

## POLICY

Effective Date: January 1, 2008

Revised: July 11, 2017

Approved by: President Sabah Randhawa

Authority: RCW [9.96A020](#), RCW [43.43](#); WAC [162-12](#),  
WAC [357-19](#); WAC [446-20](#); [11USC525](#);  
[15USC1681](#); FERPA; [49CFR40](#); [42CFR73](#);

See Also: [FRM- U5315.01A](#)

[STN-U5315.01A](#)

[POL-U1600.02](#)

[POL-U5410.01](#)

Criminal Conviction Verification Form

Standards for Department Background Check Processes

Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation

Employing Family Members and Significant Others

### **POL-U5315.01 CONDUCTING BACKGROUND CHECKS**

*This policy supports the University's commitment to the safety of its employees, students, visitors, and non-student program participants, and protection of its property, mission and reputation.*

#### **Definitions:**

**Background Check:** The process of looking up and compiling records, including but not limited to, employment verification, criminal records, driving records, and credit history, of an individual or organization.

**Department Head:** Academic department chairs and deans, and directors of academic and non-academic units.

#### **1. Director of Risk, Compliance, and Policy Services Oversees Use of Background Check Processes**

Under the purview of the Vice President for Business and Financial Affairs, the Director of Risk, Compliance, and Policy Services (RCPS) oversees the use of background check processes conducted by the University as determined by this policy. The Director has the authority to establish standards, procedures, and guidelines to ensure compliance and effectiveness of this policy.

#### **2. Background Checks May Only be Conducted for Valid Reasons**

It is recognized that University business operations and academic programs may need to conduct background checks for valid business, safety, and legal reasons.

#### **3. Authorized Positions May Implement Approved Background Check Processes**

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The following positions may implement approved background check processes for their areas of responsibility:

- **Assistant Vice President for Human Resources:** Permanent and temporary employees, student-employees, volunteers, and visiting scholars and researchers.
- **Department Heads:** Students and/or employees that need to meet University program requirements and/or external entity requirements.
- **Chief Procurement Officer:** Contractors and vendors
- **Director of Public Safety:** Public safety

Additional positions that need to conduct background checks must obtain written authorization from the Director of Risk, Compliance, and Policy Services.

#### **4. Authorized Positions Establish Standards, Procedures and Guidelines for Approval**

Written standards, procedures and guidelines must be established by each authorized position (see #3 above) and be approved in accordance with the *Standards for Department Background Check Processes* (STN-U315.01A).

Standards, procedures and guidelines will:

- a) Meet the valid needs of the area's function or activity,
- b) Demonstrate Western's adherence to fairness and equity, and
- c) Comply with state and federal regulations.

All material modifications to approved documents must be approved prior to implementation. Copies of all approved documents are to be maintained with RCPS.

Authorized positions are responsible for compliance oversight of standards, procedures and guidelines for background checks that are established for their respective areas.

For those areas conducting background checks prior to the effective date of this revised policy, standards, procedures and guidelines require approval by February 1, 2018.

#### **5. Background Check Vendors Require Prior Approval**

No authorized position may have a background check submitted on any individual through a vendor that has not been pre-approved by the Director of RCPS (or designee). The vendor(s) to be utilized by an authorized position must be stated in their background check standards.

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### 6. **Engagement Contingent upon a Satisfactory Background Check**

A negative background check result shall not automatically exclude a person from consideration or access to the University. However, participation or engagement is contingent upon a satisfactory background check.

All determinations must be made on a case by case basis with regards to business necessity and in accordance to law.

*Exception:* During an emergency situation declared by the President, a Vice President or the President (or the Incident Commander appointed by the President or Vice President), may waive required background checks for some or all:

- a) Volunteers,
- b) Temporary employees,
- c) Independent Contractors/vendors,
- d) Students, and/or
- e) Others deemed essential for assisting with the emergency.

### 7. **Disclosure of Potential Conflict of Interest Required**

University representatives involved in processing and/or involved in making determinations based on background checks must:

- a) Disclose a relationship that has the potential to be viewed as a conflict of interest, and
- b) Temporarily excuse themselves from that role so long as the potential conflict remains.

See *Employing Family Members and Significant Others* policy ([POL-U5410.01](#)) regarding the requirements for disclosing a relationship.

### 8. **Authorized Positions May Share Background Check Information in Confidential Manner**

Background check information will be released to University personnel and external agencies on a need to know basis or when consistent with applicable law.

All recipients of background check information will use the information:

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- a) In a confidential manner,
- b) For official University business purposes only, and
- c) Share only with those who have a need to know.

Documentation collected must be maintained in a secured manner.