

REFERENCE AND BACKGROUND CHECK

Policy Number:

Owner Department: Human Resources

Approved Date/Effective Date: December 2, 2014

Approved By: President's Council

I. POLICY STATEMENT

All offers of employment at SCNM are contingent upon results deemed acceptable from a thorough background investigation. Background investigations will be conducted on **all** newly hired employees' and on **all** SCNM employees who transfer to another position within SCNM as deemed necessary. The college reserves the right to conduct a background check at the discretion of the Office of Human Resources.

II. POLICY STATUS

New

III. HISTORY/BACKGROUND

EEOC - Equal Employment Opportunity Commission

FTC - Federal Trade Commission

FCRA - Fair Credit Reporting Act

Title VII of the Civil Rights Act of 1964

GINA - Genetic Information Nondiscrimination Act

FERPA - Family Educational Rights and Privacy Act

IV. DEFINITION(S)

- A. *Adverse Action:* A denial of employment or any other decision for employment purposes based in whole or in part on a consumer report that adversely affects any current or prospective employee. *FCRA §603(k)(1)(B)(ii) and FCRA §615.* Employers that take adverse action against an applicant or employee must follow the two notice provisions of the FCRA.
- B. *Pre-Adverse Action Notice:* When a background check report indicates potentially disqualifying information, the Office of Human Resources must provide the applicant with a Pre-Adverse Action Notice that sets the basis for the disqualification with a copy of the report and a copy of a statement of consumer rights under the Federal Fair Credit Reporting Act (FCRA).
- C. *Adverse Action Notice:* To withdraw the applicant from consideration, the Office of Human Resources must send an Adverse Action Notice that includes a copy of a statement of consumer rights under the Federal Fair Credit Reporting Act (FCRA).

Background investigations will include:

- D. *Social Security/Residency Validation and Analysis* verifies valid SSN, place and issue date, death index search. Credit bureau data analyzed for names, SSN's and addresses.

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- E. *County Criminal Records Search* conducted in all **counties** of residence in past seven years.
- F. *Federal Criminal Records Search* conducted in all **districts** of residence in past seven years
- G. *National Sex Offender Database Search* covering sex offender records collected nationwide for primary name; alias or AKA searches.
- H. *Sanctions Base* proprietary search covering sanctions, disciplinary and administrative actions taken by hundreds of federal and state healthcare regulatory authorities, including FDA, NIH, GSA, OFAC, terrorist watch lists and more.
- I. *DIG / GSA-SAM Search* covers the federally-mandated HHS [Health and Human Services] Office of Inspector General's [DIG] List of Excluded Individuals/Entities [LEIE], and the General Service Administration [GSA] – System for Award Management [SAM]
- J. *National Criminal File Search* investigates criminal, sex offender and violation records, includes verification of hits, alias or A/K/A searches. National Criminal File Search is a database of criminal information from across the country. This is a compilation crimes from various county and state entities. This is not all inclusive of every crime as this is a data aggregate company that purchases criminal records for this large database.
- K. *Federal Criminal Search* investigates district courts for any crimes committed in violation of federal law in district of current residence (additional cost). Federal Criminal Search includes criminal information from Federal US District Courts. These courts store federal crimes such as identity theft, securities fraud, tax evasion, etc.
- L. *Employment, Education, Reference Verification* confirms applicant's employment with the provided companies, including dates of employment, position held and additional information available pertaining to salary/wages, performance rating, and reason for departure and eligibility for rehire. This will be run on past four employers or seven years, whichever comes first. Personal and professional reference calls will be placed to individuals listed as references by applicant.

The following additional searches may be required if applicable to the position:

- M. *Motor Vehicle Record* provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.
- N. *Credit History* (FCRA) confirms candidate's credit history. This search may be run for positions that involve management of SCNM funds and/or handling of cash.

V. PURPOSE

In order to create a safe and secure work and learning environment and to ensure that Southwest College of Naturopathic Medicine & Health Sciences (SCNM) employees are qualified to perform the jobs for which the College hires them, SCNM will conduct a pre-employment reference check and a background investigation for the final candidate(s). Employment is contingent on the successful completion of the background-check process.

