

conducted after an employee or finalist for a specific position (i) has signed the *Applicant Authorization and Consent for Release of Information* form (included as Attachment 1 to this policy); and (ii) has been found otherwise eligible for the position.

4.2 Falsification of Information: The provision of falsified criminal history information in the hiring process may 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 Consideration of Criminal History in Employment Decisions: It is acceptable and appropriate to consider criminal history in employment decisions if demonstratively job-related and consistent with business necessity, or if state or federal law prohibits hiring an individual with certain convictions for a particular position. Any information about criminal history, as well as any information about falsification of information, should be communicated to the Human Resources Office for further investigation and appropriate action.

4.5 Employee Responsibility to Report Convictions: During the course of employment, any employee convicted for any crime (excluding moving traffic violations) has five (5) calendar days to report the conviction to their immediate supervisor and the Human Resources Office. Employees whose responsibilities include the use of Institute-owned vehicles must also report any moving traffic violation within five (5) calendar days of the citation.

4.6 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 Records Check Policy will be communicated to

only on a finalist for a specific position who has been found to be otherwise eligible for the position. The Department must destroy the other forms. If the form is not completed in advance, a finalist for a specific position must complete the *Applicant Authorization and*

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:** In some circumstances, criminal history checks may not be required for:
 - 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. Cadet assistants and college work study students.
 - d. Law enforcement officers (VMI Police Officers) who are subject to more stringent pre-employment background checks under State law.
 - e. High school students hired for part-time summer employment.

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

FOR THE SUPERINTENDENT:

John M. Young
Colonel, Virginia Militia
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 selected for employment, you will join a community of recognized professionals. To ensure the safety