained in the Employee’s Department), background-related items must be kept separate from the departmental employee file.
Disposal of records
Fingerprint cards are maintained on file by OHR for six months and then shredded. OHR personnel are required to accompany shredding company personnel and validate the on-site destruction of fingerprint cards and/or AZ DPS or FBI records.

Release of information
Information release
Only ASU-designated employees may initiate a criminal background check and/or credit check or receive results. Results of all background checks will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy, as provided by law or pursuant to appropriate legal process.

The university may release the results of a reference check and background check to another university under the jurisdiction of the Arizona Board of Regents for employment purposes.

Frequently asked questions

Policies and references

ACD 126: Reference check and background verification

ABOR 6-709: Mandatory background checks for employees and process for hiring, retaining, or terminating employees convicted of a felony offense

OHR Background and fingerprinting

Security-sensitive position

ARS 15-1649

EHS 116: Minors in laboratories

The Fair Credit Reporting Act

Form | SPP 319 Driver’s License Monitoring