

MISSISSIPPI STATE UNIVERSITY

DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

PRE-EMPLOYMENT CRIMINAL BACKGROUND SCREENS

PURPOSE

This policy establishes the criteria and procedures whereby Mississippi State University will perform criminal background screens on candidate finalists. Criminal background screens will help to increase safety, manage risk, meet mandated regulatory compliance, and contribute to informed and safe hiring decisions.

POLICY

This policy applies to all candidate finalists selected for new hire in regular full-time, regular part-time, time-limited, temporary, and intermittent positions who are scheduled to assume their new duties on or after the policy effective date. This policy excludes current University employees who are moving to a new position within the University and reclassifications. A criminal background screen is required only for those student worker, graduate assistant, post doctoral, and rehired retiree positions as follows:

- Positions handling cash and checks on a regular basis
- Positions having contact with minors
- Positions with access to residence hall rooms
- Positions having access to systems containing sensitive information (Refer to [OP 01.26](#))
- Positions having patient contact or access to prescription medications
- Other positions as requested by divisions

Although a disqualification is possible, a previous conviction does not automatically disqualify an applicant from consideration from employment with the University. Depending on the factors (for example, the nature of the position for which the candidate is selected and the nature of the conviction, age of the candidate when the illegal activity occurred), the candidate still may be eligible for employment with the University.

However, if an applicant fails to reveal any previous conviction, he/she will be disqualified from employment in that or any other position at the University for falsification of an application.

An offer of employment may be extended to an applicant prior to the completion of the background screen. While every effort will be made to complete the background screen process prior to the first day of work, employees will be allowed to start work with continued employment contingent upon successful completion of the criminal background screen. Letters of offer must include this contingency.

As a rule, the University will be responsible for the costs associated with conducting criminal background screens.

Completion of criminal background screens will be coordinated by the appropriate staff from the department of Human Resources Management through an approved third-party vendor who is qualified to perform such work.

PROCEDURE

When a hiring department reaches the final selection stage in the hiring process, the department provides the selected candidate with an "Authorization and Release" form. The hiring department then sends the completed authorization form to the HRM Generalist assigned to the department. The HRM Generalist works with the third-party vendor to conduct the criminal background screen.

When the investigation is complete, the vendor will return the information to the HRM Generalist. In the event that a criminal conviction record is discovered, a report will be sent to the HRM Generalist for further review.

REGULATORY

The Consumer Credit Reporting Reform Act of 1993
Section 601 - §1681b. - Permissible Purpose of Reports

Miss. Code Ann. §43-20-8

EEOC Enforcement Guidelines: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964

REVIEW

The [Director of Human Resources Management](#) is responsible for review of this policy as needed but no less frequently than 4 years.

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Recommended by:

/s/ Judy Spencer
Director of Human Resources Management

06/01/12
Date

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Provost and Executive Vice President

06/11/12
Date

Reviewed by:

/s/ Lesia Bryant
Director of Internal Audit

07/13/12
Date

/s/ Joan L. Lucas
General Counsel

08/29/12
Date

APPROVED:

/s/ Mark Keenum
President

10/22/12
Date

THIS POLICY HAS BEEN SUPERSEDED