

Criminal History Background Check

The University of South Florida (USF) is committed to protecting the safety, security and health of its students, employees and others, as well as safeguarding the interests of USF. As part of its efforts to create a safe work and study environment, USF requires that a criminal history background (Level 1) check be conducted on prospective employees as a condition of employment. Criminal background checks may be required for students or volunteers depending upon assignment. A criminal background check will be conducted on current employees when required by law or if there is a reasonable belief that the employee has been convicted of a crime without reporting it to Central Human Resources. Where required by law or internal procedure, a Level 2 background check will be completed. If a current employee's position is subsequently designated as sensitive or special trust, a Level 2 background check will be conducted.

Those Required to Submit to a Background Check

All prospective USF Employees in the classification of Faculty, Administration, Staff and Temporary (with assignments exceeding 60 days). Volunteers and Students are generally exempt from the background check requirement, unless their position has been designated as a Sensitive or Special Trust position. In addition, to the extent any University agreement/third-party contracts requires background checks, the University will comply with any such contractual requirements to the extent permissible by law.

Types of Criminal History Background Checks:

- **Level 1:** A Level 1 background check is a background check that includes a nationwide criminal history background check through validated national database sources, and a check of the National Sex Offenders Public Website. It may also include a local criminal records check through local law enforcement agencies. The typical turnaround time for a Level 1 background check is 48-72 hours.
- **Level 2:** A Level 2 background check includes a state or national fingerprint-based check in addition to the requirements of a Level 1 background check. Results for a Level 2 background check are obtained within 24 - 48 hours.
- **Level 2 Summer Program:** A level 2 finger-print based background check conducted by The Department of Children and Families (DCF) through a state-run, web based system called the Care Provider Background Screening Clearinghouse, described in Florida Statute §435.12.

Designating a Job as Requiring a Level 2 Background Check

The Dean or Director (or designee) of an area wishing to require a Level 2 background check on specified jobs must submit the request in writing to the appropriate campus/institution Human Resources office prior to advertising the job. The request must include a description of the job's assigned duties which supports the need for a level 2 background check by legal requirement by, the funding agency, or the list of duties shown below. If Human Resources determines the background check is appropriate, the background check requirement will be indicated on the job posting on Careers@USF.

Duties that are considered sensitive or of special trust include:

- Direct access to, or control over, cash, checks, credit/debit cards, account information, including cash handling or credit card acceptance positions, or have responsibility for creating, collecting or accounting for material levels of accounts receivable.
- Update, prepare, generate or enter a transaction that will result in one of the following: refund, wire transfer, money transfers, fiscal and p-card transactions or vendor changes.
- Control over operational processes either through functional roles or system security access (e.g., ability to process a payment, print or distribute checks, or process payroll corrections).
- Significant inventory control responsibilities, including the receipt and release of inventory.
- Privileged access to sensitive data or critical data processing systems.
- Unsupervised access to university, employee or student property, including housekeeping positions with access to offices and residence halls.
- Access to secured buildings/offices, including those in possession of building master or sub-master keys and/or cards for building access.
- Provide direct services, programs and activities to students in residence halls, medical and counseling centers, as well as those providing direct services in dining centers.
- Access to sensitive, confidential and personally identifiable information on students, faculty, staff, clients, research subjects or alumni.
- Working with minors or other vulnerable populations, such as the elderly or those with disabilities.
- Participating in a summer camps, clinics and/or enrichment programs sponsored by USF.
- As required by granting agencies for grants and contracts.
- Designated by President, Vice Presidents or designee to be positions of special trust or responsibility.
- As required by federal or state law.

Initiating a Criminal History Background Check for Pre-Employment

Once the department has extended an offer to the employee, the background check process should be initiated. **Please note: employees cannot begin employment without CHR verifying successful completion of the background check.**

Level 1 background check is initiated by the department using the university's approved third-party online vendor. A Level 2 background check shall be coordinated through Central Human Resources. Please contact CHR Recruitment at hr-bgroundck@usf.edu.

Initiating a Criminal History Background Check for Current Employees

Current employees are required to report any conviction which occurs during their employment with USF to Human Resources. Human Resources may authorize a criminal background check on current employees if required by law or if there is a reasonable belief that the employee has been convicted of a crime without reporting it to Human Resources. If a current employee's position is subsequently designated as sensitive or special trust, a Level 2 background check will be conducted.

Assessing Job Related Convictions

Individual results will be reviewed on a case by case basis. Information that will be taken into account:

- the nature of the offense(s);
- the time that has passed since the offense had occurred;
- the rehabilitation record, actions and activities of the individual since the conviction including subsequent work history; and
- the nature of the job sought.

The existence of a conviction does not automatically disqualify an individual from employment. Each case will be judged on its own merit with respect to the above factors; however, the individual must have given a truthful and comprehensive disclosure of the conviction for employment consideration. Guilty verdicts, guilty pleas and pleas of nolo contendere (no contest) must be included in the disclosure. Individuals will have an opportunity to present relevant information after USF's receipt of the background information for consideration in making any employment decision.

Recordkeeping

All completed criminal history background checks shall be maintained in Human Resources and shall be kept separately from employee personnel files. Background checks are subject to the Florida Public Records laws.

USF will ensure that all background checks are held in compliance with federal and state statutes, such as the Fair Credit Reporting Act, when applicable.

Criminal background checks will be used only to evaluate individuals for employment, participation in summer programs/camps or specified volunteer positions and will not be used to discriminate on the basis of race, color, marital status, sex, religion, national origin, disability, age, genetic information, sexual orientation, gender identity or expression, or military status.

Billing

- **Level 1** - The Level 1 background check for the Tampa Campus will be centrally funded
- **Level 2** - Departments are responsible for all expenses/charges incurred for Level 2 background checks performed.
- **Level 2 Summer Program** – Departments are responsible for all expenses/charges incurred for Level 2 Summer Program Background checks performed.

Chart field information must be provided to HR at the time of the request to initiate a Level 2 criminal history background check.

Exemptions

There are exemptions from criminal background checks for individuals who meet the following conditions, unless their job duties require them, by law or internal procedure, to undergo a criminal history background check:

- Rehired employees or former employees appointed as volunteers who have returned to USF after a period of no more than 120 days.
- Students and volunteers will generally not be subject to criminal background checks. A department

may designate limited positions as subject to criminal background check. Applicants will be notified of the requirement at the time the position is posted.

- Temporary employees hired for a period of 60 days or less. (Includes courtesy appointments)
- Emergency appointments of 7 days or less with the approval of the appropriate Vice President or the Associate Vice President of Human Resources.