

POLICY

Effective Date: January 1, 2008
Approved by: President's Council, May 2007
Cancels: POL-U5400.08
Criminal Conviction Verification For Employment

Authority: [RCW 9.96A020, 43.43](#); [WAC 162-12, 357-19; 446-20; 11USC525; 15USC1681; 20USC1232 49CFR40; 42CFR73](#); EEOC Guide Sec 15
See Also: [FRM-U5400.08](#)
Criminal Conviction Verification Form

POL-U5400.08 CONDUCTING BACKGROUND CHECKS

This policy applies to all external applicants for employment and certain non-employees.

Definitions:

Minors – children under the age of sixteen.

Non-employees - individuals who receive no financial compensation from WWU but have a need to access university resources (e.g. phone extension, email, office space) to conduct services.

Security Sensitive Positions – positions determined to have a higher level of risk warranting a more significant background check.

Select Agents – biological agents or toxins deemed a threat to the public, animal or plant health, or to animal or plant products.

Unsupervised – when not in the presence of an approved Western employee or volunteer, or any relative, guardian of a minor or vulnerable adult to which a person has access during the course of his or her employment or involvement with the university.

Vulnerable Adults – adults of any age who lack the functional, mental, or physical ability to care for themselves.

1. Vice President For Business And Financial Affairs Will Ensure Background Checks Are Conducted

Appropriate and legal background checks will be conducted on selected:

- a. Permanent and temporary faculty hires,
- b. Permanent and temporary FLSA exempt and non-exempt professional staff hires,
- c. Permanent and temporary classified staff hires,
- d. Student employee hires in security sensitive positions,
- e. Designated volunteers and internship placements, and
- f. Other non-employee situations deemed appropriate by the university.

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Background checks will be coordinated by Human Resources in consultation with the hiring authority if applicable. At a minimum the following background checks will be conducted for employment purposes

- a. Name based criminal background check (in state or out of state as appropriate)
- b. Employment and personal reference check
- c. Required credential verification
- d. Legally required background check (e.g. police officers; select agent users)

Exception: A vice president or the President may waive background checks for some or all volunteers and/or temporary employees during an emergency situation declared by the President.

2. Vice President Of Business And Financial Affairs Will Ensure Sensitive Positions Are Identified

Human Resources, in consultation with the hiring authority, will identify security sensitive positions and determine additional background checks to be conducted based on business necessity and the safety of the university community.

Each position will be reviewed based on the level of risk and certain criterion which include but is not limited to

- a. Unsupervised contact with minors or vulnerable adults (e.g. youth programs and speech clinic clients),
- b. Access to cash,
- c. Access to confidential, critical and/or secured data (e.g. information systems professionals),
- d. Access to residence halls (e.g. custodians and youth camp counselors),
- e. Public protective safety (e.g. police officers),
- f. Operation of commercial vehicles,
- g. Access to or responsibility for pharmaceuticals, controlled substances, or select agents, or
- h. Other criteria deemed high risk to safety and security.

The security sensitivity designation and required background checks for a position of employment will be published in the approved job description.

3. Vice President For Business And Financial Affairs Will Ensure Appropriate Authorizations Are Obtained And Notifications Are Provided

Human Resources will obtain written authorization and provide notification for background checks as required by law.

Individuals who refuse to provide written authorization are ineligible for employment and/or access to university resources.

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Applicants and certain non-employees subject to background checks are required to disclose any information sought for that purpose.

Exception: Individuals are not required to disclose information regarding criminal records that have been sealed, expunged, or statutorily eradicated by a court.

4. Recipients Shall Use Background Check Information In Confidential Manner

Background check information will be released to personnel and external agencies on a need to know basis or when consistent with applicable law.

All recipients of background check information will use the information

- a. In a confidential manner,
- b. For business purposes only, and
- c. Sharing only with those who have a need to know.

Documentation collected will be maintained by Human Resources in a secured manner separate from an employee's official personnel file.

5. Hiring Officials Will Ensure Reference Checks Are Conducted

Offers of employment may not be extended to an applicant until the required reference checks, as stipulated on the job announcement, have been completed.

6. Employment Is Contingent Upon A Satisfactory Background Check

All letters of offer for employment are to state that employment is contingent upon a background check satisfactory to the university. A vice president may deny or immediately revoke employment and/or access to university resources when a background check indicates an individual would be unfit for the position or situation in question.

Any material misrepresentation or omission of relevant information is grounds for rejection of the application or termination of any subsequent employment with the university or access to university resources.

All determinations will be made on a case by case basis with regards to business necessity and in accordance to law. A criminal conviction shall not automatically exclude a person from consideration for employment or access to university resources.

7. Executive Officers And Directors Will Ensure Internal Procedures Are Established

Executive officers and directors will ensure that internal procedures are established for their respective areas in order to be in compliance with this policy by January 1, 2008.

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8. Human Resources Director Will Ensure Training Is Provided

Human Resources will provide training to all hiring departments on the Conducting Background Checks policy and procedures.