



*University Staff/American Federation of State, County  
and Municipal Employees AFL-CIO (AFSCME)*

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
Background Check Requirements	June 2, 2017	1725.321

**POLICY PURPOSE (R\*)**

Florida International University (FIU or the University) strives to provide a safe learning and working environment for all students, faculty, staff, volunteers, and visitors. FIU is a unique environment due to its public nature, which generally provides open for people to learn and work, housing for students, various types of research, and maintains its own police force. Backgrounds checks address concerns about providing a safe environment through minimizing negligent hiring risks (e.g., avoid hiring individuals with a proven tendency to defraud or steal from their employers, who engage in workplace violence or criminal violence, or who otherwise appear to be untrustworthy and unreliable) and/or reducing time wasted in recruiting and training the wrong candidate. Background investigations will be conducted based on the job-related requirements and consistent with *business necessity*.

**REASON STATEMENT (R\*)**

This policy applies to the following groups:

- *new hire*,
- rehired after *a break in service*, and;
- Current *Administrative* or *Staff* employees being promoted or transferred into a position with required background checks, unless said employee has successfully passed the position-related background checks within the past five (5) years.

*Student assistant, Federal Work Study, and volunteer* positions will not be subject to this policy unless their job responsibilities include handling cash, checks, cash transactions, gift cards, debit/credit cards, or cash equivalent ; information technology; those working in the Athletics Department who travel with students to events; working directly with and/or residing with minors and/or vulnerable persons, including Housing and Residential Life employees; museum employees, or performing other assigned duties that require said investigations. In that case, these employees/volunteers must adhere to the same background check requirements as other employees.

The background checks will not be conducted unless the person is the *finalist* for a position. The *finalist* will have to successfully pass the minimum background checks as well as any position-required background checks set forth below. The successful passing of all applicable background checks is a condition of employment.

The minimum background checks include those listed below.

1. *Level I criminal background investigation*;
2. *Sex offender*;
3. *Sanctions Screen*;
4. Education verification;
5. Employment verification;
6. Reference checks;
7. Social Security search;
8. Any other background check required by law.

The position-required background checks are based on the job requirements, and include, but are not limited to, those listed below:

1. Level II criminal background investigation for positions with unrestricted access to a Great Grand Master key; handling or managing cash, cash transactions, gift cards, debit/credit cards, and/or cash equivalent; information technology; those working in the Athletics Department who travel with students to events; working directly with and/or residing with minors and/or vulnerable persons, including Housing and Residential Life employees; museum employees, Chief Financial Officer, Assistant Vice President/FIU Foundation, Treasurer, Controller, Director of Tax Compliance, and any position

managing major investments and/or donor portfolios. If a current employee is promoted or transferred into any of these positions, the employee will also be required to undergo sanctions screening;

2. Level II criminal background investigation if the position involves working with any Florida K-12 school as required by Florida law;
3. Sanctions Screen for any current employee who is applying for or has been issued an FIU Pro-Card;
4. Internal reference checks for current promoted/transferred employees;
5. Credit history for the following positions: Chief Financial Officer, Assistant Vice President/FIU Foundation, Treasurer, Controller, and Director of Tax Compliance;
6. Motor vehicle record as required by the position or when an FIU employee is assigned to drive a University vehicle (including a University golf cart) as a key part of their job assignment;
7. Educational verification for promoted/transferred employees;
8. Credentialing by academic departments for evaluation and approval by Academic Affairs and/or University Graduate School for all faculty including adjunct and visiting instructors and lecturers;
9. Oral English language proficiency for all faculty members (except those who teach courses that are conducted primarily in a foreign language) as required by Florida Statute Section 1012.93;
10. License and/or certifications verification for those positions in which a license and/or certification is required or preferred;
11. International and national database searches of foreign nationals hired into positions subject to export control laws conducted by the Office of University Compliance and Integrity;
12. Sanctions Screen, Level II criminal background investigation, and the Pacer database if the position involves the administration of Title IV funds;
13. List of Excluded Individuals and Entities maintained by the Office of Inspector General (OIG) screen for all employees working at the Herbert Wertheim College of Medicine (HWCOC), FIU Health (HCNET), the Center for Children and Families (CCF), Dietetics and Nutrition and/or the School of Social Work;
14. Employees of the FIU Police Department will be subject to the background screening process as set forth in FIUPD SOP 6-29 Selection Process;
15. E-Verify for current promoted or transferred to positions under a federal contract;
16. Any other background check required by the position or as determined by the Vice President, Human Resources Division or designee based on job-related factors and consistent with business necessity; and/or
17. Any other background check required by law.

#### **BACKGROUND CHECKS REQUIRING PERIODIC RE-SCREENING**

1. Level II criminal background investigation will be repeated every five (5) years if the employee has direct contact with minors and/or *vulnerable person*, including House and Residential Life employees, or as required by law.
2. Sanctions Screens will be conducted annually for any employee who is required to have a ProCard issued to them and/or has responsibility for a merchant account.
3. List of Excluded Individuals and Entities maintained by the Office of Inspector General screen will be repeated monthly if the employee works for HWCOC, HCNET, CCF, Dietetics and Nutrition and/or the School of Social Work;
4. Motor vehicle record will be conducted at least once every two (2) years, or when there is a report or observation indicating that a University employee is not operating a University vehicle safely.

