<table>
<thead>
<tr>
<th><strong>POLICY NAME:</strong></th>
<th>Background Check Policy and Procedures</th>
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<tbody>
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<td><strong>POLICY TYPE:</strong></td>
<td>Presidential Policy - University Administrative Policy</td>
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<td><strong>POLICY #:</strong></td>
<td>E.3.5.</td>
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<tr>
<td><strong>STATUS:</strong></td>
<td>Active</td>
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<td><strong>CONTACT OFFICE:</strong></td>
<td>Office of Human Resources</td>
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<td><strong>OVERSIGHT EXECUTIVE:</strong></td>
<td>Associate Vice President for Human Resources</td>
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**APPLIES TO:**
This policy applies to the final candidate identified for volunteer, wage, classified, administrative/professional and faculty teaching positions, including adjunct and professional development positions. Students may also be subject to background checks in limited circumstances under the administration of the Student Employment Office. This policy also applies to current employees who move into positions designated as sensitive as defined in this policy, or whose current job duties are expanded to include those of a sensitive nature.

Any exemptions from a background check must be approved in writing by the appropriate cabinet vice president, in consult with the Office of Human. Documentation of exceptions will be maintained in the employee personnel file.

**PURPOSE:**
The University of Mary Washington Background Check Policy and Procedures protects the University, its students, staff, faculty, visitors, and its operations. It is the intent of the University to comply with all relevant state and federal laws and policies in its administration of this policy.

**DEFINITIONS:**

**Adverse Employment Action:** Denial of employment or any other decision for employment purposes that adversely affects employees or applicants.

**Background Check:** Review of an individual's work and other job-related personal history on local, state, national and/or international levels that is conducted by or based on information from a consumer reporting agency. Depending upon the nature and sensitivity of the employment position involved, background checks that may be conducted include:

- academic record and verification of licenses and certifications
- employment history, including references
- financial history
- credit reports
- criminal history
- driving record
• a fingerprint-based criminal history report, and/or other records or information related to the employment matter.

**Conviction:** The result of a trial or legal proceeding that ends in judgment or sentence that the person is guilty of a criminal violation.

**Crime:** The breach of a legal duty, punishable by a penal statute.

**Criminal Records Check:** Review of record of criminal convictions and traffic violations at county, state, national and/or international level(s). National checks include Specially Designated Nationals and Blocked Persons per the Office of Foreign Assets Controls (OFAC).

**Educational Verification:** Review of information relating to either claimed attendance or degree programs.

**Employment Verification:** Review of dates and titles of employment, and other related information as available.

**In-house Reference Checks:** Background inquiries made directly by University hiring officials and not conducted by a consumer-reporting agency.

**Sensitive Position:** A position designated by the University as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures, for which a criminal history, including fingerprinting, must be obtained for the final candidate from the Federal Bureau of Investigation through the Department of State Police (Va. Code § 2.2-1201.1)

**Sexual Offender Registry Check:** Review of National Sex Offender Registry to determine if applicant's name is present.

**Social Security Trace:** Review of any names and addresses associated with a social security number (SSN). The SSN check is preliminary to all other records checks.

**POLICY STATEMENT:**

Background checks will be conducted as part of the hiring process and will normally include employment verification, a social security trace, National Sex Offender Registry and criminal records checks at the local, state and national levels. Other sources of background information will be reviewed as appropriate for the position. These additional checks may be conducted by University personnel or through a third-party vendor as appropriate.

The University recognizes that its interests in a candidate’s background must be balanced with the need to protect the privacy of the subject. University policy and state and federal laws recognize the individual’s right to privacy, and prohibits the University from seeking, using, or disclosing information except within the scope of job-relatedness. Any information related to the background check will be maintained in the strictest confidence possible. Only persons involved in the employment process will be informed on a need-to-know basis.

Conviction data or other application discrepancies disclosed or discovered in
the employment process may influence employment decisions. Falsified information on the application, including information related to criminal convictions, may result in adverse employment action.

