

**Roger Williams University and
Roger Williams University School of Law**

Background Check Policy

Purpose:

Roger Williams University and Roger Williams University School of Law (collectively referred to as the “University”) established this Background Check Policy (the “Policy”) to provide procedures for employment verification of educational credentials, criminal history, credit status and other information related to employment decisions to assist the University in appropriately employing its employees.

Scope:

Criminal background checks will be conducted for all selected candidates for faculty, adjuncts and staff positions after a conditional offer has been made, but prior to the first day of employment. Additionally, criminal background checks will be conducted for resident advisors, temporary staffing agency employees, interns, volunteers, vendors and student workers who are retained by university camps and/or university athletic programs when working with minors. Employment in the position may not begin until the Department of Human Resources has received and reviewed the results.

The type of background check varies by the nature of the responsibilities of the position and can include, but is not limited to, criminal history, educational credentials, credit history and driving record

Definitions:

Credit History Check: Checking the credit history of the selected candidate or employee for any position with access to, or responsibility for, university funds, cash receipts, cash accounts, checking accounts, or money market accounts may be requested.

Criminal History Check: Verifying that the selected candidate or employee does not have any undisclosed criminal history in every jurisdiction where the candidate or employee currently resides or has resided within the last seven years.

Educational Credentials Verification: Ensuring that the selected candidate or employee possesses all educational credentials beyond high school listed on the application, resume or cover letter or otherwise cited by the candidate that qualify the individual for the position sought.

Employee: Any person employed by the University, whether full-time or part-time except students.

Licensing Check Verification: Ensuring that the selected candidate or employee possesses all the licenses listed on the application, resume or cover letter or otherwise cited by the candidate that qualify the

individual for the position sought and verification of any license required for the position, including verification of the disposition of such licenses. This includes any motor vehicle drivers licenses required for the associated position.

Motor Vehicle Records: A motor vehicle record check will be conducted on the selected candidate or employee for any positions that require the individual to drive a university owned, rented or leased vehicle as a regular part of their job responsibilities or when a dedicated vehicle is provided to the employee for the purpose of conducting University business.

Criminal History Checks:

The following are among the factors that the Department of Human Resources will consider when evaluating the results of the criminal background check:

- (1) The nature and seriousness of the offenses for which the selected candidate has been convicted;
- (2) The number of such offenses;
- (3) The time elapsed since the last offense;
- (4) Whether such convictions are related to the duties of the position;
- (5) The accuracy of information provided by the selected candidate provided in the employment application process.

Criminal history information will be limited to a conviction, guilty plea or no contest plea to a felony or misdemeanor. Such information will be used solely for the purpose of evaluating a candidate's suitability for employment. Criminal convictions or pleas will not automatically bar an applicant from consideration for employment.

The Vice President of Human Resources shall make a recommendation to the hiring department and notify the supervising Vice President/Dean of the School of Law.

Pursuant to the Fair Credit Reporting Act, the University will notify the candidate if negative information is revealed that may impact the hiring decision, and will provide a copy of the results to the candidate.

Employees have an on-going obligation to inform the University about a conviction, guilty plea or no contest plea to a felony or misdemeanor and are required to do so at the time of such conviction or plea. Decisions regarding whether or not an employee with a conviction record should continue in a position rests with the Vice President of Human Resources.

New hires may not begin to work until the criminal history investigation is complete.

In the event there is an urgent need for services as determined by the appropriate Vice President, all formal offers of employment and continued employment are contingent upon a favorable background check result. Prior to making the formal offer of employment, the hiring manager shall consult with the Vice President of Human Resources.

Credit History Checks:

Some positions may require a credit history check to determine if the selected candidate is a suitable hire given the nature of those positions, including access to or accountability for university funds or other cash, financial assets or accounts. Employees hired into executive and administrative professional positions with access to or accountability for university funds or other cash, financial assets or accounts may be subject to a credit history. Pursuant to the Fair Credit Reporting Act, the University will notify the selected candidate if negative information is revealed that may impact the hiring decision, and will provide a copy of the results to the candidate.

A negative credit history is not an automatic bar to employment but will be considered along with factors such as the nature and seriousness of the credit history and relation to the position in question. The Department of Human Resources will be the recipient and holder of such information and will share the results only with the hiring manager and supervising Vice President/Dean of the School of Law.

Motor Vehicle Records:

Selected candidates for positions requiring driving responsibilities or operation of University vehicles (owned, rented or leased) are subject to a background check of their motor vehicle records. Pursuant to the Motor Vehicle Use Policy, driving records will be reviewed for the purpose of evaluating a candidate's suitability for initial and continuing employment, promotion or transfer.

Selected candidates for and employees in positions requiring driving responsibilities or operation of University vehicles (owned, rented or leased) must complete the University Driver Authorization form. The hiring department should contact the Department of Environmental Health & Safety to determine license requirements. The process for completing the form includes providing a copy of the individual's valid United States driver's license and written acknowledgement that the University may obtain the motor vehicle record of the selected candidate or employee from the licensing state pursuant to the Motor Vehicle Use Policy. Employees must adhere to the prompt reporting requirements regarding changes in status of license.

Selected candidates for positions requiring a Commercial Driver's License (CDL) must demonstrate that they will be eligible to obtain such a license upon employment. Employees in positions requiring a CDL will be subject to the federal and state laws governing the requirements for such licenses (e.g., drug screening and physical exams). Motor vehicle record checks will be performed pursuant to the Motor Vehicle Use Policy for drivers required to maintain CDL licenses as part of the University job's responsibilities.

Failure to maintain the proper license or to report changes in status will be considered on an individual basis, but may result in an adverse personnel action.

Educational Credentials Verification and Licensing Check Verification:

Academic credentials and/or professional licensing/certification (e.g. nurses, plumbers, electricians, EMTs, athletic trainers, attorneys, etc.), as required for the position, will be verified by the hiring manager. The Department of Human Resources is available to check educational credentials and professional licensing/certification or to assist hiring managers in doing so as needed.

Procedures:

Roger Williams University may engage a third party vendor to conduct background screening checks. Where a third party conducts all or any portion of a background check, the University will comply with the requirements of the Fair Credit Reporting Act. Applicants will be informed during the pre-employment process that selection is subject to completion of background screening with results acceptable to the university, and which check(s) would apply. Prior to conducting the background check(s), a signed, written consent will be obtained from the selected candidate for the position.

Confidentiality:

Records gathered as a result of a background check are part of an employee's personnel file. However, disclosure statements that are provided as a follow-up to either a negative criminal background result or credit history check result received in Human Resources are confidential, and as such will be maintained in a separate, confidential file in the Department of Human Resources.

Sanctions for Violation:

Violations of University policies, including providing false or misleading information during an employment application process, whether for an identified position or another position, used for any of the above background checks, will be handled in accordance with applicable University policies and procedures, which may include denial of employment, withdrawal of an employment offer or dismissal of a current employee.

*Approved by President – October 22, 2014
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