Current SCNM Employees are grandfathered and will not be required to submit to a background check for current position. When a grandfathered SCNM employee transfers to another SCNM position or a former SCNM employee is rehired within sixty (60) days from his or her last day of employment, a criminal background check is not required for the new position unless the employee has not had a criminal background check during his or her previous employment with SCNM.

Information on the procedure and appropriate forms necessary to complete background checks will be coordinated through the Office of Human Resources.

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VI. SCOPE/KEY STAKEHOLDERS

This policy applies to **all** newly hired employees. Current SCNM Employees are grandfathered and will not be required to submit to a background check for current position.

VII. POLICY ITEMS

A. Hiring Process

As part of the hiring process, SCNM requires disclosure of relevant employment, education, and criminal history information. SCNM will conduct a variety of checks to ensure the accuracy of the information provided and the eligibility of the final applicant(s) for each open position.

I. Standard Background Screening

Once a decision has been made regarding interest in hiring an applicant, an offer will be made by The Office of Human Resources contingent upon satisfactory completion of a background investigation. The Office of Human Resources shall conduct reference checks and employment verification for all employees. For applicable positions, the Office of Human Resources or designee shall verify the educational credentials of a finalist before a final offer of employment.

Current SCNM Employees are grandfathered and will not be required to submit to a background check for current position. When a grandfathered SCNM employee transfers to another SCNM position or a former SCNM employee is rehired within sixty (60) days from his or her last day of employment, a criminal background check is not required for the new position unless the employee has not had a criminal background check during his or her previous employment with SCNM. However, the college reserves the right to conduct a background check at the discretion of the Office of Human Resources.

SCNM may refuse to hire a finalist, may withdraw a conditional offer of employment to a finalist, or may review and terminate the employment an employee if the individual has made a false representation of material fact or omits providing material factual information in the employment process.

The Office of Human Resources will order the background investigation upon receipt of the signed Disclosure & Authorization form, and an employment screening service will conduct the investigation. A designated Human Resources representative will review all results. The prospective employee is not to begin work prior to the hiring manager receiving approval at the discretion of The Office of Human Resources.

The Standard Background Screening package includes:

- i. SSN Search Validation
- ii. SSN Analyzed SSN Search
- iii. County Criminal Records Search
- iv. Federal Criminal Search – all districts of residence for the past 7 years
- v. National Sex Offender Database Search - primary name or all Alias or A/K/A's
- vi. Sanctions Base
- vii. OIG Search

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Additional Services, as needed:

- i. National Criminal File Search (A compilation of crimes from various county and state entities)
- ii. Basic Employment History Verification 1 (Covers 7 years or up to 4 employers verification of title, dates, reason for leaving, eligibility for hire – additional cost)
- iii. Basic Employment History Verification 2 (Additional cost per employer; verification of title, dates, reason for leaving, eligibility for hire)
- iv. Education History Verification
- v. MVR Driving History
- vi. Credit Report (FCRA)

The Office of Human Resources will notify the hiring manager regarding the results of the investigation. In instances where negative or incomplete information is obtained, the appropriate management and the Chief Human Resources Officer will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired.

SCNM reserves the right to modify this policy at any time without notice.

2. Position-Specific or Sensitive Background Checks

Finalists for specific positions may be required to have one or all of the following background checks:

- i. Academic credentials and/or professional licensing/certification, as required for the position, will be verified.
- ii. Motor Vehicle Records. When an occupation or position requires that an employee regularly operate a motor vehicle, whether an SCNM vehicle or a personal vehicle, the hiring authority or a designee will work with Office of Human Resources to verify the appropriate license and review the motor vehicle record. It's the employee's responsibility to notify the Office of Human Resources if there is any change in their driving record.
- iii. A Credit Check will be required for all staff who handle cash, checks, credit or debit cards and for all Administrator positions.
- iv. Additional Requirements: Additional pre-employment screening required by statute, contract, or policy (AANP, ALC, American Medical Board Association, AANMC, AANC, HHS) is not discretionary and shall be coordinated by the Office of Human Resources.
- v. Federal Work Study students are not required to submit to a background check since Student Background Check is required as part of admission.

B. Information Collection, Evaluation, and Disposition

1. Information Collection

A signed "Disclosure & Authorization" form: from the finalist is required before criminal record information or background information may be requested. This information will be collected in coordination with the Office of Human Resources. If a finalist refuses to provide such authorization, the individual will be ineligible for consideration for such position.

