

PRE-EMPLOYMENT BACKGROUND SCREENING	
Policy Number: HR-060	Responsible Department: Human Resources
Effective Date: 12/01/2016	Last Revision Date: 09/22/2016

PURPOSE:

To secure the safety and well-being of campus community members and institutional assets by providing for background checks on new employees, current employees applying for or being transferred into a new position and, where applicable, volunteers.

SCOPE:

Applies to new employees and current employees being transferred into a new position and, where applicable, volunteers.

DEFINITIONS:

Applicant: An individual applying for a position at CWI. Applicants can be new to CWI or current employees applying for or being transferred into a different position.

Background Screening: A background screening consists of one or more verification processes, including a Criminal Conviction Check, credit check and/or motor vehicle check.

Criminal Conviction Check: A review of an employee's background to include criminal records (misdemeanor or felony convictions), sex offender registries and the OFAC (Office of Foreign Assets Control of the U.S. Department of Treasury) Terrorist Watch list.

Fair Credit Reporting Act: The Fair Credit Reporting Act (FCRA) as codified at 15 U.S.C. § 1681, et seq. The FCRA is enforced by the U.S. Federal Trade Commission (FTC) and is designed to promote accuracy and ensure the privacy of the information used in consumer reports and investigative consumer reports. The FTC treats criminal background checks as investigative consumer reports.

Personally Identifiable Information: The combination of an individual's first and last name plus one or more of the following:

- a. Social security number;
- b. Bank account number; or
- c. Credit card number.

Volunteer: A person not employed by CWI but who voluntarily performs a service on behalf of CWI.

Student: Anyone enrolled as a student at CWI. For purposes of this policy, "student" includes all student employee positions.

POLICY

In an effort to secure the safety and well-being of campus community members and institutional assets, CWI conducts background screenings on new employees and current employees applying for or being transferred into a new position may require a current background screening, and, where applicable, volunteers. Background checks shall be conducted in compliance with the Fair Credit Reporting Act ("FCRA") and must be completed before the individual may commence employment or voluntary service.

GUIDELINES

CRIMINAL CONVICTION CHECK

1. Criminal Conviction Checks will be conducted on:
 - a. All new employees or employees rehired with a break in service greater than 12 months, including, full-time, part-time, and student employees. Current employees applying for or being transferred into a different position may require a criminal conviction check.
 - b. Volunteers, when the nature of the volunteer services to be provided warrant a criminal background check as determined by CWI, e.g., volunteers assisting with activities that include minors and/or at-risk adults; volunteers spending the night in a situation where minors and/or at-risk adults are present; and volunteers in childcare facilities.
2. Criminal Convictions
 - a. A prior criminal conviction generally does not automatically disqualify an individual from employment, promotion, transfer or a volunteer position. The criminal history will be evaluated for relevance to the responsibilities of the specific position. This evaluation may include, but is not limited to:
 - i. Whether of application material pertaining to the conviction(s) has been falsified;
 - ii. The length of time that has passed since the conviction(s) occurred;
 - iii. The individuals' age at the time the crime was committed;
 - iv. The individual's employment record subsequent to conviction;
 - v. The length of CWI service and the quality performance (for promotions and transfers);
 - vi. The number and gravity of crimes committed and the nature of the crime(s) in relationship to the nature of the work to be performed; and
 - vii. The relationship of the crime committed to the responsibilities of the position desired.

CREDIT CHECKS

1. Credit checks may be conducted on an individual whose position:
 - a. Routinely requires handling large amounts of cash or provides access to CWI systems that contain personally identifiable information;
 - b. Has responsibility for or grants authority over large sums of money;
 - c. Is at a senior management level where the individual's ability to manage her/his personal obligations may be indicative of her/his ability to manage the affairs of CWI.
2. Disqualification Based on Credit Check

- a. In accordance with federal law, CWI cannot deny employment to, terminate the employment of, or discriminate with respect to employment against a person who is or has been a debtor or is associated with a debtor under the Bankruptcy Act solely because of bankruptcy.
- b. CWI will consider an individual's financial history in conjunction with reference checks, criminal convictions and work history in determining whether she/he is eligible for employment or transfer into a position for which a credit check is required.