**PROCEDURES:**

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<th>* General Procedures for Implementation:</th>
<th>Initiating the Background Check for Hiring</th>
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<td>Upon approval from the Human Resources Office, hiring supervisors will normally extend a conditional offer for employment, pending the completion of the background check.</td>
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<td>The prospective employee will be required to consent to this background check and provide the information needed to complete the check. The Office of Human Resources will work with the hiring supervisor to process the background check through the third-party vendor.</td>
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<td>Once the background check is completed, the Office of Human Resources will receive the results and follow up on reported discrepancies as needed. Final employment contracts should not be issued to teaching or administrative and professional faculty until the background check has been successfully completed. Newly hired classified and wage employees will receive offer letters upon their acceptance of the conditional offer.</td>
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<tr>
<td>If the investigation reveals criminal convictions or discrepancies in information disclosed during the hiring process, the Office of Human Resources will consult with the area’s most senior vice president regarding their options. Newly hired employees will not begin work until the background check is completed and approved. The option to delay a start date will be the joint decision of the hiring manager and the Office of Human Resources.</td>
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<td>In exceptional cases based on operational need and approved by the cabinet vice president, the prospective employee may commence work prior to receipt of the results from the university’s background check. In those cases, the employee will be notified that continued employment is contingent upon the successful completion of the background check.</td>
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<td>The University Police may conduct additional background investigations, including a fingerprint check, on its personnel as required by University and Department of Criminal Justice Services policy and procedure.</td>
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**Determination of Job-related Convictions**

Criminal history and conviction records will be reviewed to determine the potential impact of the history or conviction on the job being filled. The determination of job relatedness will be made by the Office of Human Resources and the cabinet vice president, based on the following: the nature of duties and expectations of the position, the nature of the conviction, how recently the conviction occurred, the frequency and severity of the crime(s), the honesty of the candidate in disclosing the information, the candidate’s subsequent work history, and the age of the individual at the time the crime was committed. The safety and security of the campus and the members of the
campus community will be the University’s foremost consideration. A decision to hire an applicant with a job related conviction requires the approval of the appropriate cabinet vice president.

**Notice to the Applicant**

If it is determined that the information revealed by the background check might lead to an adverse hiring decision, the Office of Human Resources will notify the applicant in accordance with the Fair Credit Reporting Act.

**Reference Checks**

**Contacting Previous Employers**

In addition to the background check, hiring supervisors are required to contact at least the previous three employers for routine reference checks prior to hiring. The hiring manager may use the reference check form provided by Human Resources or develop their own questions in consult with the Recruitment Manager, as needed, before contacting references.

**Review of State Application**

The University’s employment application requires an applicant to describe past employment and educational history, as well as any convictions for legal violation(s), including moving traffic violations. The application includes a statement certified by the applicant’s electronic certification and signature as to the truthfulness of the information contained in the document. Failure to respond accurately and truthfully may be grounds to withdraw an offer or termination upon hire.

**Responsibilities**

Hiring supervisors and cabinet vice presidents are responsible for adherence to this policy and background check procedures.

The Office of Human Resources is responsible for the administration of this policy, including overseeing the background check process and reporting results.

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<tr>
<th>* Process for Developing, Approving, and Amending Procedures:</th>
<th>The Associate Vice President for Human Resources and Affirmative Action is responsible for the interpretation, consistent application, and enforcement of this policy.</th>
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<td>* Publication and Communication:</td>
<td>The Office of Human Resources will communicate the provisions of this policy to hiring managers at the beginning of the recruitment process. The policy will also be posted online.</td>
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<td>The Recruitment Manager and the Associate Vice President for Human Resources will be available to discuss the provisions and procedures of the policy with supervisors, employees and applicants.</td>
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**Monitoring, Review, and Reporting:**

(How will compliance be monitored, reviewed and reported?)

This policy will be reviewed biennially by the Associate Vice President for Human Resources and AAEEO and the Recruitment Manager, taking into consideration any new State requirements and user experiences.

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**RELATED INFORMATION:**

**Policy Background:**

**Policy Category:** Administration and Finance

**Category Cross Reference:**

**Related Policies:**


**HISTORY:**

**Origination Date:** December 2006

**Approved by:** Associate Vice President for Human Resources and AAEEO

**Approval Date:** December 2006

**Effective Date:** December 2006

**Review Process:** This policy will be reviewed biennially by the Associate Vice President for Human Resources and AAEEO and the Recruitment Manager, taking into consideration any new State requirements and user experiences.

**Next Scheduled Review:** April 1, 2015

**Revision History:** Revised August 2012

Revised April 2013: Cabinet VP's may approve exemptions; teaching faculty and some students are covered; alternate process for faculty removed