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2. Information Evaluation

The Office of Human Resources will coordinate with the third-party vendor regarding all background verifications. The vendor will send the reports to the Office of Human Resources designee upon the completion of the verification process.

When considering whether to employ an individual with a criminal history, during the background investigation review, many factors will be assessed, including:

- i. The relevance of a criminal conviction to the posted job duties
- ii. The date of the most recent offense
- iii. The nature and number of convictions
- iv. The relative threat to the security of SCNM or its employees and students
- v. The accuracy of the information the individual provided on the employment application and/or in the recruitment process and other relevant considerations.

In cases where the background check warrant or produce information that might prompt an adverse employment action, the Office of Human Resources will work in conjunction with the vendor to conduct a background investigation review, and if necessary, will consult legal counsel.

If information contained with the background screening report warrants an adverse action, the following process will be followed:

3. Adverse Action Process

- i. Upon review of the background check, if SCNM determines that information contained within the background screening report warrants an adverse action, the first step is to send the candidate notice via a pre adverse action letter along with a copy of the report. The letter provides instruction to the candidate as to how they can dispute any inaccurate information by contacting the vendor's Applicant Services team at the toll free number provided.
- ii. If the candidate contacts the vendor, SCNM will be notified of the dispute. The vendor will conduct additional research (at no charge to the candidate or SCNM) and advise the candidate once research is complete. If the additional research results in an altered background screening report, the updated report will be delivered to SCNM.
- iii. If the candidate does not contact the vendor, a final adverse letter is to be mailed to the candidate. The final adverse action letter serves as notice that the offer of employment has been rescinded.

The Office of Human Resources will consult with legal counsel regarding Adverse Action

4. Compliance with the Fair Credit Reporting Act

In some cases, the outside vendor may uncover information that may disqualify a finalist from further employment consideration. If a decision not to hire or promote a candidate is made based on the results of a background investigation, there may be certain additional Fair Credit Reporting Act (FCRA) requirements. In such cases, the Office of Human Resources will notify the finalist of the information. The Office of Human Resources will be responsible for handling such FCRA requirements as necessary. The finalist has a minimum of five days to refute,

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explain, or correct the information. If there is no change in status within five days, the finalist will be withdrawn from the candidate list. If the finalist is a current employee, his or her suitability for continued employment will be evaluated. In some cases, presidential approval may be required before an offer of employment is extended.

SCNM will follow all applicable FCRA requirements throughout the background investigation process. Any questions regarding FCRA must be directed to the Chief Human Resources Officer.

5. Information Release

Only the Office of Human Resources may initiate a criminal background check and/or credit check and receive results. Results of all background checks will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy, as provided by law or pursuant to appropriate legal process.

VIII. CONFIDENTIALITY:

SCNM will make every effort to ensure that all information attained from the reference investigation process will only be used as part of the employment process and kept strictly confidential. The Office of Human Resources will maintain a log that will include the position applied for, applicant name and the date of the background investigation. Only approved Human Resources personnel at SCNM will have access to this information. The handling of all records and subject information will be strictly confidential and will adhere to the Fair Credit Reporting Act (FCRA).

VIII. RESPONSIBILITY FOR IMPLEMENTATION

The Office of Human Resources will develop administrative regulations and procedures as necessary to implement this policy, including provisions for notification, administration, and enforcement.

IX. RELATED POLICIES

- A. SCNM Employee Handbook

X. RELATED DOCUMENTS

SCNM will contract with a Background Investigation Provider to administer this policy. As part of this contract, SCNM will adhere to the requirements outlined in the services agreement.

- A. Pre-Adverse Letter
- B. Final Adverse Letter
- C. SCNM Background Checks FAQ's
- D. SCNM Background Checks Glossary of Terms

XI. NEXT REVIEW DATE

As needed

XII. VERSION CONTROL AND CHANGE HISTORY

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Version Control	Approved By/Date	Date Effective	Amendment
1	12/2/2014	12/2/2014	
2			

XIII. POLICY AUTHOR/CONTACT

Office of Human Resources/ Christine M. Cervantes, Chief Human Resources Officer