

MSU CONTRACTOR CRIMINAL BACKGROUND CHECK REQUIREMENTS

I. Purpose

The University strives to provide a safe and enjoyable environment for its students, faculty, staff, and visitors in support of its educational mission. In support of that goal, this document sets forth criminal background check requirements for specified University contractors.

II. Applicability

These requirements apply to the following University contractors¹:

- A. Direct delivery vendors and equipment service providers that work in or have access to any campus residential facility or any facility that is regularly used by children.
- B. Contractors working on construction projects in occupied campus residential facilities.
- C. Contractors who maintain a regular presence on campus and whose duties require them to work in campus residential facilities; handle cash, credit cards, or other sensitive financial information; or have access to MSU IT networks or computer systems other than the MSU Guest Wireless system or an MSU email account.

III. Criminal Background Check Certification Requirements

- A. Each covered University contractor must certify that its employees working on campus have been subject to a criminal background check within the last twelve months.²
- B. University contractors performing criminal background checks pursuant to this policy must utilize, at a minimum, each of the following tools to conduct the criminal background checks:
 - Michigan State Police: Internet Criminal History Access Tool (ICHAT)
 - Michigan Department of Corrections: Offender Tracking Information System (OTIS)
 - U.S. Department of Justice: National Sex Offender Public Web Site (NSOPW)

IV. Criminal Background Check Results

¹ Nothing in this Policy precludes a campus unit from implementing more stringent criminal background check requirements for contractors with access to safety sensitive facilities or if required by state or federal law. Implementation of such additional criminal background check requirements must be approved in advance by the relevant Vice President, with written notification to University Purchasing.

² Contractors who are sole proprietors or individual independent contractors must have the background check performed by a third party vendor. Contractors who need assistance identifying a third party vendor should contact MSU Human Resources.

A. The following types of convictions will render an individual ineligible to perform work on campus unless a waiver is granted:

1. Drug distribution activity or felony drug possession
2. Sexual offenses
3. Crimes of violence involving physical injury to another person
4. Child abuse, molestation or other crimes involving child endangerment
5. Murder
6. Kidnapping
7. Theft or embezzlement³
8. Any crime involving moral turpitude
9. Any felony

B. Contractors seeking to utilize an employee or subcontractor with one of the above listed convictions must apply for a waiver from Human Resources at:

MSU HR
Attn: Contractor CBC
1407 S. Harrison Road
East Lansing, MI 48823

V. Human Resources will consider the following factors when determining whether a waiver will be granted:

1. The nature and gravity of any criminal offense(s);
2. The individual's age at the time of the offense(s);
3. The number and type of offense (felony, misdemeanor, traffic violations, etc.);
4. The sentence or sanction for the offense and compliance with the sanction(s);
5. The amount of time that has passed since the offense and/or completion of the sentence(s);
6. Whether there is a pattern of offenses;
7. Whether the offense arose in connection with the individual's prior employment or volunteer activities;
8. Information supplied by the individual about the offense(s);
9. Work record and references after the offense(s);
10. Subsequent criminal activity; and
11. Truthfulness of the individual in disclosing the offense(s).

VI. History

This document was issued by the Office of the President on January 5, 2015.

³ If the individual's job duties require access to cash, credit cards, or other sensitive financial information.