

Background Check

Employees – Human Resources

CWU Policy 301-28

Effective: February 20, 2019

Policy Review Date: YEAR

Policy Executive: Senior Vice President – Finance and Administration

Responsible Office/Unit: Human Resources

Policy Statement:

Applicability:

Content:

Policy

Appendix A – Background Check Procedure

(1) Introduction

- A. CWU is committed to providing a safe and secure environment for its students, faculty, staff, visitors, and other constituents and to protecting its funds, property, and other assets. Well-informed hiring decisions contribute to this effort. The university will conduct background checks on persons hired for initial employment at the university, current employees who change jobs or otherwise become subject to a background check, and volunteers. All background checks will be conducted in accordance with applicable state and federal laws.

(2) Scope and types of background checks

- A. Criminal background checks.
 - 1. Criminal history checks, which include sex offender checks, will be conducted for the final candidate for all positions and on volunteers, as defined by Appendix A – Background Check Procedure. Criminal background checks completed by a third-party vendor are subject to the provisions of the Fair Credit Reporting Act and the Washington Fair Chance Act, RCW chapter 49.94.
- B. Credit history checks.

1. A credit history check may be conducted on the final candidate for any position with access to sensitive financial information. Such a requirement will be noted on the posting. Credit history checks are subject to the provisions of the Fair Credit Reporting Act.

C. Driver's checks.

1. When positions require the incumbent to drive university vehicles as a regular part of their duties, the selected applicants must document possession of a valid driver's license at the time of hire and periodically throughout their CWU career.

D. Credentials and reference checks.

1. The appointing authority/designee is responsible for conducting the appropriate verification of credentials (such as certifications or education), professional licenses and/or reference checks for each candidate prior to an offer of employment.

E. Social media checks.

1. Because inappropriate off-duty behavior can negatively impact the reputation of the university and/or the credibility of the employee to continue in the position, a review of the selected applicant's social media page may be completed on final candidates.

(3) Use of background checks

- A. Background checks will be used only to evaluate candidates/employees for employment purposes and will not be used to discriminate on the basis of race, color, national origin, religion, sex, disability, age, genetic information, veteran's or marital status or sexual orientation.

History:

PAC: 03/16/05; PAC: 06/08; Responsibility: President's Office; Authority: Cabinet/UPAC; Reviewed/Endorsed by: Cabinet/UPAC; Review/Effective Date: 06/06/2012; 2/20/2019; Approved by: James L. Gaudino, President Reformatted and Assigned new Policy Number - Previous Policy CWUP 2-30-010, June 2025 Attached Procedure CWUR 3-40-010 as Appendix A, June 2025

Appendix A - Background Check Procedure

(1) General information

- A. In order to determine an applicant's suitability for employment, Central Washington University conducts various background checks including a criminal records investigation of candidates selected for hire for all civil-service, faculty, and exempt positions, including volunteers. The university encourages departments, supervisors, and/or appointing authorities to conduct non-criminal background investigations such as reference checks, verification previous employment and/or educational credentials, etc., prior to making any offer of employment.

(2) Definitions – for purposes of this procedure and the associated policy

- A. **Conviction:** Conviction includes a guilty verdict, guilty plea, or “no contest” plea.
- B. **Driver’s abstract:** An official driving record from an authorized state agency that contains a history of violations, convictions, collisions, and departmental actions incurred by a driver over a period of time is a driver’s abstract.
- C. **Fair Credit Reporting Act (FCRA)** – FCRA is a federal law that governs the use of information gained by consumer reporting agencies such as one of the credit bureaus or a third-party criminal background check company.
- D. **Fair Chance Act (FCA)** is a Washington State law (RCW 49.94) designed to protect job applicants with a criminal record so they may fairly compete for job opportunities for which they are otherwise qualified.
- E. **Volunteer:** For the purpose of this policy, volunteer is defined as an individual performing university work.
 - 1. That requires the individual to have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults, or
 - 2. That requires the individual to have unsupervised access to cash, credit cards, or financial transaction data, or
 - 3. Where there exists a grant or statutory requirement to possess a criminal background check on individuals assuming the position.

(3) Criminal background checks

- A. An offer of employment may be made prior to the completion of the criminal background check being completed as long as human resources concurs and the offer is contingent upon a satisfactory background investigation being completed. All criminal background checks are done in compliance with FCA.
- B. University police will conduct criminal background investigations for their own new, rehired, and transferring sworn officers, based upon their own policies and procedures.
- C. All information derived from criminal background checks is confidential and to be used solely for the purpose of determining the suitability and competence of applicants or employees. Only essential personnel involved in the hiring process (including the administrative line up to the president) may, on a need to know basis, have access to information from criminal background

investigations. Those who violate the terms of confidentiality shall be subject to disciplinary action up to and including termination. The authorization forms and reports received shall be maintained by human resources.

