

University Schools			
Monitoring: Review: Annually, in January	Descriptor Term: Background Investigations	Descriptor Code: 5.118	Issued Date: June 2025
		Rescinds: 300	Issued:

The University of Memphis is committed to providing a safe environment for its students and employees. In an effort to ensure the safety and welfare of students and employees, the University shall require background checks on all prospective employees; individuals employed and/or contracted by any person, corporation, or other entity who enters into or renews a contract with the University as provided by law; and school volunteers. In accordance with T.C.A. 49-5-413, the University shall not hire or retain any individual whom the Department of Children Services has found to have committed child abuse, severe child abuse, child sexual abuse, or child neglect.

The University of Memphis shall require background checks of all prospective employees upon an offer of employment. Prospective employees will be informed if the results of their background check precludes employment with the University.

Any prospective employee applying for a position as a teacher, supervisor, director, teaching assistant, student employee, other certificated personnel, or any other position requiring proximity to school children, shall be required to make a full disclosure of any prior criminal record and any prior dismissals from employment for cause. If it is discovered that the prospective employee has failed to make such disclosures, he/she shall not be hired. If the information is discovered after the applicant has been hired, the employee may be subject to disciplinary measures up to and including termination from employment.

Disclosure of Charges or Convictions

Any University Schools employee charged or convicted of (1) a misdemeanor that involves theft of property, alcohol/drug use, or assault; (2) a felony offense; (3) abuse against a child; and/or (4) selling drugs to a minor child must report it to the University of Memphis Department of Human Resources. Failure to report such charges or convictions may constitute grounds for immediate termination. Individual reported cases will be reviewed and University action as deemed appropriate shall be taken.

Criminal background checks shall be required, except as otherwise provided below, on any person who is employed and/or contracted by any person, corporation, or other entity who enters into or renews a contract with the University, who during the course of performing contracted duties may have direct contact with students or enter the school grounds when students are present. It is the responsibility of the person, corporation, or other entity that employs a person entering into or renewing a contract with

the University to ensure that fingerprint samples are submitted; that criminal background checks are conducted by the Tennessee and Federal Bureaus of Investigation; and that the results of such checks are provided to the University.

Exceptions

In accordance with State law, criminal background checks shall not be required for the following:

1. Government personnel engaged in law enforcement, medical or emergency health services;
2. Utility personnel, where utility means any entity created or authorized by law to provide electricity, gas, water, wastewater services, telecommunications services, or any combination thereof; or
3. Delivery or pick-up service providers, not including non-University student transportation service providers, where those services involve only scheduled visits under the supervision of school personnel.
4. A person whose contract is for the performance of a service at a school- sponsored activity, assembly or event at which school officials or employees are present when the service is performed and where the activity, assembly, or event is conducted under the supervision of school officials or employees.

Any costs incurred in conducting such investigations shall be paid by the person, corporation, or other entity entering into or renewing a contract with the University.

Volunteers whose volunteer activity requires them to work alone with children outside the presence and direct supervision of school personnel must receive a criminal background check that requires fingerprinting (i.e., an FBI and/or TBI background check). Certain volunteers who work with children in the presence and under the direct supervision of school personnel must receive a criminal background check that does not require fingerprinting (i.e., a web-based background check of local and national criminal databases). Individuals refusing to submit to any criminal background check and/or to supply a fingerprint sample required under this policy shall be ineligible to serve as volunteers. Prospective volunteers shall be required to make a full disclosure of any prior charges and/or convictions of a felony. The University reserves the right to conduct additional background checks at any point in the volunteer's period of approved services as warranted. All volunteers utilized in any University program must be registered with the Tennessee Board of Claims. Registration is necessary for both the volunteer and the University to be protected from liability for claims arising out of the volunteer's service on behalf of the University. Registration is also necessary to ensure that volunteers and/or the University will be reimbursed for the cost of defense in the event of such a claim. T.C.A. §9-8-307. Volunteers must register at <https://www.memphis.edu/hr/volunteers.php>.

Background check information received by the University in accordance with this policy shall be confidential and used solely for assessing the prospective employee's suitability for employment or for volunteer services.

Prospective Employees Selected as the Successful Applicant for a Job

Prior to extending an offer of employment with the University, the responsible staff in the University of Memphis Department of Human Resources shall submit the name of a prospective employee to the Department of Children Services. Any prospective employee who is found to have committed child abuse, severe child abuse, child sexual abuse, or child neglect shall not be eligible for employment. Chief Human Resources Officer or designee may extend an offer of employment to a prospective employee if the result of the criminal background check conducted by the Department of Children Services is acceptable.

A prospective employee who accepts an offer of employment from the University shall be required to provide fingerprints and sign an informed background check consent form. Refusal to provide the University with fingerprints and/or a completed consent form will result in the withdrawal of the offer of employment. Background checks indicating criminal convictions shall be reviewed by the appropriate staff in the Department of Human Resources to determine if a cause for concern exists for the safety of the students, employees, and/or property of the University. The prospective employee shall be provided an opportunity to view the report and, if applicable, dispute the accuracy of information. Upon verification of the results, the Chief Human Resources Officer shall make a final decision. The prospective employee shall be notified in writing if a decision is made to withdraw an offer of employment based on an unsatisfactory criminal background check.

Current Employees

The University reserves the right to conduct random and periodic criminal background checks on current employees. Any employee who is randomly selected for a criminal background check and does not have a completed consent form and/or usable fingerprints on file shall be required to submit such within the timeframe designated by the Department of Human Resources. Refusal by a current employee to provide a consent form and/or usable fingerprints may result in disciplinary actions up to and including termination. A current employee who is found to have committed child abuse, severe child abuse, child sexual abuse, or child neglect shall not be retained in employment by the University.

A criminal background check of a current employee that indicates a criminal conviction shall be reviewed by the Chief Human Resources Officer or designee in order to determine if a cause for concern exists for the safety of the students, employees, and/or property of the University. Upon verification of the results, The Chief Human Resources Officer or designee shall render a final decision for any action taken as a result of an unsatisfactory report. The Chief Human Resources Officer or designee shall provide written notification to the employee and the appropriate supervisor/Division

Director if a decision is made to take action against the employee as a result of an unsatisfactory report.

Disclosure of Charges or Convictions

Any University employee charged or convicted of a misdemeanor that involves theft of property, alcohol/drug use, or assault (including domestic violence against another University employee) must report it to the Department of Human Resources within seven (7) working days of the charge or conviction. Individual cases will be reviewed, and appropriate actions will be taken when deemed necessary.

Any University employee charged or convicted of a felony offense must report it to the Department of Human Resources within seven (7) working days of the charge or conviction. Failure to report such charge or conviction may constitute grounds for immediate termination. Additionally, an employee charged or convicted of a felony offense may be terminated. Individual cases will be reviewed, and appropriate actions will be taken.

Any employee who has been legally charged with abuse against a child and/or selling drugs to a minor child must report it to the University Department of Human Resources within seven (7) working days of the charge or conviction. Failure to report such charges or convictions may constitute grounds for immediate termination. Additionally, an employee convicted of abuse against a child and/or selling drugs to a minor child shall be terminated. Employees who drive University owned and/or leased vehicles as part of their employment must report a suspended or revoked driver's license to the Department of Human Resources within seven (7) working days of the notification of the suspension or revocation. Failure to disclose information may result in disciplinary actions up to and including termination.