

## Procedure for Criminal Background Checks

Frostburg State University's 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

1. **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 new applicants for employment at FSU.
2. **Mandatory Maryland Criminal Justice Information System (CJIS) Record History.** Under state and federal law, FSU is required to obtain and review pre-employment CJIS criminal background checks for employees and volunteers of programs involving minors including, but not limited to:
  - A. Recreation centers or programs serving minors
  - B. Day or residential camps serving minors
3. **Disclosure and Authorization:** The hiring/employing department must inform the successful applicant or the volunteer that a "Criminal Background Check" or "CJIS Record History" is required. Once the applicant or volunteer accepts, they must complete an Authorization to Release Information.
4. **Identification of Applicants:** The hiring/employing department must provide the Office of Human Resources with the name of the applicant or volunteer who requires a background check and a copy of the signed authorization. **Any job offer is conditional upon the applicant clearing a background check.**
5. **Authorization Form:** The Authorization to Release Information form is available on the OHR web page.
6. **Cost of CJIS.** If processed through the FSU police department, the cost of the CJIS record history is the financial responsibility of the hiring department. If processed through an authorized CJIS vendor other than the FSU police department, the cost of the CJIS record history is the responsibility of the individual.

#### References:

[USM Policy VII-1.15](#)

[OHR Web Page forms](#)

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

7. **Timeline of Checks:** The commercial criminal background checks can take up to two weeks for processing, depending on the states being checked. The CJIS record history may take up to three weeks.
8. **Notification:** The Office of Human Resources will notify the hiring/employing department that 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 applicant 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 applicant or volunteer.
2. The FSU Police Department offers Livescan services which will electronically submit fingerprints to the 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. Applicant 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 form must be sent to the Office of Human Resources.
  - D. **Payment.** The FSU Police Department will bill the department directly.
3. If the employee or volunteer lives outside of the FSU area, the employee may choose to use another vendor for a Livescan service.
  - A. The employee or volunteer must have a fingerprint card supplied by FSU with the FSU authorization number. The card may be obtained by contacting the OHR. If the employee or volunteer uses a fingerprint card supplied by an authorized CJIS vendor the fingerprint card must have the FSU authorization number. The authorization number may be obtained by contacting the OHR.

#### References:

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[OHR Web Page forms](#)

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- B. The employee must pay for the fingerprinting service.
- 4. If the employee or volunteer had a CJIS background check at another employing agency within 365 days of employment, the employee 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 can be obtained by contacting the OHR.

### III. Review and Decisions

1. The Vice President of Human Resources will review the outcome of the criminal history record check and in coordination with Legal Counsel, will make the final decision whether the individual will be employed. If the individual's employment is denied, a letter of explanation will be sent to explain why the adverse action was taken.
2. **An employee or volunteer may not begin work until the background check has been cleared.**

References:

[USM Policy VII-1.15](#)

[OHR Web Page forms](#)

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