WESTERN
NEW MEXICO UNIVERSITY

POLICY NAME	Background Check Policy	**POLICY NO.**	BA430
APPROVING BODY	President/Cabinet	**VERSION NO.**	01
RESPONSIBLE DEPARTMENT	Business Affairs - Human Resources		
EFFECTIVE DATE	28-OCT-2020	**REVIEW/REVISION DATE**	12-SEP-2024

PURPOSE:

~~To establish a standardized recruitment and hiring process that complies with all applicable State and Federal laws.~~

To establish consistent requirements for conducting background checks as part of Western New Mexico University's employment process and to support compliance with applicable laws and University requirements.

POLICY:

All offers of employment at Western New Mexico University (WNMU) are contingent upon favorable results of a thorough background check. Background checks will be conducted on all candidates offered positions. Successful completion of backgrounds check will be required for all new hires prior to their start date.

Background checks for all new staff, faculty, adjunct, or volunteers will be conducted by a 3rd party processor and will include:

- **CRIMINAL HISTORY:** includes review of criminal convictions and probation. Criminal history will be reviewed for the last 7 years prior to the start of the check.
- **NATIONWIDE SEX OFFENDER REGISTRY**: includes review of sex offender convictions and probation.
- ~~**EDUCATION:** new hires will be required to provide official transcripts for Faculty and Adjunct and Dual Enrollment positions. Educational requirements for Staff positions will be determined on the requirements of the position per the Job Description.~~
- **EDUCATION:** Educational and licensure credentials will be verified as required for the position. Staff and faculty qualification requirements are addressed in BA450, Staff Qualification, and BA451, WNMU Faculty Qualification, as applicable.
- ~~**PERSONAL AND PROFESSIONAL REFERENCES:** phone calls or emails or fax requests will be placed to individuals listed as references by the applicant. Candidates will provide in their application three to five references. Three references will be required.~~

All policy approvals are maintained and controlled in the Policy Office. Draft and archived/obsolete revisions are not to be used. Please refer to the WNMU website @ https://policy.wnmu.edu for the current version of the policy.

PERSONAL AND PROFESSIONAL REFERENCES: Candidates must provide a minimum of three references (preferably 2 professional references) as part of the application process. References may be contacted by phone or email. Family members may not be used as references.

- **MOTOR VEHICLE RECORDS:** 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. This is done by the state on a continuous basis when there is a need for an individual to either drive for their position and/or they are using WNMU vehicles. The Department of Purchasing will inform Human Resources of any motor vehicle problems.
- **ADDITIONAL BACKGROUNDS:** The Early Childhood Programs will perform additional backgrounds as needed for licensing and funding requirements. These additional backgrounds will include but are not limited to:
    - Fingerprint
    - National criminal record
- **ADDITIONAL BACKGROUND CHECKS:** Certain departments or positions may require additional background checks to meet accreditation, licensing, regulatory, or other University requirements. These additional background checks will be completed in accordance with the applicable departmental process.
- **REHIRES:** Faculty, Adjunct, and Staff rehired after a separation from WNMU of more than ninety (90) days must complete a new background check.

BACKGROUND CHECKS PROCEDURE

Final candidates must complete a Criminal History and Nationwide Sex Offender Registry background check authorization form and complete the online background process noted in the hiring documentation. Human Resources will initiate the background check upon completion of the electronic authorization provided by the candidate when completing the electronic background process. The Human Resources Director will review all results.

The following factors will be considered for applicants in instances were negative/unfavorable background results are received in any of the categories noted in the Background Check Policy:

- The nature of the crime, misinformation, or violation and its relationship to the position.
- The time since the conviction, misinformation, or violation.
- The number (if more than one) of convictions, misinformation, or violations.
- Whether hiring the applicant would pose an unreasonable risk to the University, its employees, students, customers, and/or vendors.
- In instances where the criminal, sex offender, fingerprint or driving background results are negative/unfavorable or incomplete information is obtained, the Human Resources Director will notify the respective Divisional Vice President to assess the potential risks

and liabilities related to the job's requirements and determine whether the individual should be hired. Final approval will be for from the WNMU President.

Prior to routing the hiring proposal for approval, reference checks will need to be completed by the department or with assistance from Human Resources.

- **REFERENCE CHECKS:** Each department will need to provide Human Resources for approval the questions that will be used for the reference checks. A minimum of 3 references will be required. If the department is unable to confirm the references provided by the candidate, they will have to request additional references from the candidate.
- **TRANSCRIPTS**: For educational requirements, due to possible delays from educational institutions, new hires will be offered employment contingent upon receiving the official transcripts if the new hire provides a copy of their unofficial transcript for Faculty, Adjunct, and Dual Enrollment positions. Staff will be offered employment contingent upon receiving official educational documents as needed for the position.
- In instances where negative/unfavorable information is obtained, the Human Resources Director will notify the respective Divisional Vice President to assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. Final approval will be for the WNMU President.
- Omissions or incorrect information provided in the application regarding any of the above background checks may result in the decision not to hire the candidate, rescind an offer, or the termination of employment.
- If a decision is made not to hire, rescind, or terminate employment based on negative/unfavorable results of any of the backgrounds noted in this policy, the process will be handled by the Human Resources Director in conjunction with the employment screening service.

DELAYED RESULTS OF BACKGROUND CHECKS:
The ability to conduct thorough background checks in a timely manner as outlined by our policy may not be feasible. As such, we are taking the following temporary actions regarding new-hire background screening:

- All background checks will be initiated as required by WNMU's policy. Due to possible delays from screening providers, government authorities, and educational institutions, new hires will be offered employment contingent upon the results of the background check, which may be received after the employee's start date.
- Each position will be evaluated to determine the appropriateness of allowing a new hire to begin work prior to completing all background check requirements. For example, a newly hired employee working with limited access to sensitive data and/or contact with the public may be able to begin work before receipt of the full background check results. Alternatively, a new hire that will be working directly with sensitive or

~~confidential information may have his or her start date delayed until the results of the background check are received.~~

PENDING BACKGROUND CHECK RESULTS:

Employment remains contingent upon satisfactory completion of the required background check. If information is identified that may affect the employee's continued employment, the matter will be referred to Compliance & Labor Relations for review and determination of the appropriate action, which may include rescission of the employment offer.

~~WNMU reserves the right to modify this process at any time without notice.~~