

Southwestern University
Background Check Policy (BCP)
Frequently Asked Questions

Q: Why does Southwestern have to implement a Background Check Policy (BCP)?

A: The liability insurance consortium we belong to, Educational and Institutional Insurance Administrators, Inc. (EIIA), determined at its last Board meeting to require its member institutions to have a Background Check Policy in place beginning September 1, 2009. Background checks have been regularly conducted by employers as a “best practice” for many years, so having this new requirement for Southwestern should not have negative recruitment affects for faculty or staff.

Q: Will current faculty/staff be affected by the BCP?

A: Background Checks will NOT be conducted on current faculty or staff. A possible exception will be when an employee applies for and is offered a position (internal transfer or promotion) and it is determined that it is appropriate to conduct such a search.

Q: What happens to offers that have already been made to faculty or staff whose start dates are after September 1, 2009?

A: Any appointment letters that have already been processed will not be affected by the BCP since those offers were made prior to the September 1, 2009 effective date. Background checks will not be conducted on these individuals.

Q: But, some of the appointment letters are for positions that don't even start until the Spring, 2010 semester – so, will those individuals have to go through a Background Check?

A: No. As long as the appointment letter is dated prior to September 1, 2009, no Background Check will be required, regardless of the actual start date.

Q: If there is a current search going on, how will those candidates be notified of this new policy?

A: The hiring manager should inform the candidates that the University has instituted a new BCP which will be in place when an offer of employment is made for the position they've applied for.

Q: Do hiring managers need to provide the candidates with any materials related to the BCP?

A: No. All materials (policy, disclosure statement, etc.) will be sent directly to the final candidate along with the official Appointment Letter.

Q: If candidates have questions about the BCP, who should they contact?

A: The candidates should contact the Human Resources department.

Q: If there is a current search going on, will a new job advertisement need to be posted to include the BCP requirement?

A: No. The hiring manager should notify the candidates of the new requirement.

Q: How will future job ads be affected?

A: All job postings after September 1, 2009 will include a brief statement saying that all offers of employment will be contingent on the successful completion of a Background Check.

Q: How will the hiring process be affected?

A: It will add approximately four days to the final stage of the recruitment process. Once a final candidate has been selected, the hiring manager will make a contingent offer of employment and submit the regular Personnel Action Form to the Human Resources department for processing. The official "Appointment Letter" to the final candidate will include the contingent offer language and will include a copy of the University's BCP, a disclosure statement regarding the individual's rights under the Fair Credit Reporting Act, and a Notice and Acknowledgment Form for the candidate to complete and return to the HR office. The HR office will then process the Background Check through an on-line, third-party vendor. In most cases, the check will take about four days to process. Once the check has been completed, and if all is "positive" then the individual and the hiring manager will be notified by the HR department.

Q: Can the candidate start work prior to the Background Check being completed?

A: No. No exceptions! In the past we have been able to have the final candidate start to work within a day or two of the offer being made, but this will no longer be possible.

Q: Could the final candidate start work as a "temporary" hire until the Background Check is completed?

A: No. Even temporary, part-time or adjunct positions have to go through the Background Check before they start work. Really...no exceptions!

Q: What happens when a Background Check takes longer than anticipated and the start date for employment passes?

A: The Appointment Letter will include language stating that the start date is "on or after" a certain date, contingent on completion of the Background Check. In cases where this happens, Human Resources will work with the hiring manager to set a new start date.

Q: How is this policy different from the Youth Interaction Policy?

A: The Youth Interaction Policy has been in place for several years and requires Background Checks for positions which have regular contact with minor youth as part of their regular job duties (i.e. individuals hired to support youth athletic summer camps, individuals who work with underage youth through outreach programs like Upward Bound or Operation Achievement). The BCP is more comprehensive in that it requires a "standard" background check for all new hires, regardless of their position.

Q: What happens when a candidate's background check has a "finding" or is incomplete?

A: This is covered within the BCP, which states, "...the Associate Vice President for Human Resources will review the materials to determine appropriate action, including, but not limited to: assessing the applicability and potential liability of findings as they may relate to the primary duties of the position, determining whether to order additional Background Checks, consulting with the Vice President for Fiscal Affairs (and the Provost and Dean of the Faculty for faculty positions) and other appropriate management personnel to make a final hiring decision."

Q: Can someone be hired if they have a criminal conviction of any kind?

A: It is possible. The BCP states, "...although a disqualification is possible, prior convictions do not automatically disqualify an applicant from consideration for employment."

Q: Is there a "list" of criminal convictions which will automatically disqualify an individual from being hired?

A: No. Each case will be reviewed on an "all factors considered" basis. Keeping in mind that the overall safety of all campus constituents are of prime importance, convictions for sexual misconduct, assault, acts of terrorism, and other such serious crimes will likely result in disqualification.

Q: Will Background Checks be conducted on international candidates?

A: Yes, although the form they complete is a little different from the regular Notice and Acknowledgment Form.

Q: Do current employees (faculty and staff) have any responsibilities within the BCP?

A: Yes. There is a "responsibilities" section of the policy which requires current employees to self-report a criminal conviction to their supervisor or department head (for faculty members, the Provost and Dean of the Faculty) within five business days of the date of conviction. This information will then be forwarded to the Human Resources department for review.

Q: What happens if a current faculty or staff member has a criminal conviction after September 1, 2009, but decides not to comply with the policy and tell their supervisor (or HR)?

A: It is certainly their prerogative not to comply, but they should also realize that there may be employment-related consequences for non-compliance. The BCP has a "disciplinary actions and penalties" section which reviews the actions that may be taken when a current employee does not comply with the policy. The University considers all factors when making employment-related decisions.

Q: If a current faculty or staff member has a criminal conviction which occurred prior to September 1, 2009, is he/she required to disclose this information?

A: No. Current faculty and staff are “grandfathered” under this policy and only have to disclose criminal convictions which occur AFTER September 1, 2009.

Q: Aren’t there privacy laws which protect this type of information?

A: Yes, there are and the University will hold any “findings” in confidence to the extent possible under the policy. The various privacy laws do not prohibit employers from conducting background checks – but they do require any entity receiving that information to comply with the Fair Credit Reporting Act.

Q: Does the implementation of this Background Check Policy mean that the University will now conduct random Background Checks on current employees?

A: No. The BCP does not include provisions for random Background Checks.

Q: Will candidates be able to decline to participate in the Background Check?

A: Yes, but it will prevent them from being hired – no exceptions!