

NORWICH UNIVERSITY BACKGROUND CHECK POLICY

January 23, 2008

Policy Statement:

Norwich University strives to protect the welfare and safety of our students, faculty, staff, visitors, and institutional resources. As part of that effort, it is prudent to conduct background checks to determine whether there is information about a prospective employee or volunteer that would disqualify them from service at Norwich by law or because their presence in the workplace would create an unacceptable risk to our University community. This document provides the policy framework under which such background checks will be conducted.

This Policy applies to background checks on applicants for all paid or volunteer positions at Norwich, whether full time, part time or temporary, including adjunct or temporary faculty, student employees, and current employees seeking new positions within the University. This policy does not apply to campus visitors, including guest lecturers or representatives of accrediting bodies, or to employees of other organizations while they use campus facilities. All background checks will be conducted in accordance with applicable federal and state laws or regulations, including the federal Fair Credit Reporting Act.

Implementation:

The Human Resources Director will be responsible for coordinating the background check process, including selecting any third party agency or vendor to conduct some or all background checks, obtaining the required release forms, reviewing the reports of background checks, conferring with the appropriate administrator on findings, and maintaining documentation of the process and results. All individual information used in or resulting from background checks will be maintained by Human Resources in accordance with the confidentiality required by law.

All applicants for employment or volunteers will complete the standard Norwich University Application for Employment including authorization to investigate the applicant's background and credentials. Applicants who refuse to sign an authorization for a background check are not eligible for employment at Norwich. The hiring administrator or search committee will normally perform employment history or personal reference checks as part of applicant screening procedures. Offers of employment at Norwich University will be made conditional on the results of a background check. All applicants who are offered employment will be subject to the following standard checks:

- Verification of social security number;
- Residence/address history and verification;
- Verification of educational credentials;
- Verification of professional licenses;
- Review of federal, state or county criminal records;
- Review of sex offender registries.

In the case of a re-hire of an individual, a new standard background check will ordinarily be done each time an individual is offered employment, unless it has been less than 24 months since the last check of that individual.

Individuals who have had background investigations as members of the armed forces, state, local and federal police agencies, nurses, doctors, lawyers and civilian employees of the United States armed forces, and who can provide certification (i.e. letter from a supervisor or from a licensing board) that they have passed such a background investigation may request a waiver of a new check by Norwich University.

For certain positions, other types of background checks may be required based on the responsibilities of the position being filled. Responsibilities that may lead to additional checks include but are not limited to: access to funds and financial transactions; operation of motor vehicles for University business; providing services to minors, the elderly or people with disabilities; access to master keys for residential buildings or other facilities; or access to confidential or sensitive information. One or more of the following background checks may be required based on the responsibilities of the position, as determined by the Human Resources Director and the responsible administrator. The applicant will be notified at the time that the conditional offer of employment is made if any of these additional checks will be required.

- Credit history report;¹
- Motor vehicle records search;
- Physical examination;
- Drug and alcohol testing;
- In depth background investigation report
- U.S. Government Security clearance

Failure to disclose a conviction or misrepresentation of the facts, or any other falsification or material misstatement of records including application or resume information, may result in the withdrawal of any employment offer or discharge of the individual, whenever discovered. The final decision in all such matters rests with the Human Resources Director.

For the purposes of this policy, a conviction is defined as a final adjudication of guilty by a Court. An adjudication of diversion is not considered a guilty adjudication. A deferred sentence following a finding of guilt should be reported to Human Resources. However, no adverse employment action will be taken if the individual successfully completes the requirements of the deferred sentence.

Results of Background Checks:

The Human Resources Director is responsible for reviewing the results of all background checks. Human Resources will notify the individual of any findings that might result in rescinding an employment offer, termination or other adverse action; provide a copy of the findings; and offer the individual an opportunity to respond.

If the background check findings might raise a question about employment of an individual, the Human

¹ Note that the FCRA prohibits an employer from making an adverse employment decision based on an applicant's or employee's past bankruptcy.

Resources Director will review the background check results and the individual's response with the administrator responsible for that position. The decision whether to rescind an offer of employment, or retain or terminate an individual will be made by the Human Resources Director in conjunction with the appropriate administrator, and with the advice of legal counsel as necessary.

Criminal convictions or other adverse findings will not automatically disqualify an individual from employment at Norwich. Except where employment is expressly prohibited by law, the University will consider factors such as, but not limited to, the nature of the finding, the nature of the position and the job-relatedness of the finding, the age of the individual at the time of the conviction or other adverse finding, the length of time since the event, the individual's employment history, and employment references.

Obligation to Disclose:

Norwich University faculty, staff and volunteers have an obligation to disclose any convictions under criminal or motor vehicle law, other than civil citations or tickets, that occur while employed by Norwich. Such disclosure must include all such convictions since July 1, 2007. Failure to report a conviction may result in disciplinary action up to and including termination of employment, even if the conviction itself would not be cause for termination. Reports should be made to the Human Resources Department. The decision whether to take action as a result of a reported conviction will be made by the Human Resources Director in conjunction with the appropriate administrator, with the advice of legal counsel as necessary, and will be based on the relevance of the infraction to the individual's duties and responsibilities.

Privacy and Records Retention:

All background checks remain the property of Norwich University and will be maintained in the Human Resources Department. Human Resources is responsible for safe keeping of background records and assuring that results of checks are kept strictly confidential. The individual may examine the results of his or her background check under the same procedures that apply to examination of an individual's Personnel File.

Examples of Application of the Background Check Policy

This list is intended to illustrate, but not limit, the impact of this policy on employment decisions.

1. For a position that includes operating a motor vehicle, particularly where other employees or students might be passengers, a prior conviction for Driving While Intoxicated (DWI) would likely lead to rescinding a job offer.
2. For a position that includes interaction with people, a conviction for a crime of violence against another person would usually lead to rescinding a job offer.
3. For a position that includes responsibility for financial transactions, a conviction for misappropriation of funds would lead to rescinding a job offer.
4. A promotion of a faculty member from one rank to another would not be considered a “new position” for purposes of background checks; no new background check will be required.
5. The appointment of a faculty member to serve as Department Chair would not be considered a “new position” for purposes of a background check.
6. The appointment of a faculty member to serve as Dean of a School will be considered an appointment to a “new position” for purposes of a background check. These positions involve academic administration as the primary responsibility, and differ substantially from the usual responsibilities of a faculty member.
7. Each offer of a new contract for a non-regular faculty member is considered a “new hire” for purposes of the background check policy. A new background check will be required if it has been at least 24 months since the last check.