MOTOR VEHICLE RECORD (MVR) CHECKS

1. Motor vehicle record checks will be conducted on individuals in positions that:
 - a. Are responsible for operating a CWI-owned or controlled vehicle for any purpose;
 - b. Are responsible for transporting students or others in a private vehicle on a routine basis; or
 - c. Are responsible for transporting minors under the age of 16 at any time.
2. Based on an employee's MVR, or disclosure of the MVR by the employee to management, the following may disqualify an individual from being considered for a position where operating a motor vehicle is a primary job function:
 - a. driving under the influence of alcohol or drugs
 - b. hit and run
 - c. evading the police
 - d. reckless or inattentive driving
 - e. texting while driving
 - f. negligent homicide arising out of the use of a motor vehicle
 - g. operating during a period of suspension or revocation
 - h. using a motor vehicle without the owner's authority (grand theft)
 - i. speed citations (three (3) or more in a 30 day period)
3. With the exception of the above, a poor driving record does not automatically disqualify an individual from employment, promotion, transfer or a volunteer position. The individual's driving record will be evaluated for relevance to the position, time since last violation and type of driving involved.

CWI AND CANDIDATE RESPONSIBILITIES

1. Supervisors are responsible for determining whether the positions reporting to the supervisor entail any of the responsibilities listed in Sections II and III of this policy, and should work with Human Resources in the event that they are uncertain.
2. At the time a final candidate is extended an offer of employment, Human Resources clearly discloses that a final offer of employment is contingent upon successful completion of a Background Screening. CWI will disclose that the information obtained may not disqualify the individual from employment. Human Resources will provide the candidate with a Background Investigation Authorization. The candidate must complete the form in full and return it to Human Resources for processing.
3. Candidates seeking positions that require a credit or criminal background check or other information provided by a consumer reporting agency have rights under the FCRA. In accordance with FCRA requirements, CWI will:
 - a. Disclose its intent to conduct a background check for purposes of making an employment decision;
 - b. Obtain written authorization for a background check from the final candidate;
 - c. Provide the final candidate with a summary of his/her rights under FCRA;

- d. Inform the final candidate of his/her right to request additional information on the nature of the report and the means by which the information will be obtained; and
 - e. Inform the final candidate that if the report contains information not disclosed by the employee, CWI may take adverse action.
- 4. Notification of Intent to Take Adverse Action

If a background check report yields information that may form the basis for an adverse action, CWI will provide a copy of the report to the final candidate. The final candidate will then have five (5) business days to contest the accuracy of that information. If the final candidate fails to disprove the accuracy of the information to the reasonable satisfaction of CWI, CWI may then take adverse action. In doing so, CWI will provide:

 - a. The name, address and telephone number of the consumer reporting agency that provided the information, and that the consumer reporting agency did not make the adverse decision and is not able to explain why the decision was made.
 - b. Notification of his/her right to obtain a free copy of his/her file from the consumer reporting agency within sixty (60) days;
 - c. Notification of his/her right to dispute the accuracy or completeness of any information with the consumer reporting agency; and
 - d. A statement that the company that supplied the report is not involved in any decision making process for CWI and cannot give specific reasons for a CWI decisions.
- 5. Once the accuracy of adverse information has been verified, the Executive Director of Human Resources and the appropriate Vice President or their designated representatives, in consultation with legal counsel, will make a determination whether the individual is eligible for employment based on all of the facts and circumstances, including:
 - a. Relevance of adverse information to specific position responsibilities;
 - b. Falsification of application materials pertaining to the adverse information; and
 - c. Circumstances relating to the adverse event.
- 6. Due to potential conflicts of interest and confidentiality concerns, information gathered in the course of any Background screening will not be disclosed to search committees or employees assigned to the department or unit conducting the search. Human Resources will only inform hiring managers whether, based on the results of the Background screening, an offer of employment may be extended to the candidate.