

# **Southwestern University Background Check Policy**

## **Policy Statement:**

The University strives to ensure as safe an educational and employment environment as possible for all of its constituents and will, therefore, conduct a Background Check on all individuals who receive a contingent offer of employment with the University.

Additionally, the University reserves the right to conduct a Background Check on any employed individual who has applied for an internal transfer and has been offered the position, as may be necessary to ensure such safe surroundings. This Policy does not include provisions for the University to conduct random Background Checks.

As is the case with other University policies, all Background Checks and related actions will be conducted in accordance with all applicable laws, the University retains the right to unilaterally change or modify this policy, and nothing herein or related to the policy shall create a definite term of employment.

## **Policy Scope:**

The Background Check Policy covers individuals who have applied for employment (including internal applicants) with Southwestern University and to whom a contingent offer of employment has been made. The effective date of this Policy is for any contingent offer of employment made on or after September 1, 2009.

## **Types of Searches/Verifications:**

The University will conduct a Minimum Standard Background Check (MSBC) on all individuals who have applied for employment with the University and to whom a contingent offer of employment has been made. The MSBC includes the following;

1. Identification Confirmation Search
  - Social Security Number Trace
  - Motor Vehicle Records
  
2. Criminal Background Search
  - Countywide Felony/Misdemeanor Record Search by identified names

The University may also conduct supplemental Background Checks for Select Positions, including, but not limited to the following:

- Credit Check
- Education verification of the highest degree indicated by the applicant
- Prior employment verification
- Professional license verification

- Sex offender registry
- Homeland Security search
- Worker's Compensation search

Select Positions which may require one or more of the supplemental Background Checks include, but are not limited to, the following:

- accounting/finance, fund-raising or those with significant financial oversight
- positions which have a high interaction with youth (under age 18)
- positions which will have regular access to student residences
- positions which require the individual to drive a University vehicle or their personal vehicle in the conduct of their job duties
- all security personnel (in accordance with the University's police hiring practices)
- any position specifically designated by a member of the University's Senior Staff

Individuals who are re-hired on an intermittent basis (i.e. adjunct instructors, part-time/on-call staff), will not be required to complete a Background Check each time they are re-hired, but may be required to periodically complete a Background Check if the Associate Vice President for Human Resources and other applicable senior management determine that the circumstances warrant it.

Current employees who have applied for an internal transfer and have been offered the position may be required to complete a Background Check if the Associate Vice President for Human Resources and other applicable senior management determine that the circumstances warrant it.

**Procedure:**

When a contingent offer of employment is extended to an individual in the form of an official letter of appointment, the individual will be provided with a Notice and Acknowledgment form along with information about the University's Background Check Policy. The individual will be required to complete and submit the Notice and Acknowledgment form to the University's Human Resources department for processing.

The Human Resources department will order the appropriate Background Checks for the position and the results of the various Checks will be reviewed by a designated representative of the Human Resources department.

In instances where there are no findings in the information received, a Human Resources representative will notify the hiring manager and the applicant that the Background Check is complete and that they are cleared to begin work on the date designated in their letter of appointment.

In instances where negative or incomplete information is obtained, 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.

It is important to note that although a disqualification is possible, prior convictions do not automatically disqualify an applicant from consideration for employment.

### **Responsibilities:**

**Hiring Managers** - hiring managers are responsible for communicating the Background Check requirement to applicants during the recruitment process and for overall compliance with the Background Check Policy in their respective departments. At no time should an applicant begin work at the University until official notice is provided to both the hiring manager and the applicant that the Background Check has been successfully completed.

**Human Resources Department** - the University's Human Resources department is responsible for the administration of the Background Check Policy. All materials received during the Background Check process will be maintained in a file in the Human Resources department and will be kept separate from the recruitment file for the position and (if hired) the personnel file for the individual.

**Third-Party Vendor** - the third-party vendor conducting the Background Checks for the University is responsible for mailing to the applicant any reports generated through the Background Check process.

**Current Employees** - current employees (faculty and staff) who are convicted of a crime (not including traffic-related infractions) are responsible for informing their supervisor or department head (for faculty members, the Provost and Dean of the Faculty) within five business days of the date of conviction, although employees may instead choose to contact the Human Resources department directly. The supervisor/department head (or Provost and Dean of the Faculty) will then immediately submit the information to the Human Resources department for review. The University reserves the right to conduct appropriate Background Checks as a result of receiving this information, but will do so only if the Associate Vice President for Human Resources and other applicable senior management determine that the circumstances warrant it. If information discovered during this process is negative, the Associate Vice President for Human Resources, the Vice President for Fiscal Affairs (or the Provost and Dean of the Faculty for faculty members), and other appropriate management personnel will determine if any employment action is necessary (i.e. termination of employment, restriction of certain duties, reassigning the individual to a different position, conducting further investigation, etc.). The University will consider all factors, including the safety of all constituents, in determining appropriate action. Failure to disclose convictions may result in disciplinary action being taken, up to and including termination of employment.

**Disciplinary Actions and Penalties:**

Applicants - applicants are encouraged to be forthcoming with complete information regarding their Background Check. If an applicant is found to have withheld or falsified information pertaining to any aspect of their Background Check, the applicant will be automatically disqualified from further (current or future) consideration for employment, or, if the applicant has begun work, be immediately terminated from employment.

Current Employees – current employees (faculty and staff) who fail to disclose a criminal conviction within five business days of the date of conviction may be subject to disciplinary action up to and including termination of employment.

**Confidentiality:**

The University is committed to the protection of private and confidential information. Results of all Background Checks will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy, as provided by law, or pursuant to appropriate legal process. Any violations of confidentiality of information will subject that individual to disciplinary action, up to and including termination.