

VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

GENERAL ORDER)
NUMBER 48)

10 August 2021

CRIMINAL RECORDS CHECK POLICY

1. **PURPOSE:** This policy is intended to protect the wellbeing of VMI faculty, staff, and cadets, and members of the public by establishing parameters for criminal history checks on individuals who are finalists for specific employment positions at VMI. Criminal history disclosed or discovered in the employment process may influence the selection of a finalist if the criminal history is demonstratively job-related and consistent with business necessity or if state or federal law prohibits hiring an individual with certain convictions for a particular position.

In addition, VMI will conduct criminal history checks on individuals who will work on Post in support of athletic and academic summer camps.

2. **DEFINITIONS**

Conviction:

An adjudication of a criminal defendant's guilt. Specifically, it is the act or judicial process of finding a criminal defendant guilty of a charged offense.

Crime:

The breach of a legal duty, punishable by a penal statute, whether federal, state, or local.

Criminal Records Check:

A review of the potential employee's record of criminal convictions and traffic violations.

Senior Executive:

The Chief of Staff

The Deputy Superintendent for Academics and Dean of the Faculty

The Deputy Superintendent for Finance, Administration and Support

The Commandant of Cadets

The Director of Information Technology

The Director of Intercollegiate Athletics

The Director of Center for Leadership & Ethics

The Chief Diversity Officer

3. **APPLICABILITY:** This policy applies to all VMI employees and individuals selected as finalists for a specific position unless otherwise noted.

4. **POLICY**

4.1 Criminal Records Checks: All newly hired or rehired (after leaving employment with VMI for more than 180 days) full-time and part-time employees, and those selected as finalists for specific positions, will undergo a criminal history record check. The provisions

of this policy also apply to part-time faculty and temporary wage positions that are exempted from the normal recruitment process. The criminal background check is only conducted after an employee or finalist for a specific position (i) has signed the *Applicant Authorization and Consent for Release of Information* form (included as Attachment 1 to this policy); and (ii) has been found otherwise eligible for the position.

4.2 Falsification of Information: The provision of falsified criminal history information in the hiring process may result in denial or forfeiture of VMI employment.

4.3 Individuals Identified as Potentially Having Job-Related Criminal Histories: A criminal history check may also be conducted for individual employees who have disclosed potentially job-related criminal histories after being hired, or who have been reported as potentially having job-related criminal histories by any source after being hired.

4.4 Consideration of Criminal History in Employment Decisions: It is acceptable and appropriate to consider criminal history in employment decisions if demonstratively job-related and consistent with business necessity, or if state or federal law prohibits hiring an individual with certain convictions for a particular position. Any information about criminal history, as well as any information about falsification of information, should be communicated to the Human Resources Office for further investigation and appropriate action.

4.5 Employee Responsibility to Report Convictions: During the course of employment, any employee convicted for any crime (excluding moving traffic violations) has five (5) calendar days to report the conviction to their immediate supervisor and the Human Resources Office. Employees whose responsibilities include the use of Institute-owned vehicles must also report any moving traffic violation within five (5) calendar days of the citation.

4.6 Additional Background Investigations: VMI reserves the right to conduct criminal background investigations when an employee is charged with any crime that reflects on his/her suitability for continued employment, during the course of an administrative investigation, when the employee is transferred or hired into a new position, or when circumstances are identified that warrant further investigation.

5. PROCEDURES

5.1 Communication of Policy: The provisions of the Criminal Records Check Policy will be communicated to applicants and employees using the following methods:

- a. Departmental employment interviews.
- b. Posting on the VMI website with other Human Resources information.

In addition, the Human Resources Office will be available to discuss the provisions and procedures of the policy with supervisors, employees, and applicants.

5.2 Conducting the Criminal History Check: To expedite the process, departments may

ask all finalists to complete the *Applicant Authorization and Consent for Release of Information* form, with the understanding that the criminal history check will be conducted only on a finalist for a specific position who has been found to be otherwise eligible for the position. The Department must destroy the other forms. If the form is not completed in advance, a finalist for a specific position must complete the *Applicant Authorization and Consent for Release of Information* form before a verbal offer of employment is made. Any candidate refusing to complete and sign the *Applicant Authorization and Consent for Release of Information* form may have his or her application for the position removed from consideration. The Human Resources Office will contact the department with the results of the criminal background check. No offer of employment may be extended until the results of the criminal background check have been communicated to the department.

Any information related to criminal history will be maintained in the strictest confidence possible. Only essential personnel involved in the hiring process (including the department head, senior executive and the Superintendent), the individuals involved in the assessment of job-relatedness, and the police should be informed of information relating to the criminal background of an individual employee or finalist on a need-to-know basis.

