



BACKGROUND CHECK AND OTHER CONSUMER REPORTS POLICY West Chester University

I. PURPOSE:

The University recognizes a duty to take due diligence steps to avoid hiring applicants for employment who could predictably pose unreasonable risks of harm to the campus community. The establishment of a process for initiating criminal background investigations and other consumer reporting checks, evaluating those results, and doing it in a lawful and responsible way are the goals of the policy.

II. APPLICABILITY:

All University employee recruitments after April 15, 2009 are subject to the requirements of this policy, except employment of work study students. Non-work-study student employment remains subject to the policy. The policy will not be applied retrospectively to present employees hired prior to April 15, 2009, as a general rule.

- A. Promotions and Reassignments: The policy may be applied, at hiring authority discretion, to present non-instructional employees seeking promotion or reassignment to positions requiring further due diligence.
- B. Breaks in Service: Temporary faculty rehires or other employees who are employed cyclically and have been employed by the University within the 12 months preceding April 15, 2009 will not require new criminal background or consumer reporting checks, so long as their break in service has been less than 12 months.

III. DEFINITIONS:

- A. Criminal Conviction: An adjudicated wrong which violates a state, federal or military statute.
- B. Felony: A crime of a more serious nature, usually punishable by a period of imprisonment exceeding one (1) year.
- C. Misdemeanor: A crime of a less serious nature and considered a petty offense, usually punishable by fine.

- D. Driving Record: State history of driving offenses, including reckless driving, driving under the influence and associated driving privilege revocations.
- E. Sex Offender Registries: Various states have established public access registries designed to create a means of notifying the public of the presence of persons in that jurisdiction with felony sex offender convictions.
- F. Fair and Accurate Credit Transactions Act of 2003 (FACTA): An amendment to the FCRA. The Act, among other things, contains provisions to help reduce identity theft and requires secure disposal of consumer information.
- G. Fair Credit Reporting Act (FCRA): A federal law which regulates the collection, dissemination, and use of consumer reports, including criminal background checks.

IV. **POLICY:**

It is a policy of West Chester University to conduct pre-employment background checks in the form of specific criminal and consumer reporting verifications for all employee recruitments except for work-study students.

- A. Basic Criminal Background Check: For most positions at the University, the basic background check will be required. The basic check will include a multi-state and county criminal background investigation, a sex offender database check, as well as a Social Security Number verification and Address Report.
- B. Criminal Records: Felony convictions will be considered and misdemeanor convictions may be considered. Mere arrest records will not be used as a basis to disqualify applicants from employment at the University
- C. Standards for Evaluating Convictions:
1. **Relevancy**: A conviction must be relevant to the nature of potential risks posed by the position. For example, a fraud conviction would be relevant to an accounting position. Crimes against property, such as theft or receiving stolen property would be relevant for a custodian's position.
 2. **Severity**: Generally, misdemeanor convictions do not rise to a level of seriousness to be considered potential bars from employment, but under certain circumstances or frequency, may be a bar. All felony convictions and certain higher grade misdemeanors should be closely scrutinized in accordance with the guidance set forth in this policy.

Generally, minor traffic violations would not be considered grounds for disqualification from employment.

3. **Recency:** Due consideration should be given to how old the conviction is, as well. For example, a conviction for flag burning in 1968 should not be a bar to employment in 2003.

D. Criteria for Determining Positions Which May Require Pre-Employment Consumer Reporting Checks Beyond the Basic Criminal Background Check:

1. **Positions Which Have Substantial Access to Cash, negotiable securities; or which carry authority for executing or approving substantial expenditures or contracts; or have responsibility for creating, collecting, or accounting for substantial levels of accounts receivable.**
2. **Inventory Control Positions having the character of responsibility for receipt and release of substantial volumes of University property inventory.**
3. **Sensitive Information Technology Positions which have the access to corrupt or destroy important University data or data critical systems.**
4. **Public Safety Officer or Building Security Positions.**
5. **Transportation Positions with responsibility for operating vehicles requiring Commercial licensure, involve frequent business travel by vehicle, or require the operation of heavy equipment.**
6. **Persons Living Outside the United States Prior to Employment with WCU who would not be part of any U.S. jurisdictional criminal or consumer reporting databases.**

E. Job Descriptions: Positions determined to require additional pre-employment consumer reporting checks will have such requirements updated on the position description, for future reference.

F. Job Announcements: Job announcements will contain notice to all applicants of specific pre-employment criminal background and consumer reporting requirements for final candidates for employment.

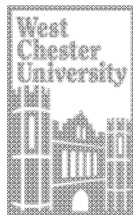
- G. Offers of Employment: All offers of employment are subject to and contingent upon satisfactory completion of all pre-employment criminal background and consumer reporting checks.
- H. Falsifications: False application or resume information submitted for University consideration or false statements made as part of the screening and interview process may lead to immediate termination of employment, regardless of when the discrepancy is discovered.
- I. Timing of Criminal and Consumer Reporting Background Checks: Understanding that different jurisdictions require different amounts of lead time, and some also have periodic backlogs of requests from time to time, it is likely that in some cases, offers of employment must be extended prior to criminal background or consumer reporting check results being available to the University. While employment may begin prior to receiving these results if necessitated by operational circumstances, employment will remain contingent until all background checks having been successfully completed. Conditional employees must be advised of this contingency.
- J. Senior Administrative Officers: Subject to approval of the President, search committees for senior administrative officers of the University such as Vice Presidents and Deans, will establish specific pre-employment criminal background and/or consumer reporting requirements prior to undertaking a search for a vacant senior administrative position. University searches deploying executive search services from a vendor remain subject to PASSHE Board of Governors Policy 2009-01: ***Criminal Background Investigations***.
- K. Act 33 and 34: This policy does not replace or amend any specific obligations required by Acts 33 or Act 34 relating to Public Safety Officer, Elementary and Secondary Teaching or Child Care positions.

