

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES  
NOTICE OF PROPOSED REGULATION**

**REGULATION NUMBER AND TITLE:** FPU-6.011 Employee Criminal Background Checks.

**SUMMARY OF THE REGULATION:** This regulation establishes the criteria and guidelines for conducting criminal background checks in accordance with applicable federal and state law provides University procedures and specific criteria for requiring and conducting criminal background checks on applicants to whom an offer of employment has been made, current employees and approved volunteers.

**TEXT OF REGULATION:** The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at <http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

**AUTHORITY:** Board of Governors Regulations 1.001(5).

**NAME OF PERSON INITIATING PROPOSED REGULATION:** Gina DeIulio, VP and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**THE CONTACT PERSON REGARDING THIS REGULATION IS:** Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: [bluke@floridapolytechnic.org](mailto:bluke@floridapolytechnic.org), Phone: (863)583-9061, Fax: (863)583-9070.

**DATE OF PUBLICATION:** March 11, 2014

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

## **FPU-6.011 Employee Criminal Background Checks.**

**(1) Purpose.** This regulation establishes the criteria and guidelines for conducting criminal background checks in order to ensure the University's compliance with applicable federal and state laws. The University shall designate, as appropriate, all positions of employment for which a criminal background check is required, determined based on the nature of trust, responsibilities and location of the position. This regulation provides necessary procedures and specific criteria for requiring and conducting criminal background checks on applicants to whom an offer of employment has been made, current employees and approved volunteers, as applicable.

**(2) University Policies and Procedures.** University policies and procedures shall be followed while conducting criminal background checks. An individualized assessment of any criminal history discovered pursuant to a criminal background check, including further investigation into the matter when such is warranted, shall take place prior to the University taking any negative employment action. The University will notify the individual, in writing, in the event a screening has revealed any disqualifying information. The University's Human Resources Department will conduct all criminal background checks and investigations related to a position of employment.

**(3) Positions of Special Trust or Responsibility or in Sensitive Location.** A criminal background check shall be conducted on all job candidates, after an offer of employment is made, and on all accepted volunteers, prior to employment in a position of special trust or responsibility or a position in a safety sensitive location. All positions subject to criminal background checks must state such requirement in any job postings advertising the position, offers of employment and official job descriptions.

**(4) Responsibility to Cooperate.** University employees, who are employed in a position for which a criminal background check is required, shall cooperate fully with the University while the background check is conducted, which includes the obligation to produce any requested information in a timely manner. Any employee who refuses to cooperate in the screening or refuses to submit necessary information in a timely manner, including fingerprints if required, will be subject to disqualification from employment, or if currently employed in the position, will be subject to termination.

**(5) Employment Decisions Based on Criminal History.** The University will not take any negative employment action based solely on an individual's arrest record, but will make further inquiry to determine whether the conduct underlying the arrest justifies doing so. The University may take negative employment action based solely on an individual's conviction record if the specific offense demonstrates unfitness for performing in the position and relates to the job. Positions subject to a criminal background check require a specification of disqualifying criminal conduct based on the special trust or relative job responsibilities of the employee in that position.

**(6) Responsibility of Current Employees.** Falsification of any record(s) provided by an employee during the employment application process may be grounds for immediate termination of the employee and shall negate any future opportunity for employment with the University. A University employee shall immediately notify the University if the employee is convicted of a felony or first degree misdemeanor any time subsequent to becoming employed by the University.

**(7) Criminal Background Check Records.** Criminal background check records obtained pursuant this regulation shall be kept confidential and used solely for purposes that are required or permitted under this regulation or any applicable federal or state law.

*Authority: BOG regulation 1.001(5)*

*History: New: \_\_\_\_\_*