Criminal History Background Check –Policy FAQs

Q. Why is FSU requiring background checks for all new faculty and staff hires?
A. FSU is committed to maintaining and fostering the safety and security of all students, faculty, staff, and visitors. As part of this commitment, FSU requires pre-employment criminal history background checks on all new hire faculty and staff effective 8/1/15. OPS and Volunteers will require a background check if warranted by the duties.

Q. Who is responsible for conducting the background check?
A. The background checks will continue to be conducted centrally in Human Resources.

Q. Who is responsible for the cost of the background check?
A. Hiring departments are responsible for the cost of the background checks.

Q. How do I request a Criminal History Background Check?
A. Full details on how to request a background check can be found in the revised Department Process for Requesting Criminal History Background Checks document.

Q. How long does a background check take?
A. Barring extenuating circumstances, HR typically receives background checks results within 72-96 hours of one being initiated.

Q. Which positions require fingerprinting?
A. In addition to a Standard Criminal History Background Check, a Level 2 Criminal History Background Check shall be conducted for positions that require it under federal or state law, including, but not limited to the following:
   1. Candidates for positions of special trust or responsibility (see Section 110.1127, Florida Statutes), including those with any of the following duties:
   2. Working or volunteering with minors or other vulnerable populations such as the elderly or those with disabilities;
   3. Positions classified as Vice President level or above by job code/administrative code;
   4. Positions with the FSU Police Department (see Section 943.13, Florida Statutes), and positions with Transportation & Parking Services;
   5. Working with regulated materials [e.g. Select Agents or Toxins (42CFR73.10), DHS Chemicals of Interest (6CFR27, App. A), DEA Controlled Substances (21CFR13101.90), NRC Radioactive Material – Quantities of Concern (NRC EA-07-305) or those in facilities covered by a DOT Security Plan (49CFR172.800)], or for other positions/roles or contracted individuals that may have unescorted access to these materials; and
   6. As required by granting agencies for grants and contracts.

Q: How can I determine what level of background check will be required for a position?
A: The Office of Human Resources will be determining which level of background check is required based on the department completing the background check questionnaire within the Criminal History Background Check Portal prior to advertisement, or prior to appointment (for non-advertised positions, OPS Express, & volunteer/courtesy appointments).
Q. When is an International Background Check required?
A. An International Criminal History Background check is required in addition to the Standard or Level 2 screening if a candidate has resided in another country for six months or more within the past seven years. With regard to OPS and Volunteer appointments, if the duties of the OPS or Volunteer role don’t require screening in general, the candidate will not be subject to the International background check simply by having lived outside of the United States.

Q. How much do the International Criminal History Background Checks cost?
A. International background checks are conducted per country and as available. The price and turnaround time varies—be sure to plan in advance. Contact the Office of Human Resources as soon as possible for direction.

Q. Does this policy apply to Federal Work Study students?
A. Yes. Federal Work Study (FWS) students fall under the OPS requirements in policy. A Background Check Questionnaire is required for each appointment and a background check must be conducted if required based on their duties. FWS students should not begin work until their appointment is approved by HR.

Q. Next semester one of my faculty members will be getting promoted from one salaried line to another. Am I required to run a background check?
A. In general, no, as the policy relates to new hire faculty. The only exception being faculty members (including OPS faculty) required by state or federal law to have a background check based on their duties, including positions of special trust or responsibility.

Q. Will current staff and OPS employees moving into a new role be subject to a background check?
A. Although not all internal movement requires a background check, many actions will. Please reference Current Employees/Volunteers section B.1.a. & b. of the Criminal History Background Check policy for the specifics.

Q. What if a current A&P or USPS employee has never had a background check—does that person need to have a background check done now?
A. Current A&P and USPS employees would not be subject to a criminal history background check unless they are appointed into a new role that requires a background check or there is internal movement from one position number to another; however, if the position an employee currently holds (be it staff, faculty, or OPS) requires a background check under state or federal law, and one has not previously been completed, please contact Human Resources for guidance.

Q. If I have faculty who may be working with minors, what level of background check should I request?
A. If you have faculty who may be working with minors, a Level 2 criminal history background check must be completed. If they will also be working with summer camps, you will need to request the summer camp screening (run under DCF’s account per Section 409.175, Florida Statutes) closer to the time of the summer camp, as well.

