

# 4-22: Background Check Policy

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- Revised:

## I. BACKGROUND AND PURPOSE

FORT LEWIS COLLEGE desires to assure that its academic missions are filled by qualified faculty and staff. It is also important that individuals hired do not pose threats to the physical safety of the campus community and do not pose unacceptable risks to the integrity of financial processes, assets, and records. In order to meet this standard, reasonable efforts will be made to check background information of individuals being considered for employment.

The purpose of conducting a background investigation is to verify within legal and professional limits the objective credentials and suitability of the candidate to be employed. Fort Lewis College desires to ensure that newly hired faculty and staff members are well-qualified, have a strong potential to be successful, have honestly presented their background and credentials, and have fully disclosed information that is relevant to the hiring decision.

The following Fort Lewis College policy and procedures are intended to assist applicants, employees and supervisors understand the considerations and processes involved in conducting background investigations and making decisions with respect to information obtained during the investigation.

## II. POLICY

It is the policy of Fort Lewis College to conduct background investigations as a condition of employment on persons to whom it offers non-student employment. Background investigations are not required for transition retirees, emeriti faculty reappointments, returning appointments if no more than 24 months have lapsed since last employed (non-tenure track faculty, visiting faculty), Continuing Ed instructors, student or graduate student employees who are offered a temporary non-student appointment upon graduation, and staff retirees of Fort Lewis returning for short term or temporary assignments. Employment is contingent upon the successful completion of the background investigation for the selected applicant.

Fort Lewis College reserves the right to conduct background investigations on currently employed non-student employees when a reasonable suspicion of an ethical or work violation exists to warrant such a check.

Background investigations may be required for non-remunerative appointees, depending on the appointee's anticipated role and functions within the college community. The decision of whether to require a background investigation for a non-remunerative appointee will be made by the supervisor of the unit in which the non-remunerative appointee will serve, in consultation with the Human Resources Office and, if appropriate, the President or Vice President directly overseeing that unit (or their designee).

Fort Lewis College will conduct a background check to determine or verify background information. Background checks may include, but are not limited to, verification of employment history, educational credentials, licenses held, criminal history, sex and violent offender registry, etc. While the actual background checks conducted will vary depending upon the nature of the position offered to the applicant, criminal history verification will be performed in all cases.

Applicants invited for interview will be advised by the hiring department of the background investigation requirement for all who are offered employment. If an individual who is offered employment fails to provide consent to Fort Lewis College to conduct the background investigation, the offer of employment will be withdrawn.

Having a criminal history or criminal conviction does not necessarily preclude an individual from employment. Review will occur on a case-by-case basis. The supervisor of the unit in which the applicant seeks employment, the responsible Vice President or President (or their designee), with advice from Human Resources and Legal Services, will evaluate the relevance of information obtained during the background investigation.

### **III. PROCEDURES**

1. Individuals offered employment will be required to complete a background investigation disclosure and authorization form. Background investigations will be conducted on all applicants offered employment.
2. Employment will be contingent upon the results of the background check. All offers of employment, oral and written, must include the following statement: "This offer is contingent upon the College's verification of credentials and other information required by College policies, including the completion of a criminal history background check."
3. Individuals are required to provide accurate and sufficient information necessary to conduct a thorough background check. A signed disclosure and authorization form authorizing the background check and the release of factual information by former employers, educational institutions, or other organizations is part of the reference and background investigation process. Refusal to sign such a release eliminates the applicant from further consideration for employment.
4. The hiring department, in conjunction with the Office of Human Resources, will determine which of the components of the background investigation will be performed. In all cases, a criminal history check will be one of the components of the background investigation.
5. Hiring units are responsible for checking employment references.
6. The Office of Human Resources will contract and work with an appropriate agent to conduct the background investigation.
7. Applicants will be notified of their background investigation pass/fail status by the Office of Human Resources.

8. If a background investigation indicates information that causes Fort Lewis College to consider withdrawing the offer of employment, the Human Resources Office will provide a copy of the report to the individual and will provide the applicant a pre-adverse decision notice. (All related information will be treated as confidential and protected as such.)

a. The pre-adverse decision notice will provide notice that the offer of employment may be withdrawn and provide the applicant the opportunity to respond to the information revealed in the background investigation. Applicants will be given five (5) business days to submit a response. No final decision regarding the hiring will be made until the five-day period has elapsed.

b. Once a final decision has been made, it will be communicated to the applicant via letter from the Office of Human Resources.

9. The final decision regarding employment will be made by the hiring department and the responsible Vice President with the advice of the Office of Human Resources and Legal Services.

10. If the criminal history check reveals convictions, the nature of the offense(s), the time elapsed since the occurrence of the offense(s), the relevance of the offense(s) to the particular position, as well as other factors of relevance will be considered in determining the applicant's fitness for the position.

11. Providing misleading, erroneous, or deceptive information in the application materials (vita, resume, etc.), or in an interview may be grounds for elimination from further consideration for employment, withdrawing an offer of employment, or termination of employment. Falsification of application materials, including failure to disclose criminal convictions, may be grounds for termination of employment or non-selection of an applicant.

12. If a currently employed faculty or staff employee's background investigation reveals convictions, the nature of the offense(s), the time elapsed since the occurrence of the offenses(s), the relevance of the offenses(s) to the particular position, as well as other factors of relevance will be considered in determining the employee's fitness for the position.

a. The pre-adverse decision notice will provide notice that continuation of employment may be questionable and provide the employee the opportunity to respond to the information revealed in the background investigation. Employees will be given five (5) business days to submit a response. No final decision regarding termination will be made until the five-day period has elapsed. In some cases, the employee may be placed on paid administrative leave during the investigative and decision making process.

b. Once a final decision has been made, it will be communicated to the employee via letter from the Office of Human Resources.

13. The final decision regarding employment will be made by the department head and the responsible Vice President with the advice of the Office of Human Resources and Legal Services.

14. Faculty and staff who are charged with or convicted of a felony after they have been offered employment must contact the Office of Human Resources within five (5) days of the conviction and provide information about the conviction.

15. Any Fort Lewis College employee who receives access to background check information is required to maintain confidentiality and only share information with authorized individuals. Failure to maintain confidentiality will result in disciplinary action.

#### **IV. APPEALS**

1. Decisions regarding the withdrawal of an employment offer as a result of a background check may be appealed to the President or Vice President responsible for the hiring department.

2. The President or Vice President will issue a response to the appeal within ten (10) business days of the receipt of the appeal. This decision is the final decision within Fort Lewis College.

3. For current employees who were investigated due to reasonable suspicion of an ethical or work violation and results caused Fort Lewis College to dismiss the employee, the employee may appeal to the President or Vice President within 15 working days of the date on which the grievant was informed of the dismissal.

4. The President or Vice President will issue a response to the appeal within fifteen (15) business days of the receipt of the appeal. This decision is the final decision within Fort Lewis College.