

Background Checks of Employees and Applicants

Fairmont State University follows joint guidance provided by the U.S. Equal Employment Opportunity Commission and the Federal Trade Commission explaining how federal anti-discrimination laws and the Fair Credit Reporting Act apply to the use of background checks in connection with personnel decisions. The information FOR EMPLOYERS can be found at

http://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm. The information for applicants and employees is at http://www.eeoc.gov/eeoc/publications/background_checks_employees.cfm.

We conduct background checks for many reasons:

- For the safety and wellbeing of our students, employees and visitors;
- To safeguard our finances and institutional assets;
- To ensure we hire the best employees, confirming that candidates are qualified for the positions for which they've applied;
- To reduce turnover and long-term costs associated with recruiting and hiring;
- To maintain the reputation and credibility of our institution;
- To build trust within our institution, as a demonstration to students and employees that we are committed to integrity and safety; and
- To commit to due diligence in our hires and to protect our institution from the possibility of negligent hiring litigation.

Human Resources is responsible for conducting background checks on behalf of Fairmont State. No background checks are done until we make a job offer; then the offer is contingent upon the applicable results of the applicant's or employee's completed background check. In general, we check education, work history, civil and criminal court histories, sex offender registries and driver's licenses (if the incumbent will drive on behalf of the institution as part of his/her assigned duties). We go back ten years but reserve the right to seek background information for a longer span of time with good cause. For positions at higher levels of authority and trust, we reserve the right to add additional information to check, and for more years, again based on the responsibilities and purview of a given position.

Fairmont State University does not use background information received from any source to discriminate based on race, color, gender, sex, sexual orientation, gender identity, gender expression/association, national origin, age, height, weight, religion, creed, genetic information, disability or veteran's status, as identified and defined by law in employment, admissions, and educational programs and activities.

We seek the same background information from all applicants or employees, appropriate to the requirements of a given position. For example, we do not seek

information on driver's licenses unless the position is one in which the incumbent drives as part of his/her job; and a proven past history of embezzlement would preclude a hire into a position dealing with finances or funds. The background information must be relevant to the job.

When we ask our background check provider for a background check on an employee or applicant, we follow a number of procedures, transparent to the employee/applicant. We notify the applicant or employee, in writing in a stand-alone format (via email), that the information might be used in making employment decisions. We also obtain the applicant's or employee's written permission to conduct the background check; and we comply with the Fair Credit Reporting Act's (FCRA) requirements to provide notice in writing to employees or applicants when we have made an adverse employment decision based on information obtained through a background check.

Should an applicant or an employee refuse to approve our conducting a background check on him/her, we reserve the right to rescind any conditional offer of a position.

Background check reports are maintained in the Human Resources Office, in a confidential file separate from employee personnel files. The VP for Human Resources reviews all provided background checks against the requirements of an individual position. If there is no adverse information relevant to the position, HR approves the hire. HR shares any adverse information with the relevant hiring manager or Dean, to determine whether to go forward with a hire or to rescind an offer. In all cases, HR will notify the applicant in writing of any adverse action and allow him/her to appeal any action we take.

For more information, please email hr@fairmontstate.edu.