

APPENDIX A-5-13

Background Check Procedures

Consent to Conduct Background Checks and Confidentiality

Finalists will be informed during the pre-employment process that an offer is subject to completion of background checks with results acceptable to WNCC, as appropriate to each position and as stated in the position description. Prior to conducting the background check, a signed, written consent will be obtained from the finalist. Refusal by the finalist to authorize the background check will make him/her ineligible for employment. The information obtained through background checks is confidential and will be shared only with individuals with an essential business need to know. Records of the background check will be maintained in the Office of Human Resources in a file that is separate from the personnel file.

Screening of Finalists

An offer of employment is contingent upon the successful completion of a background check and the approval of the Board (in the case of contract, exempt employees) and the College President (in the case of hourly, non-exempt employees). Generally, employment in the position should not begin until WNCC has received and reviewed the results of the background checks. Exceptions may be made based upon institutional need with the recommendation of the Human Resources Office and the approval of the President.

The finalist for all positions at WNCC is subject to background checks of employment references and employment, educational, criminal, and sex and violent offender histories.

Additional background checks may apply to finalists for certain positions which could result in the risk of research loss, or physical, financial, or other harm. Some of the criteria for identifying a position as possibly requiring additional background checks include, but are not limited to:

- 1) Direct responsibility for the care, safety, and/or security of individuals;
- 2) Direct responsibility for handling or managing money or credit information;
- 3) Responsibility for operating vehicles or machinery that could cause injury or accidental death; or
- 4) Requirement for a certificate, professional license, or accreditation.

These additional background checks may include a:

- 1) License history check; and/or
- 2) Credit history check.

Background Checks of Current Staff Members and Duty to Report Convictions/Pleas

Background checks will be required of current WNCC staff members who are finalists for a new/different position if they have not undergone the background check process, or if they have not undergone the additional background checks required by the new position. A current employee who has already undergone a background check in the two (2) years preceding his/her application for transfer or promotion, will not be required to undergo a new background check unless he/she is applying for a position with substantially different responsibilities and the position requires additional background checks, such as a license or credit check. A background check will not be required for changes in shift or other interdepartmental lateral transfers.

Employees have an ongoing responsibility, during their employment, to promptly report to the Human Resources Office the following:

- 1) Criminal felony or misdemeanor convictions or pleas which are acknowledgements of responsibility.
- 2) Any driving while intoxicated (DUI/DWI) convictions or pleas, any serious motor vehicle operations convictions or pleas, other than speeding tickets, any driver's license revocation if the employee operates WNCC vehicles or operates a personal vehicle for WNCC business or related activities.

Withholding or not reporting any of this information may result in disciplinary action up to and including termination from employment. These reports must be made to the Human Resources Office within three (3) business days of the conviction/plea or revocation. Any action concerning an employee's driver's license as described in (C)(2) shall also be reported to the Administrative Services Office within three (3) business days of the conviction/plea or revocation.

Evaluation of Background Check Results

Once the background checks are completed, WNCC will make a hiring decision based upon the information gathered. If negative information is obtained through the background check process, WNCC will determine whether the information is job-related and if the decision not to hire is consistent with business necessity. In making this determination, WNCC will consider, among all other relevant information, the following:

- 1) For all criminal convictions or pleas, the nature and seriousness of the offense(s), the number and type of offense(s), the amount of time that has elapsed since the offense(s), whether such offense(s) are related to the responsibilities of the position, and the accuracy and completeness of the information provided by the finalist during the application process.
- 2) For all other negative information, the nature and seriousness of the activities or data obtained, the amount of time that has elapsed since the activities or data, whether the information is related to the responsibilities of the position, and the accuracy and completeness of the information provided by the finalist during the application process.

Adverse Action Taken Due To Background Check Results

If adverse action is based in whole or in part on the results of a background check, the finalist will receive a copy of the background check report, a Pre-Adverse Action Notice and a document summarizing his/her rights under the FCRA. Finalists will be permitted to provide responsive information regarding their criminal history, including evidence that they did not commit the offense (in the case of a misidentification), evidence of rehabilitation, the length of time since the last criminal conviction, and other extenuating circumstances. The finalist will be given five (5) business days to provide this information so as not to halt the recruitment process for the position. Extensions may be provided to the finalist at the sole discretion of WNCC.

If adverse action is taken against the finalist in whole or in part based upon the results of a background check, the finalist will receive an Adverse Action Notice, indicating that no further action will be taken and the offer will be rescinded. The finalist will also receive a document summarizing his/her rights under the FCRA.

Exceptions to the Background Check Policy

Exceptions to this policy may be made at the discretion of WNCC through the President or his/her designee. Categories of workers that are excluded from this policy include temporary employees not directly paid by WNCC, student employees, unpaid interns, and volunteers, unless a background check is required by state or federal law, or accrediting body, or the nature of the particular job/position.

This policy is intended as a guideline to assist in the consistent application of the College policies and programs for employees. This policy does not create a contract, express or implied, with any employee. WNCC reserves the right to modify this policy in whole or in part, at any time, in its sole discretion.