#### **INDIVIDUALIZED ASSESSMENT**

The University complies with the federal Fair Credit Reporting Act (FCRA) when conducting background checks. FIU will disclose to all finalists its plans to obtain background checks and that the information will be used solely for employment purposes. FIU will obtain written authorization from the *finalist*. For any discovered discrepancy in an applicant or employee's background, the Division of Human Resources will conduct an *individualized assessment* which provides the individual with an opportunity to demonstrate that the discrepancy does not properly apply to him or her and/or to present relevant additional information regarding the discrepancy. The assessment will be based on job-related factors and business necessity.

#### **ADVERSE ACTION**

If the University determines it will be taking an adverse action based on the individualized assessment, the University will comply with the FCRA.

#### **THE UNIVERSITY'S AUTHORITY REGARDING EMPLOYMENT OFFERS**

The University reserves the right to make and/or rescind any offer of employment in its sole discretion. There is no appeal process if the University exercises its discretion.

### POLICY USE/APPLICATION (R\*)

**Confidentiality of the Information.** Although most information at FIU may be considered a public record, the University recognizes the sensitive nature of such information and will maintain all background investigation records as confidential within the Division of Human Resources (DHR) and/or the Human Resources Department of the HWCOR to the extent permitted by law. Investigation results and any additional information will be viewed only by DHR, the HWCOR HR (as applicable), the Office of the General Counsel (as necessary), and any individual responsible for the final hiring decision (such as the Assistant Vice President of Human Resources). DHR will maintain responsibility for the facilitation, processing, review and recordkeeping for all background investigations set forth in this policy.

**Compliance with Applicable Laws.** This policy complies with the provisions of the *FCRA*, the various anti-discrimination laws, and any other applicable law governing the use of background screens.

### RELATED INFORMATION (O\*)

Adopted June 2, 2017; Revised: June 2, 2017 (formerly titled 1710.257 Pre-Employment Requirements)

### DEFINITIONS (R\*)

**Administrative Employee.** An employee in a managerial or professional position not covered by a collective bargaining agreement and exempt from the overtime provisions of the Fair Labor Standards Act.

**Adverse Action.** A decision by the University not to proceed with the hiring process when a *finalist* does not successfully pass any of the required background checks that are governed by the *Fair Credit Reporting Act (FCRA)*.

**Break in Service:** A separation of employment from the University. For purposes of this policy only, for a non-faculty position, a break in service is a separation of one (1) year or longer based from the date that the last applicable background check was conducted; for a faculty position, a break in service is a separation of three (3) consecutive semesters.

**Business Necessity:** Those factors which are necessary for safe and efficient job performance.

**Fair Credit Reporting Act:** A United States federal law (codified at 15 U.S.C. § 168 et seq.) that regulates the collection, dissemination, and use of consumer information, including consumer credit information.

**Federal Work Study student:** An individual who is a full-time or part-time student enrolled at FIU that has been awarded Federal Work Study funds as part of their Financial Aid Award package. The student must be enrolled for a minimum of six (6) credit hours in a course of study leading to a degree or a Financial Aid eligible certificate.

**Finalist:** An individual who is being recommended for hire and who must successfully pass the required background checks as a condition of employment.

**Great Grand Master Key:** This is a key that provides total access to all buildings within a particular campus except for student housing (which has its own building access system) master key for the entire campus.

**Individualized Assessment:** The steps taken when a finalist has a discrepancy on any background check which include notice to the individual about the findings, an opportunity for the individual to demonstrate that an exclusion should not be applied to him or her, and consideration by FIU as to whether any additional information provided by the individual warrants an exception to be made.

**Internal Reference Checks.** This involves reviewing the most current Performance Excellence Process (PEP) form for the *finalists* and requesting relevant information from the most recent supervisor.

**Level I Criminal Background Investigation:** A background screening search for any criminal information at the federal, state, and county levels on an individual within the last seven (7) years.

**Level II Criminal Background Investigation:** A background screening consisting of a Level I search for any criminal information at the federal, state and county levels on an individual within the last seven (7) years. The Level II criminal background investigation requires fingerprinting that searches the Florida Department of Law Enforcement and the Federal Bureau of Investigation database in addition to the Level I search.

**New Hire:** An individual who has never had an employee-employer relationship with the University.

**Position-Required Background Checks:** Background checks that are required because of the specific job duties of the position.

**Sanctions Screen:** This background check screens international and national sanctions databases including the Office of Foreign Assets Control (OFAC).

**Staff Employee.** An employee in a support position not exempt from the overtime provisions of the Fair Labor Standards Act.

**Student Assistant:** An individual who is a full-time or part-time student enrolled at FIU and registered for a minimum six (6) credit hours as an undergraduate or three (3) credit hours as a graduate.

**Vulnerable Person:** A person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

#### REASON FOR POLICY (O\*)

To ensure that the University conducts appropriate background investigation of prospective and current regular full-time, part-time or temporary employees.

#### HISTORY (R\*)

Effective Date: July 2005; Revision Date: March 31, 2009; June 2, 2017.

#### RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R\*)

Division of Human Resources  
Talent Acquisition and Management

#### RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R\*)

Talent Acquisition and Management  
Florida International University  
11200 S.W. Eighth Street, PC 234  
Miami, Florida 33199  
Telephone: (305) 348-2500

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For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

**\*R = Required \*O = Optional**