CRIMINAL BACKGROUND CHECKS – ARE THEY NECESSARY FOR YOUR CHILD-RELATED PROGRAM?

Per the requirements of University policy and the Child and Adult Abuse Information Act per RCW 43.43.830-43.845, Department Heads with child-related programs must assess the details of their programs to determine whether the program does, will or could allow University representatives or independent contractors to have "unsupervised access" to children or minors under sixteen (16) years of age.

Steps

1. Organize a Meeting
The assessment process should be conducted during a meeting with Department Heads and program leaders who are responsible for the area.

2. Objective of Meeting
The objective of the meeting is to thoroughly review and assess program details, and document it, regarding the University representative or independent contractor interaction with children under age 16 and whether there is a chance for “unsupervised access” to them.

   “Unsupervised Access” means being with a child when not in the presence of: (a) another University representative; (b) another representative from a University co-sponsored program; or (c) any adult relative or guardian of any of the children. This does not include incidental contact, which is minor or casual contact in an area accessible to and within visual or auditory range of others, such as passing a child while walking down a hallway. It does include being alone with a child for any period of time in a closed room or office (see RCW 43.43.830).

Also discuss the possibility that criminal background checks may be required by another state law and/or an off-campus placement site for University representatives. If Western has no direct programmatic responsibility for the host site activities, then those requirements prevail over Western’s requirements. This may include internship, applied learning, practica, service learning, student teaching, or similar kinds activities as part of a University academic requirement or otherwise.

3. Outcome of Assessment
The outcome of the assessment should determine one of the following:

Criminal background checks **ARE required because:**

A. There is "unsupervised access" or a chance for unsupervised access to children under the age of sixteen (16); or

B. There is another state law or requirement by an off-campus placement site that requires criminal background checks.
Criminal background checks **ARE NOT** required because:

A. There is NO chance for “unsupervised access” to children under the age of sixteen (16) or vulnerable adults. University Representatives will ALWAYS be in visual or auditory range of another adult representative of the program or parent/guardian and never alone with a child for ANY period of time in a closed room, office or any other solitary environment; or

B. The program is a University academic or administrative function that ONLY serves children who are matriculated students of Western; and

C. There is not another state law or requirement by an off-campus placement site for criminal background checks that would apply.

4. Documentation

Written meeting minutes and supporting documentation regarding the assessment should be kept in departmental files related to the program.

For assistance, please contact Paul Mueller, Risk Management, 360-650-3065 or paul.mueller@wwu.edu.