

## **BACKGROUND CHECK POLICY – UNIVERSITY 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 personnel.

### **Scope:**

All selected candidates for faculty and staff positions are subject to reference checks with prior employers and/or institutions before an offer of employment is extended. 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. In addition to the standard criminal background checks for all employees, members of the Department of Public Safety serving in a security personnel role, which includes the Director, shall be required as a condition of employment to also undergo a nationwide criminal records check pursuant to R.I.G.L. Section 16-52-3. Additionally, criminal background checks will be conducted for resident advisors, temporary staffing agency employees and student workers who are retained by university authorized and/or administered camps and/or university athletic programs when working with minors. For University employees who are transferred or promoted, a criminal background check will be required if one was not conducted as part of the university’s original hiring process or if it was not done within the last five years. 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. The hiring manager may not make an offer of employment until the Department of Human Resources has received and reviewed the results of the background check. Based on that review, Human Resources will either inform the hiring manager to proceed with the offer of employment or confer with the hiring manager regarding information resulting from the check that could impact the hiring decision.

### **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. Credit checks will also be required for positions that initiate accounting/financial transactions that are not reviewed or verified by others; positions that override authority for spending, receipting or billing transactions.

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.

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.

Employment Verification: Ensuring that the selected candidate or employee actually worked in the positions listed on the employment application, resume, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought, immediately preceding application at the University. This verification request will require dates of employment and reasons for leaving each position.

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 to be provided to the employee for the purpose of conducting University business.

Reference Check: Verification of at least three (3) professional references.

### **Criminal History Checks:**

The following are among the factors that the Department of Human Resources and others involved in the decision-making process will consider, review and report 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, promotion or transfer. Criminal convictions or pleas will not automatically bar an applicant from consideration for employment.

Human Resources shall review any negative results in relation to the position in question with the Office of General Counsel and the Department of Public Safety and may also consult with necessary personnel as part of that review to help determine whether the information resulting from the background check is relevant to the position for which the candidate is being considered.

The Assistant Vice President of Human Resources shall make a recommendation to the hiring department and to the Executive Vice President for Finance and Administration and supervising Vice President/Dean of the School of Law, and the supervising Vice President/Dean is the person authorized to make the decision regarding the hiring of the candidate. In the event the criminal record reveals the conviction of a felony under state or federal law, the decision regarding the hiring of the candidate shall be made by the President of the University.

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 misdemeanor conviction record should continue in a position rests with the supervising Vice President/Dean of the School of Law, after consultation with the Executive Vice President for Finance and Administration and the Office of General Counsel. Decisions regarding whether or not an employee with a felony conviction should continue in a position rests with the President of the University.

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 and the candidate/employee shall be so notified. Prior to making the formal offer of employment, the hiring manager shall consult with the Assistant Vice President of Human Resources in order to ascertain any "holds" on or contingencies concerning an offer of employment..

#### **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 will be subject to a credit history. Credit histories for non-administrative professional positions will be necessary when required for direct responsibility for handling or managing cash or credit card information. 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, supervising Vice President/Dean of the School of Law and Executive Vice President for Finance & Administration, who shall consult with the President of the University as she or he deems necessary and/or appropriate..

#### **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 subjects a non-compliant employee to an adverse personnel action, up to and including termination of employment.

#### **Reference Checks:**

Confidential reference checks are a normal part of the hiring process. The hiring department shall have the primary responsibility to check references of the selected candidate, internal and external, *before an offer is made*. For any employees who submit an application for transfer to another position, the hiring department shall review the employee's personnel file and have an opportunity to speak with the employee's current manager *before an offer is made*. The Department of Human Resources is available to check references or to assist hiring managers in doing so as needed.

#### **Employment Verification, Educational Credentials Verification and Licensing Check Verification:**

Employment verifications of prior positions held as indicated in the employment application, 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 employment verifications and 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 provisional or current employee.

APPROVED BY PRESIDENT – OCTOBER 22, 2014