5.3 Athletic and Academic Summer Camps: Coaches and faculty members who conduct summer day and overnight camps on the VMI Post will work with the Director of Intercollegiate Athletics or the Human Resources Office to initiate criminal history checks on individuals who will be employed by the camp. Although some of these camps are operated by independent contractors, criminal history background checks of individuals scheduled to work at camps at VMI will be conducted in the interest of the safety and security of the campers and the VMI community. The Human Resources Office will advise the Director of Intercollegiate Athletics or the faculty member sponsoring the camp of the results of the check and if the check indicates an individual should be barred from participation in the camp. The Human Resources Office will bill the sponsoring coach or faculty member for the cost of the checks.

5.4 Determination of Job-related Criminal History: The Human Resources Office will initially determine whether a finalist's criminal history is demonstratively job-related, and consistent with business necessity, or if state or federal law prohibits hiring an individual with certain convictions for a particular position. The determination to deny employment to the finalist based on criminal history will be made by the appropriate senior executive, in consultation with Human Resources, in accordance with this policy. A decision to hire an applicant with a demonstratively job-related criminal history requires the approval of the appropriate senior executive.

In making the determination of job-relatedness, VMI will consider how recently the matter occurred; the frequency and severity of the crime(s); and the age of the individual at the time of the incident. The safety and security of the campus and the members of the Post community will be VMI's foremost consideration.

6. RESPONSIBILITIES

Hiring supervisors are responsible for adherence to this policy, including communicating it clearly to job candidates.

The Human Resources Office is responsible for the management of this policy, including overseeing the background check process and reporting results.

7. **SANCTIONS:** Any employee who violates the terms of this policy is subject to disciplinary action.

8. **EXCLUSIONS:** In some circumstances, criminal history checks may not be required for:
 - a. Active duty members of the federal Armed Forces.
 - b. Individuals who honorably separated from active duty with the federal armed forces or who retired from active duty with the federal armed forces within 180 days of employment with VMI.
 - c. Cadet assistants and college work study students.
 - d. Law enforcement officers (VMI Police Officers) who are subject to more stringent pre-employment background checks under State law.
 - e. High school students hired for part-time summer employment.

Other exceptions must be requested by the appropriate senior executive and approved by the Superintendent or the Chief of Staff.

FOR THE SUPERINTENDENT:

Gary A. Bissell
Colonel, USAR (Ret)
Acting Chief of Staff

DIST: E

OPR: HR



Department: _____
 Position Title: _____

Applicant Authorization and Consent for Release of Information
 (Please read carefully)

We at VMI welcome your application for employment. We are proud that our success is the result of the quality and caliber of our employees. If you are selected for employment, you will join a community of recognized professionals. To ensure the safety and security of our faculty, staff and cadets, and to continue VMI's tradition of excellence, we require your consent to and authorization of a pre-employment verification of your background.

I, the undersigned, do hereby certify that the information I have provided for the purpose of employment is true and complete to the best of my knowledge. I understand that, if I am employed, any false statements will be considered as cause for possible dismissal. This release and authorization acknowledges that Virginia Military Institute may conduct a verification of my education, previous employment/work history, credit history, and motor vehicle reports; contact personal references; and receive information from any criminal or civil justice agency in any State and/or other information as deemed necessary to fulfill the job requirements. The results of this verification process will be used in the hiring process to the extent information gained is demonstratively job-related and consistent with business necessity.

PLEASE PRINT

LAST NAME –	FIRST	MIDDLE	MAIDEN	SEX	RACE	DATE OF BIRTH / /
CURRENT ADDRESS (street address, city, state, and ZIP code):						
PLACE OF BIRTH – County or City		– State or Country		SOCIAL SECURITY NUMBER		
<small>*VMI requests your social security number to conduct a residence history and criminal conviction background check consistent with VMI policy. You are not required to disclose your social security number; however, if you do not disclose your social security number, you will not be considered for employment.</small>						
PLEASE LIST ALL ALIASES (OTHER NAMES YOU HAVE GONE BY):						
AUTHORIZATION FOR RELEASE OF INFORMATION I hereby give consent and authorize Applicant Insight, Inc., Virginia Military Institute or any entity conducting verification and background check on its behalf and/or the Virginia State Police to search the files of the Central Criminal Records Exchange and/or to conduct a criminal history search for any criminal history record and report the results of such search to Virginia Military Institute.						
_____				_____		
Signature				Date		

List all states and cities or counties outside Virginia where you have lived during the past seven years. Please print.

STATE	CITY/COUNTY	DATE (from month/year to month/year)
_____	_____	_____
_____	_____	_____

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