



## KENTUCKY STATE UNIVERSITY

### Policies and Regulations

---

#### **POLICY TITLE:**

**Criminal Background Check**

#### **APPLIES TO:**

**Faculty**

**Staff**

**Students**

**Volunteers**

**Applicants for Employment**

#### **ADMINISTRATIVE AUTHORITY:**

**Office of Human Resources**

#### **APPROVED BY:**

**Kentucky State University Board of Regents**

#### **EFFECTIVE DATE:**

**August 9, 2024**

#### **NEXT REVIEW DATE:**

**August 9, 2027**

---

#### **POLICY STATEMENT:**

Kentucky State University (KSU) is committed to fostering a safe and secure environment for its community. Pursuant to KRS 164.281, KSU mandates criminal history background checks for all employment candidates (internal and external) and reserves the right to conduct such checks for volunteers. No candidate may begin employment until the Office of Human Resources (HR) receives a satisfactory background check and grants authorization. This policy ensures compliance with state and federal laws, including the Fair Credit Reporting Act and Title VII of the Civil Rights Act, while also supporting KSU's mission to maintain integrity in hiring and volunteer processes.

#### **DEFINITIONS:**

**Applicant**

An individual who applies for an employment position at KSU and is deemed qualified for consideration.

**Contingent Employment Offer**

A conditional job offer dependent on a satisfactory criminal background check.

**Falsification**

Failure to accurately disclose required information, such as misdemeanor or felony convictions (excluding minor traffic violations), on an employment application.

**Hiring Official**

A KSU representative authorized to extend employment offers.

**Conviction**

For the purposes of this policy, convictions include guilty pleas, no contest pleas, deferred adjudications, and similar dispositions. However, arrests, juvenile adjudications, expungements, and sealed records are excluded from this definition.

**PROCESS:****Application Process**

- Applicants must submit an electronic application via KSU's online employment system and disclose any misdemeanor or felony convictions (excluding minor traffic violations).
- Applications include:
  - The following statement: "State law requires a state and national criminal history background check as a condition of employment."
  - A notice that falsification or non-disclosure may lead to offer withdrawal or termination, per KSU policies.
- Applicants must electronically authorize the background check during the application process.
- For certain volunteer positions, volunteer forms may include the following statement: "This volunteer role requires a state and national criminal history background check."

**Conducting Background Checks**

- Background checks are conducted post-offer by a third-party administrator, in compliance with the Fair Credit Reporting Act and other applicable laws.
- KSU retains sole discretion over decisions based on background check results but shall ensure that exclusions are job-related and consistent with business necessity, per Title VII and EEOC guidance.

**Employment Offers**

- Upon a hiring official's recommendation, HR extends a written contingent offer stating: "This offer is contingent upon a satisfactory background investigation."
- Verbal offers, if necessary, must clarify the contingency.
- HR initiates the background check through the appropriate third-party administrator.

## **Evaluation of Results**

- Results are sent directly to designated HR personnel.
- If convictions are identified, HR consults the Office of General Counsel (OGC) to assess:
  - Nature and severity of the conviction.
  - Time elapsed since conviction or sentence completion.
  - Relevance to the position.
  - Evidence of rehabilitation.
- Pending charges that, if resulting in conviction, would warrant exclusion lead to temporary exclusion until the charges are resolved.
- As aforementioned, arrests, juvenile adjudications, expungements, and sealed records are not considered.

## **Outcome Procedures**

### **1. Satisfactory Results**

- HR notifies the hiring official, and the candidate is cleared to begin employment.

### **2. Unsatisfactory Results**

- HR informs the hiring official and notifies the applicant that the contingent offer is rescinded.
- The third-party administrator provides the applicant with a summary of rights under the Fair Credit Reporting Act and an opportunity to review the report.
- Applicants may dispute inaccurate information, and HR, with OGC consultation, reviews the disputes and determines further action.

### **3. Falsification or Non-Disclosure**

- Applicants who falsify or fail to disclose required information are disqualified and barred from reapplying for employment at KSU for one (1) year.

## **REFERENCES AND RELATED MATERIALS:**

- KRS 164.281 (Criminal History Background Checks)
- KRS 17.500 (Criminal History Records)
- KRS 439.3401 (Violent Offender Definitions)
- Title VII of the Civil Rights Act
- Fair Credit Reporting Act
- KSU Employment Policies

## **CONTACTS:**

Subject	Office	Telephone	E-mail
Policy questions	Human Resources	(502) 597-6667	<a href="mailto:Human.Resources@ksu.edu">Human.Resources@ksu.edu</a>

**HISTORY:**

Revision Type	Date of Issuance/Revision	Drafter(s)/Editor(s)
Issued (New Policy) (HR Policy Manual)	March 2013	Unknown
Revised	August 2024	Zach Atwell

---