Q. Does the following section of the policy mean that Graduate Assistants/Teaching Assistants that would have access to student rosters require a background check? “Persons with access to sensitive, secure, and/or confidential personal information on individuals, such as students, faculty, staff, or alumni (e.g. social security numbers, dates of birth, financial account numbers, etc.)”
A. This requirement does not relate to grades, names, majors, email addresses, and the like, but relates to information that could be used for identity theft, such as social security numbers, dates of birth, financial account numbers, etc.
Q. Does the following section of the policy mean that if I have OPS employees who work around surplus inventory in my department they must be screened? “Persons with access to surplus property inventory.”
A. This section of policy relates particularly to OPS who work with surplus inventory in the FSU Surplus Property department.

Q. If my department hires a Contractor who will be appointed on a Courtesy record in OMN and will perform duties listed in Pre-employment section A.3. of the Criminal History Background Check policy, must they be screened by FSU?
A. Yes, based on those circumstances, they must be screened by FSU.

Q. Are new hire Graduate Assistants/Teaching Assistants/Research Assistants required to be screened?
A. A Criminal History Background Check must be completed only if the GA’s job duties warrant one.

Q. What does the following policy mean in defining who works with "regulated materials?" 4-OP-C-7-B11 Section A. Pre-Employment 2.d, "Level 2 Criminal History Background Check shall be conducted for...Candidates...Working with regulated materials..., or for other positions/roles or contracted individuals that may have unescorted access to these materials;..."
A. Level 2 Background Checks are required for all employees who work with or have unescorted access to regulated materials.

“Regulated Materials,” includes:
- Select Agents or Toxins (42CFR73.10),
- DHS Chemicals of Interest (6CFR27, App. A),
- DEA Controlled Substances (21CFR13101.90),
- NRC Radioactive Material – Quantities of Concern (NRC EA-07-305) or
- Those in facilities covered by a DOT Security Plan (49CFR172.800).

Individuals “Working with regulated materials:”
- Includes, but is not limited to: Faculty, Staff, Graduate Assistants, Research Assistants, and technicians who assist in experiments with the regulated materials.
- Includes all GA’s assigned to a professor who conducts research using regulated materials.
- There is no exception for volumes being used, even if the amount is negligible.

Individuals with “Unescorted Access” to regulated materials:
- Includes anyone with key card access to rooms containing regulated materials or anyone having temporary custody/handling of regulated materials without being escorted/supervised by someone who has completed a Level 2 Background Check.
- Includes custodial and maintenance workers with keys to rooms containing restricted chemicals.
- Does NOT include everyone who merely works in a building that holds regulated materials.
- Includes those who could have custody of or handle regulated materials without constant supervision by an individual who has completed a Level 2 Background Check (e.g., front desk clerk or administrative assistants who deliver packages).

Q. Can contingent language be included in offer letters to Graduate Assistants since the letters are prepared in...
advance, like that of faculty?
A. Yes, due to the nature of Graduate Assistant recruitment, the offer can be made prior to the background check as long the contingent language has been included in the offer letter. The background check must be completed prior to the appointment being keyed into OMNI and the candidate starting work.

Q. Do I place contingent language in my Staff offer letters?
A. No, Staff and OPS background checks shall be conducted pre-offer, so an offer letter would not be issued until the background check process has been completed.

Q. Who reviews the results on background checks?
A. If a criminal history background check reveals any criminal history, the Human Resources Criminal History Background Check Committee will review the report and make a recommendation to the department. If the candidate is applying for a faculty position, the Office of Faculty Development & Advancement and/or the Office of the Provost will review all adverse actions prior to them becoming final. The existence of criminal history does not automatically disqualify individuals from employment. Each case will be reviewed on its own merit with respect to the factors outlined below; however, any false answers, statements, or omissions made on the employment application may be grounds for rejection as a candidate for employment or immediate discharge, if employed.

In accordance with Equal Employment Opportunity Commission (EEOC) guidelines, the Human Resources Criminal History Background Check Committee takes the following factors into consideration when reviewing criminal history records: the nature and gravity of the offense or conduct; the time period that has lapsed since the offense, conduct and/or completion of the sentence; and the nature of the job held or sought.

Q. Will there be training available?
A. Yes. We offer background check training each semester in person and continuously online. This course is highly recommended for department representatives and hiring managers.

To register, log into myFSU and navigate to: HR > Main Menu > Self Service > Learning and Development > Request Training Enrollment. Follow the prompts to search and submit your request. The course title is Criminal History Background Check Process. The course numbers are COCHB1 (in person) or COCHBO (for online training).

Q. Where can I get more information?
A. Please visit the Criminal History Background Check page devoted to keeping departments updated.

Q. What if I still have questions?
A. If you still have questions, please feel free to contact Andrew Kapec at akapec@fsu.edu or 850-644-7938.

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