



BOISE STATE UNIVERSITY

University Policy 7520

Self-Disclosure of Criminal Proceedings

Effective Date

July 2019

Responsible Party

Human Resources, (208) 426-1616

Scope and Audience

This policy applies to all Boise State University employees, Affiliates, Affiliate Faculty, volunteers, and to any student employee with safety-sensitive duties or working in a safety-sensitive location.

Additional Authority

- Idaho Code § 67-5309
 - IDAPA 15.04.01.190.01
 - Idaho State Board of Education Policy, Section II.L.
 - University Policy 7000 (Position Definitions)
 - University Policy 7005 (Background Verifications)
 - University 7020 (Drug and Alcohol-Free Workplace)
 - University Policy 7470 (Student Employment)
 - University Policy 12060 (Protection of Minors)
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1. Policy Purpose

To promote a safe and secure environment for Members of the University Community by requiring an individual to self-disclose criminal proceedings that occur while the individual is involved with the University, and to subsequently determine the individual's suitability for continued involvement with the University.

2. Policy Statement

Boise State University seeks to be informed of criminal proceedings which impact the University community. This policy establishes fair and consistent methods to obtain, analyze, and apply self-disclosure information. Review of self-disclosed criminal proceedings emphasizes prevention of discrimination and harassment.

3. Definitions

3.1 Affiliate

An individual associated with the University as a board or advisory committee member, contractor, or/and in non-instructional capacities who is not a University employee or student.

3.2 Affiliate Faculty

An individual who does not have direct teaching responsibilities for the University's students and who does not receive monetary compensation from the University; but who, nonetheless, provides instruction in programs with classroom, online, clinical, or laboratory experiences.

3.3 Criminal Conviction

Being found guilty through entry of a verdict or judgment or by entering a guilty plea or a plea of no contest or by receiving a deferred adjudication for a felony or misdemeanor offense other than a minor traffic infraction or violation. This includes criminal convictions for which an individual's record has been expunged.

3.4 Student Employee in Sensitive Positions or Sensitive Locations

University student employed in any position described in Appendix A to University Policy 7005 (Background Verifications).

3.5 Graduate Assistant

Degree-seeking graduate student receiving financial assistance including, but not limited to, tuition and/or a stipend through a mentored University employment experience. The graduate assistantship includes a work obligation and educational/developmental activities integrated with the student's University graduate degree program.

3.6 University Business Days

Monday through Friday, excluding weekends, official University holidays, and University closures.

3.7 Volunteer

An individual not employed or compensated by Boise State University who voluntarily and willingly performs a service for, or on behalf of, the University. Examples include, but are not limited to:

- An individual assisting with activities that include minors and/or at-risk adults;
- An individual spending the night in a situation where minors and/or at-risk adults are present;
- An individual in childcare facilities; or
- An individual in a sensitive position or in a sensitive location as described in Appendix A to University Policy 7005 (Background Verifications).

4. Disclosing a Criminal Proceeding

- a. As a condition of continued employment/affiliation/association, a University employee, Volunteer, Affiliate, or Affiliate Faculty, or a student employed in a sensitive position or working in a sensitive location, as outlined in Appendix A to the Background Verification Policy 7005, are required to report within three (3) University Business Days in writing to Human Resources, or if incarcerated and unable to report in writing, by calling Human Resources at (208) 426-1616 if the individual:
 - Is charged with a criminal misdemeanor or felony or indicted in a criminal proceeding;
or
 - Enters a no-contest plea or a guilty plea in a criminal proceeding.
- b. An individual covered by this policy who has a break in service, affiliation, or connection to the University of less than twelve (12) months must, prior to returning to the University, self-disclose to Human Resources any criminal proceedings that occurred during the break period.

- c. Traffic offenses or violations need not be reported unless operating a motor vehicle is an essential job function of the individual's position, in which case the individual must report all traffic offenses or violations.
- d. Individuals self-disclosing a criminal proceeding must:
 - Provide truthful, accurate, and complete information;
 - Consent to a background check provided by a third-party vendor if necessary;
 - Provide requested information or documentation within timelines specified by Human Resources.

5. Failure to Disclose a Criminal Proceeding

If an individual fails to disclose a criminal proceeding as required by this policy, the individual may be subject to discipline as described in Section 6.

6. Assessing Disclosed Criminal Proceedings

- a. A criminal charge or conviction is not necessarily a bar to continued involvement with the University. Upon learning of the criminal proceeding, Human Resources, in consultation with the appropriate administrator(s), conveys the University's determination as to whether the individual may continue employment/affiliation/association with the University or may be placed on administrative leave, or other actions as applicable, to allow the University an opportunity to determine any appropriate action in accordance with University policies.
- b. The University may take action including discipline up to and including dismissal from employment pursuant to Idaho State Board of Education policy; Idaho Code § 67-5309; IDAPA 15.04.01.190.01; University Policies 7310 (Non-Classified Employees Due Process and Appeals), 7450 (Classified Employees Due Process and Appeal Procedures), and/or other relevant University policies and Standards of Conduct.
- c. This determination is informed by the following factors:
 - Whether the individual complied with the mandatory self-disclosure requirement;
 - The gravity and nature of the charges in relationship to the individual's job responsibilities; and

- The individual's prior criminal history, if any.
- d. Human Resources will notify the individual of the University's determination in writing.

7. Recordkeeping

All information received in connection with a self-disclosure of criminal charges or convictions must be treated with discretion and only disclosed when necessary. The information will be maintained confidentially in Human Resources.

Revision History