



# Use Background Checks to Avoid Legal Pitfalls

**Are you screening your volunteers and paid staff to avoid problem workers? If not, you may be risking your organization's future.**

By William F. Hauswirth

**M**ore and more nonprofits are mandating screening and background checks of their staff—both paid and volunteer. Verifying the backgrounds of prospective workers is increasingly vital to identify potential problems, especially those related to undisclosed criminal history.

Failing to perform such screening may cause your organization to lose community support, funding, and public trust as well as to face lawsuits and legal damages for the actions of a problem worker. Suits can allege that your organization failed to uncover information indicating an applicant's likelihood of improper behavior. The legal concept of negligent hiring is common in lawsuits dealing with improper conduct, injury, and death.

Proper screening and recruiting processes can save your organization from criminals, sex offenders, and thieves. Criminal background checks can reveal whether a pro-

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spective worker has been convicted of a crime or has engaged in any inappropriate act.

You can also use the background-check report to determine whether a candidate has been honest on the application. Supplying false information on an application is a red flag, indicating potential risk.

Here are best practices to keep in mind:

- **Develop policies** that promote a safe work environment and reduce risk—including the risk of violence, harassment, theft, and fraud.

- **Perform background checks** that include a combination of national database and single-county searches.

- **Create a universal screening policy** rather than conduct background checks case by case.

- **Be sure your screening policy** has the full support of your organization's leaders.

- **Establish criteria** to evaluate information about potential workers. Decide what will cause you to

disqualify an applicant.

- **Treat sensitive information carefully and confidentially**, and follow the rules of the Fair Credit Reporting Act ([www.ftc.gov](http://www.ftc.gov)), which was enacted to promote the accuracy and privacy of people's personal information during background checks.

- **Make sure the information used to select or deny candidates** is based on facts and is relevant to the specific position for which you're recruiting.

- **View employee screening** as a continual process, not a one-time event. Conduct periodic screenings of both volunteers and paid staff.

Background screening reduces the occurrence of theft, sexual misconduct, and violence. With a consistent, comprehensive screening policy, you can avoid costly hiring and recruiting mistakes, mitigate exposure to litigation, and reassure the community you serve that those working for you have been properly vetted. ■

Follow the rules of the Fair Credit Reporting Act.

Proper screening can save your organization from criminals, sex offenders, and thieves.

## Risk Management Starts Here

For more on protecting your organization from negligent hiring, see these articles at [www.snpo.org/members](http://www.snpo.org/members):

- **How to Hire the Best People without Breaking the Law** (Vol. 20, No. 5)
- **Volunteers: Resource Or Risk?** (Vol. 15, No. 5)
- **Don't Be Sued for Negligent Hiring** (Vol. 21, No. 3)
- **The Most Likely Lawsuits—and How to Protect Yourself** (Vol. 19, No. 1)
- **The Need for Anti-Bias Policies** (Vol. 22, No. 5)
- **Do You Think Sex When You Hear Harassment?** (Vol. 24, No. 4)
- **Fraud: How to Prevent It in Your Organization** (Vol. 26, No. 3)

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