Policy: **Criminal Background Investigations (Staff, Contract Professional, Contract Administrator, Faculty, Letters of Appointment Vacant Positions)**

Adopted: 03/2003
Revised: 05/2003

**PURPOSE**

The University is committed to protecting the security, safety, and health of faculty, staff, students and others, as well as safeguarding the assets and resources of the University of Montana-Missoula. In response to increasing numbers of negligent hiring legal actions and escalating local and state instances of employment fraud, theft, violent acts, etc., the University has enacted a policy requiring pre-employment criminal background investigations.

**POLICY**

Criminal background investigations shall be required prior to employing permanent staff members, contract administrators, contract professionals, all faculty members, individuals on Letters of Appointment, and designated temporary staff members. **This policy includes positions for which recruitments are conducted, along with individuals hired through approved recruitment exceptions.**

**PROCEDURES:**

I. **Notification:**

   All candidates for covered staff, contract administrator, contract professional, Letter of Appointment and faculty positions will be notified, in writing, of the requirement to successfully pass background investigations. The required form is available at the Human Resource Services web site.

II. **Initiation of Investigations:**

   A. **Permanent Staff Positions:** After completion of the initial screening, reference checks, and interview processes, the hiring authority/committee will select one finalist. Prior to offering the position to the finalist, the criminal background investigation must be completed and results assessed. The Recruitment Specialist in the Office of Human Resources will provide necessary information to the Office of Public Safety.

   B. **Contract Administrators, Contract Professionals, Letters of Appointment, Coaches and Faculty:** Background investigations will be initiated concurrent with the scheduling of interviews. This section applies to individuals hired through standard recruitment and selection procedures, as well as those employed through recruitment exceptions.

   The appropriate Dean’s office will ensure that completed forms and required information for faculty positions is submitted to the Office of Public Safety. The appropriate Executive Officer or Dean will submit required information for Administrator, Letter of
Appointment, Contract Professional, and Coach positions. This procedure also applies to those individuals written into grants.

C. Temporary Staff: Temporary staff members expected to be employed at least six (6) consecutive months are subject to criminal background investigations. The hiring authority shall submit required information to the Office of Human Resource Services prior to employment of the individual.

In the event an initial employment period of less than six (6) months is subsequently extended to exceed six months, a criminal background investigation must be completed at the time employment is extended.

III. Required Information

The following information shall be submitted to the Office of Public Safety or Human Resource Services, as designated above.

1. Completed and signed Authorization for Pre-Employment Criminal Background Investigation. Note: Out-of-state background investigations will cover the past five years or a period of time that includes at least two former employers.

2. The University account to which to charge the costs associated with the background investigation.

IV. Offer of Employment

An offer of employment may be extended pending the outcome of criminal background investigations.

Individuals hired for permanent staff positions shall be notified by the hiring authority that they are subject to immediate dismissal during their probationary period if adverse, relevant information is discovered as a result of the investigation.

Temporary staff hired, pending the results of a background investigation, are subject to immediate dismissal if the results of the investigation are unacceptable.

Individuals hired for all other positions (i.e., faculty, contract administrator, contract professional, letter of appointment) shall be provided with a written letter of offer that includes the following statement:

“Employment is contingent upon a satisfactory criminal background investigation. The determination of ‘satisfactory’ is at the sole discretion of the Employer. Immediate dismissal will occur if criminal background investigation results are unsatisfactory.”

V. Investigation Results
Results of background investigations will be conveyed by the Director of Public Safety, or his designee, and to the HRS Director. If background investigations result in the detection of criminal records, the Director of Public Safety or designee and Director of HRS, in consultation with Legal Counsel, will determine the candidate’s appropriateness for employment. If necessary, the hiring authority, Executive Officer, and/or President will be consulted. The hiring authority will be notified of the decision. Details of investigation results will not be provided to the hiring authority, search committee chair, Executive Officer, or any other individuals.

In determining whether criminal convictions will preclude individuals from being hired, the University will consider the number, nature, gravity, recency, and job-relatedness of any records, along with rehabilitation efforts and success.

Results of the background investigations will remain confidential, will be maintained by the Office of Public Safety, and will be shared with authorized individuals only on a need-to-know basis. Criminal background investigation results are protected by laws and regulations governing confidential criminal justice information.

VI. Cost

Hiring authorities will pay the costs associated with background investigations. In-state background checks will be conducted by the Montana State Department of Justice, and out-of-state criminal investigations will be conducted by the appropriate agency(ies), as determined by the Office of Public Safety. Costs will vary from a minimum of $18.00 for Montana only to approximately $200.00 per investigation for out-of-state investigations. Costs may change.