



University Policy: Background Screening Policy

Policy Category: Personnel

Subject: Background Screening Policy

Office Responsible for Review of this Procedure: Human Resources, Office of the Provost, Risk Management

Supplemental Documents: Background Screening Results Review Procedures

Related University Policies: Children on Campus and Working with Minors

I. SCOPE

This policy applies to applicants for employment and current employees of American University.

II. POLICY STATEMENT

To promote a safe learning and working environment and to protect the University's financial, property and other assets, the University conducts background screenings as part of its hiring process for all staff and faculty positions. Students holding part-time positions are ordinarily not subject to the requirements of this policy.

III. DEFINITIONS

Finalist – The internal or external job applicant selected for hire and who has received a conditional offer of employment.

Hiring Manager – Employee with hiring authority, responsible for hiring staff within their respective college/school/division/department.

Conditional Offer of Employment – job offer that is conditional solely on the results of a background screening of the finalist or some other employment-related contingency expressly communicated to the finalist at the time of the offer.

IV. POLICY PROCESS

A. In General. Human Resources (for staff positions), in consultation as needed with the Deputy Provost and Dean of Faculty (for faculty positions), the hiring unit and other appropriate offices, are responsible for coordinating the background screenings outlined in this policy.

1. **Minimum Background Screenings for All Positions.** The minimum level of background screening for Finalists for all staff and faculty positions include:
 - Criminal Record Screening
 - Education/Degree/Certifications Verification
 - Sex Offender Registry Search
2. **Additional Screenings.** Human Resources (for staff positions), in consultation as needed with the Deputy Provost and Dean of Faculty (for faculty positions) and the hiring unit, is responsible for designating positions that are subject to additional screening beyond the minimum required screenings. Additional screens may be required to verify professional licenses, operating permits, or as otherwise mandated by law or as needed to mitigate financial, safety, or similar risks to the University and include, by way of example, positions such as public safety officers and child development center teachers.
3. **Background Screening Results and Beginning Work.** Except as otherwise approved by Human Resources (for staff), or the Deputy Provost and Dean of Faculty (for faculty), no Finalist may begin work in faculty or staff positions until satisfactory results of the background screenings have been received. Adverse results from background screenings will be reviewed and decided on by the Assistant Vice President for Human Resources or their designee (for staff), or the Deputy Provost and Dean of Faculty (for faculty)
4. **Notice of Background Screening Requirement to Applicants and Employees.** University job postings and advertisements for staff and faculty positions must include a statement that successful completion of a background screening will be required as a condition of hire. In addition, letters of employment offer will specify that the offer is contingent on a successful background screening.

B. Types of Employment-Related Screenings

1. Background Screenings

Generally, background screenings under this policy will be conducted by a third-party vendor chosen by the Offices of Risk Management, Human Resources and Provost and screenings will be initiated by the Office of Human Resources for all positions). The various types of background screenings are:

Criminal Record Screening. A national criminal record screen will be conducted for Finalists in all staff and faculty positions after a Conditional Offer of Employment has been made.

Education, Licenses, and Certifications Verification. Verification of academic credentials, professional licenses, and certifications will be conducted for Finalists in all staff and faculty positions. The highest degree/diploma will be verified. Licenses and/or certifications will be verified when the Finalist indicates s/he has such license(s), and/or certification(s), irrespective of whether the staff or faculty position requires such a license or certification.

Sexual Offender Registry Search. A sexual offender registry search will be conducted for Finalists for all staff and faculty positions after a Conditional Offer of Employment has been made.

Prior Employment Verification. Past employment history, as listed by the Finalist on the background screening application and University job application, will be subject to verification for Finalists in all staff and faculty positions.

Social Security Number Trace. A social security number trace will be conducted for Finalists to verify the identity of the Finalists.

Motor Vehicle Records Search (“MVR”). An MVR search will be conducted for Finalists positions that use or perform maintenance on University vehicles as a significant portion of the job responsibilities.

C. Non-Discrimination

Background screenings will be used only to determine the Finalist’s qualifications and suitability for employment and will not be used to discriminate on the basis of race, color, national origin, religion, sex, age, sexual orientation, disability, or any other protected bases under federal or local employment laws.

D. Review of Background Screening Results

A criminal record or other adverse results are not an automatic bar to employment at the University. For criminal offenses, the University will consider, by way of example, the following factors to evaluate suitability for employment:

- Specific duties and responsibilities necessarily related to the position sought or held by the individual;
- The bearing, if any, of the criminal offense or offenses for which the person was previously convicted, will have on their fitness to or ability to perform one or more such duties;
- The time which has elapsed since the occurrence of the criminal offense or offenses
- The age of the person at the time of the occurrence of the criminal offense
- The frequency and seriousness of the criminal offense;
- Any information produced by the person, or on their behalf, regarding their rehabilitation and good conduct since the occurrence of the criminal offense; and
- Any other legitimate business factor.

E. Notification

If the results of a third-party vendor conducted background screen might preclude an individual from employment, Human Resources will provide the Finalist with a pre-adverse action letter and background screen report and any related notice of consumer rights provided by the third-party vendor. The letter will also notify the Finalist that if he or she believes that the background screen report is inaccurate or incomplete, the Finalist has ten business days from the receipt of the notification to challenge the findings with the vendor or otherwise successfully resolve it. If the findings are upheld or not resolved (generally within ten business days), Human Resources (for staff positions) or the Deputy Provost and Dean of Faculty (for faculty positions) will notify the Finalist that the Conditional Offer of Employment has been rescinded.

F. Confidentiality

Background screening results will be kept confidential except for disclosures: 1) to individuals with a legitimate business need to know, 2) as authorized by the Finalist, or 3) as required by law. Screening results will be maintained separately and confidentially in accordance with applicable law and University policy.

G. Ongoing Obligation to Report Criminal Convictions

Current employees have an ongoing duty to notify the University of criminal convictions that occur during their employment. Failure to provide accurate details regarding criminal convictions within five business days of the conviction, and/or failure to cooperate in the background screening process will subject the individual to disciplinary action, including termination of employment.

H. Compliance with Legal Obligations

Nothing in this policy is intended to limit the University's ability to conduct lawful background screens, including criminal record screens, for employees, employment applicants, volunteers, and contractors or vendors who provide service to the University. The University will comply with all applicable federal and local statutes and regulations relating to background screenings. This policy supplements and does not replace any law, regulation, contractual obligation, collective bargaining agreement, or other University approved policy that regulates background screenings.

V. POLICY INTERPRETATION

Nothing in this policy prevents the University from taking a lawful personnel action based on an employee's criminal background history. The Assistant Vice President of Human Resources is responsible for implementation and oversight of this Policy. The Assistant Vice President of Human Resources is authorized to interpret this Policy (including resolving ambiguities) and may adjust the requirements of this policy as needed to ensure fairness to employees and applicants and to comply with applicable law.

VI. EFFECTIVE DATE & REVISIONS

This Policy was approved on July 1, 2018.