



Human Resource Services POLICY RESOURCES

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Applies to:	Marshall University
Title:	Law Enforcement Agency Checks
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It is the policy of Marshall University to conduct law enforcement agency background checks for new hires (1) who will be employed in a financial capacity (handling money, responsible for other financial or budgetary resources, etc.) or (2) who will be employed in a capacity involving contact with children (other than Marshall University students). This policy is undertaken in order to (1) increase the University's confidence that such appointees will be careful and honest stewards of University financial resources; (2) to lessen the risk of compromise or loss of University financial resources; and/or (3) to increase the University's confidence that persons employed in direct contact with children have no record of violations of the law that would place children under their control at risk.

Human Resource Services (see policy and procedure on Human Resources Support), the department that would employ the individual, and the Public Safety Office cooperate in accomplishing the following process:

1. For individuals recruited from the local market who fall within the categories outlined above, the Public Safety Office will run a check with the magistrate in Huntington and with the State of West Virginia law enforcement.
2. For individuals hired from regional or national recruiting markets who fall within the categories outlined above, the Public Safety Office will run a check with the State of West Virginia law enforcement and with the National Crime Information Center (NCIC).
3. Individuals who would be employed by the Public Safety Office in a law enforcement capacity are already subject to a records check and law enforcement agency check covered by separate policy and are not, therefore, covered by this policy and procedure.

If such law enforcement agency checks yield evidence of arrests or convictions that might either constitute a legitimate bar to employment or that might prudently encourage the University to conduct further investigation before authorizing the employment of the individual, the prospective appointment will be held in abeyance. Results from the law enforcement agency checks that indicate arrests or convictions will not constitute an automatic bar to employment. Certain arrests or convictions may have no bearing on the contemplated employment. If, however, the agency checks returns indication of arrest or conviction for any alleged violation involving theft or misuse of financial resources or involving abuse of children or crimes against children, the University is obliged to investigate further before authorizing the employment of the individual. Human Resource Services is responsible for determining if the record of arrests or convictions has a material bearing on the fitness of the individual for employment.

Reasonable efforts will be made to ensure that the results of the law enforcement agency checks are received in advance of the actual date the individual would begin employment at the University. If for whatever reasons the results from the law enforcement agency checks are not returned in a timely manner and the individual has otherwise been authorized to start work, then the University reserves the right to vacate the appointment later based on decisions resulting from a review of the results of the law enforcement agency checks. For such a circumstance the appointment letters for individuals who will

work in one of the capacities outlined above will contain language explaining this contingency and stating that the beginning of employment or the continuation of employment is subject to receipt of satisfactory results from a law enforcement agency check.

The Marshall University Public Safety Office will conduct the appropriate law enforcement agency checks at no cost to the prospective employing department or to Human Resource Services. In consideration of the costs in manpower and time required to conduct the law enforcement agency checks, the University will not conduct these checks except for the individual whom the University would otherwise hire. In certain limited circumstances, Human Resource Services may authorize the law enforcement agency checks for a small pool of individuals who are finalists for employment consideration.

The employing department, Human Resource Services, and the Public Safety Office cooperate in providing the law enforcement agency checks when and where appropriate and necessary. When recruiting is ordered, the employing department and Human Resource Services will cooperate in determining if the proposed employment is in a capacity that would require the law enforcement agency checks. The decision as to whether or not the position is subject to law enforcement agency check rests with Human Resource Services. The recruiting search in such cases will be flagged appropriately so that the employing department and Human Resource Services are aware that the position being placed in recruitment is one that will require a law enforcement agency check. In cases of such determination, Human Resource Services will request the law enforcement agency check and will communicate to the Public Safety Office the name(s) of individual(s) for whom the check is requested. Efforts will be made to ensure to the extent possible that the law enforcement agency checks are conducted in such a manner as not to introduce unnecessary delay in the recruiting process.

The University reserves the right to revise this Human Resource Services policy and procedure to extend the law enforcement agency checks to other types of positions as it shall deem necessary.

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