

## Procedure for Criminal Background Checks

Frostburg State University's (FSU) procedures in regard to criminal background checks shall be governed by and administered in accordance with [USM Policy VII-1.15 Policy on Criminal Background Checks for Faculty and Staff Employees](#).

Agreements negotiated by Memorandum of Understanding (MOU) or recognized bargaining units will supersede, if so specifically written, portions of this procedure.

The Office of Human Resources (OHR) is designated as administrator of the policy. All questions regarding the policy should be referred to that office.

### I. Administration of the Policy

- A. **Mandatory Commercial Criminal Background Checks.** A commercial criminal pre-employment background check will be completed by a vendor, chosen by the Office of Human Resources, for all candidates selected for employment at FSU.
- B. **Mandatory CJIS Record History.** Under state and federal law, FSU is required to obtain and review pre-employment CJIS criminal background checks for employees, candidates, and volunteers of programs involving minors including, but not limited to:
  - Recreation centers or programs serving minors
  - Day or residential camps serving minors
- C. **Disclosure and Authorization:** The hiring/employing department must inform the successful candidate or volunteer that a criminal background check or CJIS Record History is required. Upon acceptance of the position, the candidate or volunteer must complete the Authorization to Release Information form. If the candidate or volunteer declines to provide the required authorization form, they will no longer be considered for the position or volunteer assignment. The University will not inquire into the criminal background of any candidate until after the candidate has been given an opportunity to interview.
- D. **Identification of Candidates:** The hiring/employing department must provide the Office of Human Resources with the name of the candidate or volunteer requiring a background check, along with a copy of the signed Authorization to Release Information form.
- E. **Authorization Form:** The Authorization to Release Information form is available on the OHR web page.
- F. **Cost of CJIS.** If the CJIS Record History is processed through the FSU Police Department, the cost is the financial responsibility of the hiring department. **If processed through an authorized CJIS vendor other than the FSU Police Department,** the cost is the responsibility of the individual. However, in specific circumstances, the hiring department may choose to cover the cost.

To determine if this applies to your situation, candidates or volunteers should contact their hiring department or the Office of Human Resources before scheduling an appointment or paying any fees.

- G. **Timeline of Checks:** Commercial criminal background checks may take up to two (2) weeks to process, depending upon the states being checked. CJIS Record History checks may take up to three (3) weeks to complete.
- H. **Notification:** The Office of Human Resources will notify the hiring/employing department when the background check results have been received.

## II. Procedural Steps

### A. Commercial Criminal Background Checks

1. The hiring department must obtain a completed and signed Authorization to Release Information form from the candidate or volunteer.
2. Submit the Authorization to Release Information form to the Office of Human Resources.

### B. CJIS Record History

1. The hiring department must obtain a completed and signed authorization to release information form from the candidate or volunteer.
2. The FSU Police Department offers Livescan services which will electronically submit fingerprints to the Maryland Criminal Justice Information System (CJIS) Central Repository.
  - a. **Location.** FSU Fingerprint Services is located at the FSU Police Department.
  - b. **Hours of Service.** Call the FSU Police Department at 301/687-4205 to schedule an appointment.
  - c. **Required Information.** The hiring department must coordinate the appointment with the FSU Police Department. The candidate or volunteer must bring a valid form of government identification with a photo (Driver's license, state-issued identification card, passport or military identification); and the Authorization to Release Information form. A copy of the Authorization to Release form must be sent to the Office of Human Resources.
  - d. **Payment.** The FSU Police Department will bill the department directly.
3. If the candidate or volunteer resides outside of the FSU area, they may choose to use another authorized vendor to complete the Livescan fingerprinting service.

4. If the candidate or volunteer had a CJIS background check at another employing agency within 365 days of employment, the candidate or volunteer must complete a "365 Day Request for Child Care Criminal History Record Check." This form must have the FSU authorization number. The form may be obtained by contacting the OHR.

### **III. Conditional Job Offer, Review, and Final Decision**

- A. All job offers are contingent upon the successful completion of a criminal background check. Candidates and volunteers are not permitted to begin work until the background check has been reviewed and cleared.
- B. The Chief Human Resources Officer (CHRO) will review the results of the criminal history record check. In coordination with University General Counsel, the CHRO will make the final determination regarding the extension or withdrawal of a job offer.
- C. If employment is denied based on the outcome of the background check, the candidate will receive a written explanation outlining the reasons for the adverse action.

#### References:

[USM Policy VII-1.15](#)

OHR Web Page Forms

[Maryland Department of Public Safety and Correctional Services](#)