- D. Except where employment of a convicted felon is expressly prohibited by law, previous criminal convictions do not automatically disqualify applicants from consideration for employment with the university. A decision to bar employment in one position does not necessarily bar employment in all positions.
- E. When determining whether a criminal conviction shall bar employment in a specific position, human resources, in consultation with the hiring department will, at a minimum, consider these factors:
 - 1. The nature of the position.
 - 2. The nature of the crime in relation to the position.
 - 3. The time elapsed since the conviction.
 - 4. The frequency and severity of the crime(s).
 - 5. The age of the individual at the time of conviction.
 - 6. The relationship between conviction and previous employment.
 - 7. The individual's employment history and references, and
 - 8. The accuracy of the information provided by the applicant.
- F. When an individual, who had been previously employed by the university, is re-hired, a background check will be completed if that individual has had a break in employment of more than one (1) year. A background check may be completed if an individual is rehired in less than one year with appropriate justification.
 - 1. Misrepresenting or failing to disclose relevant information after a candidate has been determined to be otherwise qualified for the position may disqualify the candidate from employment and may subject a current employee to dismissal.
 - 2. Current employees who are arrested, convicted of a criminal offense (not including minor traffic infractions such as a failure to obey a traffic control device or wear a seat belt, exceeding the speed limit, or inappropriately using a cell phone while driving) or whose professional licenses are suspended after July 1, 2008 are required to report the event to their immediate supervisor within 3 days of the event. The immediate supervisor will notify human resources within 3 days of receiving notice.
- G. Methodology for conducting background investigations
 - 1. Notification of requirement for completing the form, Authorization for Background Inquiry, is designated on all position postings.
 - 2. Applicants authorize a criminal background check when submitting their application. An applicant who refuses to complete, sign and/or submit the authorization form cannot be considered for hire.

3. Upon notification of the selected candidate(s), human resources will complete a national search for information related to arrests and convictions.
4. Human resources will review the criminal background investigation report, and if there are no convictions, will notify the hiring department that an offer of employment may be made. If there are conviction(s) listed or if an applicant self-reports a conviction that does not appear on the report, human resources will review the information to determine if an offer of employment is appropriate.
5. Notification of a denial of employment based on a background review will be in compliance with applicable state and federal laws.
6. Completed Authorization for Background Inquiry forms are maintained by the human resources department as required by the university's records retention schedule.

H. Non-criminal background investigation

1. All aspects of the background check will be conducted prior to extending an offer of employment. It is the responsibility of the hiring department to ensure that non-criminal aspects of the background investigation are conducted. Notification of a requirement for non-routine checks such as credit, social media, driver's history, etc., will be made at the time of application. The university strongly recommends that the following non-criminal background investigations be conducted as part of the search and hiring process:

- a. Verification of academic credentials;

- i. Transcripts received shall be filed:

1. with the employee's personnel file if the applicant is subsequently hired or
 2. retained as part of the recruitment file if the applicant is not hired.

- b. Verification of professional licenses;

- i. A copy of the professional license shall be maintained by:

1. the hiring department if the applicant is subsequently hired or
 2. retained as part of the recruitment file if the applicant is not hired.

- c. Reference checks.

I. For certain positions, the university may also require one or more of the following non-criminal background investigations:

1. Driver's licenses and driving records (also called abstract):

- a. A copy of the applicant's valid driver's license will be required on the final candidate for any position that requires the individual to drive a state vehicle assigned to a department as a regular part of their job responsibilities. Annually, the employee will provide proof of an unexpired copy of their current, valid driver's license. In addition, some positions may require that the applicants submit a copy of their driver's abstract as part of the recruitment process.

- b. If an incumbent's position requires the individual to drive a university-owned vehicle, assigned to a department, as a regular part of their job responsibilities, or when a dedicated vehicle is provided to the employee for the purpose of conducting university business, the hiring department will maintain a copy of the employee's valid driver's license. The department must re-verify eligibility on an annual basis.
- c. All drivers are responsible for reviewing and complying with all requirements of the "Enterprise-Wide Transportation Policy" available here.

2. Credit reports:

- a. Sensitive financial positions include those with access to, or accountability for, cash or financial assets/accounts, as well as positions having significant access to, or responsibility for, institutional facilities or assets and those with access to multiple credit card numbers (i.e. customer's credit card numbers). Individuals employed in positions with access to multiple credit card numbers are subject to CWU 202-04 Payment Card Policy.
- b. If the results of a credit report investigation results in an applicant no longer being considered for a position, the applicant shall be provided a copy of the report and a description, in writing, of their rights under the Federal Trade Commission Fair Credit Reporting Act