

Background Review Policy

Background Review Purpose

This policy outlines the process for background reviews of potential employees, communication of results, and maintenance of relevant information. Offers of employment are contingent upon successful completion of the background review.

Employment background reviews help filter candidates who have been untruthful in the employment application process. Background reviews ensure a job candidate's past is consistent with the needs of the University of Wyoming (UW). Employers may be held liable for the actions of an employee who commits crimes or policy violations while on the job, especially if the employee has a previous record that the University failed to investigate (known as negligent hiring). This policy is intended to support the verification of credentials, criminal history, employment history, and other information related to the employment hiring process.

In order to promote a safe workplace and academic environment, all new benefited hires will be subject to background reviews prior to hiring. Background reviews are regulated by federal laws such as the Fair Credit Reporting Act, the Americans with Disabilities Act, and Equal Employment Opportunity legislation.

Process

Background reviews and disclosure statements apply to all new hires in benefited positions. In addition, employees hired into non-benefited positions may require background reviews based on the criteria noted below and as determined by the Human Resources (HR) Office. Former employees (including retrenched employees) who are applying for positions within UW will also have a background review. In most cases, background reviews will occur before an offer of employment is made. With authorization from the candidate, the Human Resources Office will initiate the appropriate background review, based on the requirements of the position being filled. Refusal on the part of a finalist to authorize the review will make the candidate ineligible for the position.

The content of review will be determined by the Human Resources Office and will be based on the duties and qualifications of the job being filled. A standard background review for new hires includes a criminal history check; sex and violent offender registry check; verification of identity; and, if required by the position, verification of academic credentials, employment history, professional certificates, tax payment check, credit check, and/or Department of Motor Vehicle report.

In the case of Foreign Nationals, in addition to the above reviews, a criminal check of their prior country of residence is required if their visa and/or authorization to work in the United States are prior to implementation of the Patriot Act, October 12, 2001.

For non-benefited hires, background reviews will be required for those hired into positions in which any of the following work is involved:

- Handling financial, student, or personnel data or information
- Confidential or sensitive data or information
- Handling cash, checks, and/or credit card transactions
- Providing services to anyone under age 18
- Possessing keys/codes or other means of entry to living or work spaces

- Working with hazardous materials

The Human Resources Office will determine what non-benefited positions should be included or excluded from background reviews. For some short-term, non-benefited positions in which a business process includes close supervision, the campus Human Resource Office may waive the background review requirement.

If UW has performed any of the above verification or history checks on an individual within the past year, a new background review will not be required, unless there are areas of review required by the job that were not covered in the previous review.

Review Results

A candidate may be disqualified as a result of the background review and disclosure statement. If the criminal history check reveals a criminal conviction, the Human Resources designee will notify the hiring manager. The HR Director and the Hiring Manager shall provide this information to the applicable Vice President. After reviewing the facts and circumstances, the Vice President may approve or deny the hiring of the candidate. If the candidate is disqualified due to the criminal history report, the Human Resources Office will notify the candidate and provide a copy of the report. The candidate may work with the background review vendor to correct any errors in the report. If the candidate provides information on the disclosure statement (either on paper or within the recruiting system) regarding a violation of company policy, the department may work with a Human Resources designee to summarize the information and provide to the VP of that division to make the decision on proceeding with or disqualifying the candidate.

Candidates are automatically disqualified if they have been convicted of (1) a felony involving violence or (2) a sex crime against a minor or a sex crime involving violence. No person convicted of a crime of any nature shall be hired without the approval of the hiring unit's Vice President or the Director of Athletics, if appropriate. See the University's Presidential Directive 4-2014-1 Criminal Conviction Hiring Policy found on the University's website. The existence of other convictions does not automatically disqualify a candidate from employment. Relevant considerations may include, but are not limited to, the nature and number of convictions, their dates, and the relationship the conviction has to the duties and responsibilities of the job.

If unreported convictions are revealed in the criminal history check, the candidate will not be hired, unless the candidate shows the report is in error or the Vice President of the hiring unit (after consultation with the HR Office) determines that the nature of the crime is not reasonably related to the candidate's fitness for the job.

If the candidate reveals a violation of a previous employer's policy, the applicable Vice President will be notified and he or she will review and make the decision if the candidate will continue through the hiring process.

Human Resources will notify the candidate when the background review (criminal history, violation of policy, reference check, work history, education review, etc.) results in a decision where the candidate is no longer being considered for employment.

Falsification of information on application materials will result in termination of employment or withdrawal of an employment offer.

Record Retention and Disposal

The Human Resources Office will maintain records or other information generated by background reviews in confidential files that may be reviewed by a hiring unit if the employee applies for a different position within the University. For those hired, these materials will be maintained in a file separate from the official personnel file. For candidates not hired, the records will be maintained for a period of three years and then destroyed.