

Chancellor's Memorandum

**CM-71 – Background Inquiry Policy**

**To:** Vice Chancellors, Deans, Administrative Staff, and Department Heads

**From:** LSU Health Sciences Center - New Orleans Chancellor

**Effective Date:** May 13, 2021

**PURPOSE**

The purpose of this policy is to ensure the safety and security of LSUHSC-NO faculty, staff, students, patients and property by requiring background inquiry information on prospective employees, to include, student workers, graduate assistants, and fellows. This policy serves to maximize the safety of the University community and minimize the liability of LSU Health Sciences Center – New Orleans (LSUHSC-NO) in hiring, retention and selection of prospective candidates who may jeopardize campus safety. Furthermore, this policy will establish compliance with all applicable state and federal laws and will also help the university evaluate whether a candidate is suitable for a particular position.

**DEFINITIONS**

**Adjunct:** academic personnel on a non-tenure track, who are hired on a contractual basis, usually in part-time or limited term positions. LSUHSC-NO is not their main employment and are exempt from some of the responsibilities of fully employed university faculty.

**Authorized Adult:** an adult who is responsible for supervising a Minor or Minors.

**Background Inquiry:** the process of gathering and reviewing information on a particular individual that is used to determine that individual's suitability for employment including but not limited to criminal history records, financial history records, motor vehicle records and/or civil suit records.

**Conviction:** a guilty verdict, a guilty plea or a plea of Nolo Contendere ("No Contest") of felony or misdemeanor, other than minor traffic offenses. (DUI or DWI is not considered a minor violation.)

**Criminal History Inquiry:** the process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or third party vendor in the business of obtaining and providing criminal history records relating to an individual's criminal convictions for the purpose of determining the individual's suitability for employment. The criminal history inquiry may include sex offender records. A criminal history record does not include an individual's conviction records that have been sealed by court order. Criminal records may include in-state, out-of-state and/or international criminal history, including misdemeanor and felony convictions.

**Job Applicants:** prospective employees who submit information to be considered for positions at LSUHSC-NO.

**Final Candidates:** a current, former, or prospective employee recommended for hire, transfer or promotion and to whom a contingent offer will be made.

**Financial History Inquiry:** the process of gathering and reviewing financial history records or information furnished by any court of civil law, credit reporting agency (credit report), or a third party vendor in the business of obtaining and providing credit reports.

**Hiring Authority (Home Department/Hiring Unit):** the individual in a campus department, office unit, or program with the authority to make hiring decisions.

**Minor:** a person under the age of eighteen (18) (except emancipated persons) per the Louisiana Children's Code and not admitted to LSUHSC-NO as a student.

**Motor Vehicle Inquiry:** the process of gathering and reviewing motor vehicle and/or driver's license records or information, including motor vehicle records from any state where the individual has resided.

## **POLICY**

Criminal background checks are required for final candidates for the following part-time and full-time positions:

- Regular faculty and staff
- Temporary, term, seasonal and intermittent appointments
- Adjunct faculty
- Visiting scholars who have access to the LSUHSC-NO network or obtain a LSUHSC-NO ID badge
- Gratis, who have access to the LSUHSC-NO network, obtain a LSUHSC-NO ID badge, who deliver patient care as a LSUHSC-NO faculty member, or who supervise trainees in the delivery of patient care.
- Student workers, graduate assistants and house officers/fellows

Background checks will not be used to discriminate on the basis of race, color, national origin, religion, sex, disability, genetic information, or age.

As with drug screens, background checks must be completed prior to final authorization to begin employment. All letters of offer will be contingent upon candidates receiving a satisfactory background check. Candidates with questionable information concerning his/her record will be considered on a case-by-case basis for appointment or continued employment. The Director of Human Resource Management will take into consideration the department or school the applicant applied for, current position, the nature and gravity of the offense, and the time that has passed since the questionable offense. Any candidate that is not appointed because of information obtained during the background inquiry may appeal the decision in writing to the Director of Human Resource Management or designee within five (5) calendar days from the date of the adverse notification letter.

A background check pursuant to LA. R.S. 46:51.2(F) (2) satisfactory to the University is required for each authorized adult prior to any direct participation with Minors in an LSUHSCNO Program and at least once every three (3) years thereafter. Authorized adults will be required to complete a background inquiry consent form. In order to qualify as an authorized adult, an individual must comply with all applicable registration, background inquiry, and Compliance training requirements.

Employees subject to a background check who have a break in service must have a background check completed.

Candidates granted a visa with the U.S. Department of State- Bureau of Consular Affairs background check are not required to have an additional criminal search in their home country. A U.S. search must still be conducted.

The university reserves the right to conduct a criminal background check on any current employee if circumstances indicate criminal activity by this employee may have occurred.

### **PROCESSING BACKGROUND CHECK**

The Director of Human Resource Management (HRM) is the delegated authority for investigative background inquiries. Procedures for obtaining an applicant or current employee's background inquiry information as well as keeping all records related to such inquiries and the confidentiality of such records shall be established and maintained by the Director of HRM.

The following background checks will be required for final candidates for employment, but not limited to:

1. Criminal History (local, national (federal))
2. Social Security Number Verification
3. National Sex Offense Registry
4. Financial History Inquiry

Hiring departments must conduct a good faith effort to obtain reference information for professional contacts.

Prior to the background inquiry being conducted, HireRight, the background inquiry vendor will provide final candidates for employment the following information:

- a. Reasonable means used to maintain confidentiality of the information resulting from the background inquiry.
- b. A copy of the Fair Credit Reporting Act Disclosure Statement.
- c. A copy of the report and a "Summary of Your Rights under the Fair Credit Reporting Act" will be forwarded to the candidate should LSUHSC-NO standards not be met. Human Resource Management will inform candidates of LSUHSC-NO standards.

## **CONTRACTORS**

Follow the policy set forth in the attachments for background checks of contractors and vendors.

## **ATTACHMENTS**

[Contractor and Vendor Background Check Policy - \(Attachment 1\)](#)

[Attestation Clause \(Past Criminal Convictions of Contractors\) - \(Attachment 2\)](#)