

WVU Policy

Background Checks

Talent and Culture

Title: Background Checks

Responsible Unit: Talent and Culture

Adopted: November 1, 2018

Revision History: None

Review Date: October 2020

WVU POLICY

BACKGROUND CHECKS

SECTION 1: PURPOSE AND SCOPE.

- 1.1 West Virginia University is committed to providing a safe and secure environment for the University community in support of its overall mission, by requiring the use of background checks in the hiring process for all employees.
- 1.2 This policy applies to all final candidates employed after October 1, 2018, employees with more than a one-year break in service, and employees whose required duties and responsibilities materially change.

SECTION 2: POLICY.

- 2.1 West Virginia University requires background checks for all newly hired employees that are full-time or part-time. Background checks shall be required prior to employment (post-offer, pre-employment).
- 2.2 Offers of employment for new employees will be made contingent upon completion of the background check process and a determination that the results of the background check are satisfactory to WVU. Employees who have a break in employment (or interruption in service) of more than twelve (12) months must have a background check when they return under the same conditions as new hires.
- 2.3 A background check will be required for internal/current employees changing positions/departments due to a transfer, reassignment or change in status (e.g., part-time to full-time), unless the person has already had a background check which is specific to the newly assumed position within the last twelve (12) months. The employee will be permitted to start working while the background check is in process, unless there is a material change to the position such as a required DMV check. In these cases, the employees may not start working in the position. Promotions in rank (e.g., Assistant to Associate Professor) or awards of tenure do not require a background screening.
- 2.4 A new employee must receive approval from the Provost or Vice President if permitted to start working while the background check is in process.
- 2.5 The background check may include: address verification; social security number check; military history; a county, statewide and federal criminal records search; search of sex offender registries; driving records; and global homeland security search.. For positions



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requiring a degree, the background check will also include verification of academic credentials.

- 2.6 A more comprehensive background check may be required pursuant to a University administrative decision, local, state or federal law, or for certain sensitive positions.
- 2.7 A background check authorization form must be completed by the candidate or employee each time WVU conducts a background check. A candidate or employee that refuses to sign the background check authorization form will not be considered further for that position.
- 2.8 Any exceptions to this policy must receive approval from the Provost (for faculty and certain staff positions) or Vice President (staff positions).

SECTION 3: CONFIDENTIALITY.

- 3.1 All background check results and records are reviewed and handled in a confidential manner and in compliance with all applicable federal, state, and local laws, including the Fair Credit Reporting Act (FCRA). The background check results will be confidentially kept within WVU Talent and Culture. Background check results, if appropriate, will be shared with the Provost and/or the Vice President.

SECTION 4: BACKGROUND CHECK REVIEW.

- 4.1 WVU Talent and Culture will establish guidelines consistent with this policy for the administration of these checks and the review of background check results. If no adverse information is reported in a background check, satisfactory completion will be recorded by WVU Talent and Culture.
- 4.2 However, if adverse information is reported, further review will be conducted. WVU Talent and Culture will notify the applicant of the adverse information and the applicant will have five (5) business days to contact the third-party vendor or West Virginia University as appropriate, to correct, update or provide additional information if he or she feels the information is inaccurate. Upon completion of this, WVU Talent and Culture, if appropriate, will share with the Provost and/or Vice President the background check results for a final determination of employment eligibility. The Office of General Counsel and/or the WVU Police Department will provide advice and consultation as requested.
- 4.3 A previous conviction will not automatically disqualify a prospective or current employee from employment with the University. The persons listed above will review factors including but not limited to: the nature and seriousness of the offense, the circumstances



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under which the offense occurred, relationship between the duties to be performed and the offense committed, the age of the person when the offense was committed, whether the offense was an isolated or repeated incident, the length of time that has passed since the offense, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, whether there is a statutory prohibition related to the offense, and the accuracy of any information provided.

- 4.4 If there is a recommendation to withdraw a conditional offer of employment, or if there is other adverse action recommended, WVU Talent and Culture, and if appropriate, the Provost and/or Vice President will make the final decision. In compliance with the Fair Credit Reporting Act (FCRA), WVU Talent and Culture will notify the prospective or current employee if information obtained from the background check may be used, in whole or in part, in the decision to deny employment or as the basis for any adverse employment action.
- 4.5 Any disciplinary action involving a current employee would proceed pursuant to the Board of Governors Talent and Culture Rule 3.1 and/or Faculty Rule 4.2. Prospective and current employees who fail to cooperate in the background check process may have their conditional offer of employment withdrawn and/or may be subject to disciplinary action under the WVU Talent and Culture policy and procedure; Board of Governors Talent and Culture Rule 3.1 and/or Faculty Rule 4.2; and applicable local, state or federal statute.

SECTION 5: SUBSEQUENT VERIFICATIONS.

- 5.1 A background check may be requested or performed after the initial check covered by this policy in accordance with applicable policies, procedures or practices of the University. WVU reserves the right, at its sole discretion, to amend, replace, and/or terminate this policy at any time.

SECTION 6: DEFINITIONS.

- 6.1 “All newly hired employees” includes faculty, adjunct faculty, postdoctoral research associates, and graduate assistants, as well as non-classified, classified, and temporary employees. Not included is student workers.
- 6.2 “Provost” means the Provost of the University or the Provost’s designee.
- 6.3 “Vice President” means the Vice President of Talent and Culture or the Vice President’s designee.
- 6.4 “Adverse action” means the method that WVU outlines the reasoning as to why an applicant may not be hired.



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SECTION 7: DELEGATION.

- 7.1 The Board of Governors delegates to the President the authority to adopt additional academic affairs internal policies and procedures to effectuate the implementation of this Board of Governors Rule or in furtherance of any other authority that the Board of Governors has specifically delegated to the President pursuant to this Rule. Any actions taken pursuant to this delegation must be consistent with the guidelines provided by this Rule.

SECTION 8: AUTHORITY & REFERENCES.

- 8.1 W. Va. Code §18B-1-6, §18B-2A-4, §18B-7-1, et seq., §18B-9A-1, et seq., §18B-9B-1, §§ 18B-1-6, 18B-8-1 through -7; WVU BOG Talent and Culture Rule 3.1 Administration and Employment Practices; WVU BOG Faculty Rule 4.2 Appointment, Promotion, Tenure, and Dismissal for Cause.

SECTION 9: SUPERSEDES.

- 9.1 This Policy supersedes all other policies, procedures or guidelines at the University to the extent those documents are inconsistent with and fall under the scope of this Policy.