V. **PROCEDURES:**

- A. Responsibilities: Determinations as to the level of consumer or criminal background checks beyond the basic package must be made by the respective Department, Dean or division head and the HR Recruitment Manager at the beginning of a search using the criteria established in Section IV.C. of this policy.
- B. Costs: Costs associated with pre-employment criminal background and consumer reporting checks will be funded centrally with the exception of self-support and auxiliary positions. Costs associated with self-support and auxiliary position background checks will be assigned to the cost center funding that particular self-support program.

- C. Vendor Support: A contracted service is in place for the purpose of having a timely, professional, effective means of providing these services. The service is coordinated by the Human Resources Office. The University's Public Safety Department is without authority to provide these types of recruitment support services for University searches.
- D. Final Candidate Only: Criminal background and consumer reporting checks will be obtained for the final candidate for employment only. If the initial final candidate is not selected and the search moves to the next candidate in the finalist pool, that candidate will also be required to submit to the checks.
- E. Notice of Rights and Authorization (Release) Requirements: Services of this nature are subject to the Fair Credit Reporting Act, and all its procedures must be followed. The Office of Human Resources has responsibility for providing all related notices and obtaining completed authorization forms before a request is made to the vendor for reports. When the Office of Human Resources receives notice from a consumer reporting vendor of a substantial address discrepancy falling under FACTA's *address discrepancy rule*, the Office of Human Resources will compare the vendor-supplied address information with information provided to the University by the applicant for employment. If the discrepancy cannot be resolved by that means the Office of Human Resources will request a copy of the applicant's current state driver's license or other proof of residency from the applicant to verify the address in order for the Office of Human Resources to form a reasonable belief that the consumer report relates to the applicant.
- F. Suitability for Employment: The President has delegated authority to the Provost and the Chief Human Resources Officer for faculty searches, and the Chief Human Resources Officer for all non-instructional searches, to determine if a criminal conviction or other adverse consumer report renders a candidate unsuitable for employment. The Chief Human Resources Officer will review all preliminary determinations of unsuitability with University Legal Counsel prior to implementing such decisions. The Chief Human Resources officer will inform the Division Vice President in the area where the vacancy exists, when a candidate's criminal conviction has resulted in a determination of suitability or non-suitability for employment in the position. Applicants seeking information regarding criminal or other consumer reports forming the basis for employment disqualification may receive a copy of the third party consultant's report from the source and have a statutory period to contest information contained on the report. But a search need not be suspended while such an appeal is in progress.

- G. Pre-Employment Criminal Background and Consumer Reporting Document Disposition: Files relating to pre-employment criminal background or other consumer reporting checks will be maintained in a secure location by the Office of Human Resources. They will be maintained separate from employees' Official Personnel Files. These reports will not be accessible to supervisors and others who might otherwise have "need to know" access to that employee's Official Personnel File. Court-ordered access to these files requires the approval of the Chief Human Resources Officer and University Legal Counsel. Disposal of all criminal background and other consumer reports will comport with the Federal Trade Commission's final regulations relating to FACTA's *disposal rule*, requiring secure shredding of paper documents, and erasing of electronic files at the same time paper documents are shredded, in a way that the electronic files cannot be reconstructed.
- H. Internet Services such as Google, Facebook, MySpace: Search committees and hiring managers should avoid using these types of informal background sources to obtain information on prospective employees. Doing so is dangerous and can lead to liability exposures. Similarly, other employees not directly participating in search committee activities should also refrain from these types of undertakings during a search.
- I. University-Sponsored Camps and Other Summer Programs Involving Minors as Participants: Camps and other casual recruitment processes are also subject to basic criminal background and sex offender database requirements.



Background Check Packages & Pricing

Custodial/General Staff/Summer Staff Package

Multi-State Criminal & Sex Offender D/B	
Social Search/Address Report	
(1) County Criminal	
Package Price	\$18.85

Custodial/Staff Package with Drivers Check

Multi-State Criminal & Sex Offender Database	
Social Search/Address Report	
(1) County Criminal	
Standard Drivers License Verification	
Package Price	\$26.80

Manager (Non-Financial)

Multi-State Criminal & Sex Offender Database	
Social Search/Address Report	
(1) County Criminal	
Education Verification w/transcripts (Highest degree)	
Package Price	\$28.80

Manager (Financial)

Multi-State Criminal & Sex Offender Database	
Credit Report	
(1) County Criminal	
Federal (84-District Search)	
Education Verification w/transcripts (Highest degree)	
Package Price	\$60.70

Faculty Package

Multi-State Criminal & Sex Offender Database	
Social Search/Address Report	
(1) County Criminal	
Education Verification w/transcripts (Highest degree)	
Package Price	\$28.80