VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

GENERAL ORDER)
NUMBER 48) 10 May 2012

CRIMINAL HISTORY INVESTIGATION POLICY

1. PURPOSE: This policy is intended to protect VMI's interests and the well being of its faculty, staff, cadets and the public. This policy establishes parameters for criminal history checks on individuals who are offered employment at VMI. Convictions disclosed or discovered in the employment process may influence the selection of a finalist with a job-related conviction. In addition VMI will conduct criminal history checks on individuals who will work on the VMI Post in support of athletic and academic summer camps.

2. DEFINITIONS

Conviction:
The result of a trial or legal proceeding that ends in judgment or sentence that the person is guilty of a criminal violation.

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

3. APPLICABILITY: This policy applies to all VMI employees unless otherwise noted.

4. POLICY

4.1 Criminal Records Checks: All newly hired or rehired (after leaving the employ of VMI for more than 180 days) full-time and part-time employees 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.

4.2 Falsification of Information: The determination of falsified criminal history information on the application or in the hiring process will normally 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 Job Application/Interview: It is acceptable and appropriate to inquire about convictions, but not arrests, during the interview process. Hiring officials should review the conviction statements on the State employment application (for classified and hourly/wage positions) of interviewed candidates and should inquire about any reported convictions during the interview. Any information about reported convictions, as well as any information about falsification of information, should be communicated to the Human Resources Office for further investigation and appropriate action. An individual who does not disclose all required convictions on the application will normally be denied employment for falsification of the application. Convictions disclosed on the application or during the employment process will be considered in the selection decision if they have been determined to be related to the job.

The hiring department will have the finalist or finalists for a position complete the ***Applicant Authorization and Consent for Release of Information*** form (included as attachment 1 to this policy).

4.5 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 history check policy will be communicated to applicants and employees using the following methods:

a. Application materials provided to all applicants.
b. Departmental employment interviews.
c. Departmental employment letters offering employment.

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 Initiating 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 the finalist selected for the position. The Department must destroy the other forms. If the form is not completed in advance, the selected candidate must complete the ***Applicant Authorization and Consent for Release of Information*** form as soon as a verbal offer of employment is made. The employment offer will be conditional based on the results of the criminal history check. The hiring department must inform the selected candidate that the

offer is conditional. If the department makes an employment offer in writing, the conditional nature of the offer must be clear. The Human Resources Office will contact the department with the results of the criminal background check to set up a consultation if the investigation reveals a criminal history record.

VMI reserves the right to conduct checks on the widest scope possible.

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 on criminal background of an individual employee or applicant 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 Deputy Athletic Director or the Human Resources Office to initiate criminal history checks on individuals who will be employed by the camp. VMI recognizes that some of these camps are independent contractor operations, but in the interest of the safety and security of the young campers on the VMI Post these checks are important. The Human Resources Office will advise the Deputy Athletic Director 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 Convictions: The Human Resources Office will initially review the criminal history records to determine job relatedness. If the individual has convictions that are job-related, VMI will normally deny employment. The determination to deny employment to the selected candidate will be made by the appropriate senior executive, in consultation with Human Resources, in accordance with the policy. A decision to hire an applicant with a job-related conviction requires the approval of the appropriate senior executive.

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

5.5 Preliminary Offers: Departments may make an offer to the selected candidate; however, the offer is contingent on the results of the criminal history check. The Human Resources Office will contact the department with the results of the criminal history check as soon as possible if a job-related record is discovered. In some cases, the offer of the position will be delayed until the results of the checks are received.

If the employee commences work before the results of the criminal history check have been received, the offer letter will note that the continuation of employment is contingent upon the results of the check.

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: Criminal history checks will not be conducted on:

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. Summer camp employees who will be working in a support role for a limited time (three days or less), and who will not be left unsupervised with the campers at any time and who will not be spending the night in a VMI facility
d. Cadet assistants and college work study students.
e. Current employees of the VMI Alumni Agencies and the George C. Marshall Foundation.
f. High school students hired for part-time summer employment.
g. Law enforcement officers (VMI Police Officers) who are subject to more stringent pre-employment background checks under State law.

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

FOR THE SUPERINTENDENT:

Jeffrey H. Curtis
Colonel, USAF (Ret.)
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 the finalist 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, social security number through consumer credit bureau, and motor vehicle reports; contact personal references; and receive 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 to determine employment eligibility.

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*** *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.	
PLEASE LIST ALL ALIASES (OTHER NAMES YOU HAVE GONE BY):					

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby give consent and authorize Applicant Insight, Inc. 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)**
_____	_____	_____
_____	_____	_____

Please continue on back of page, if necessary.

April 12