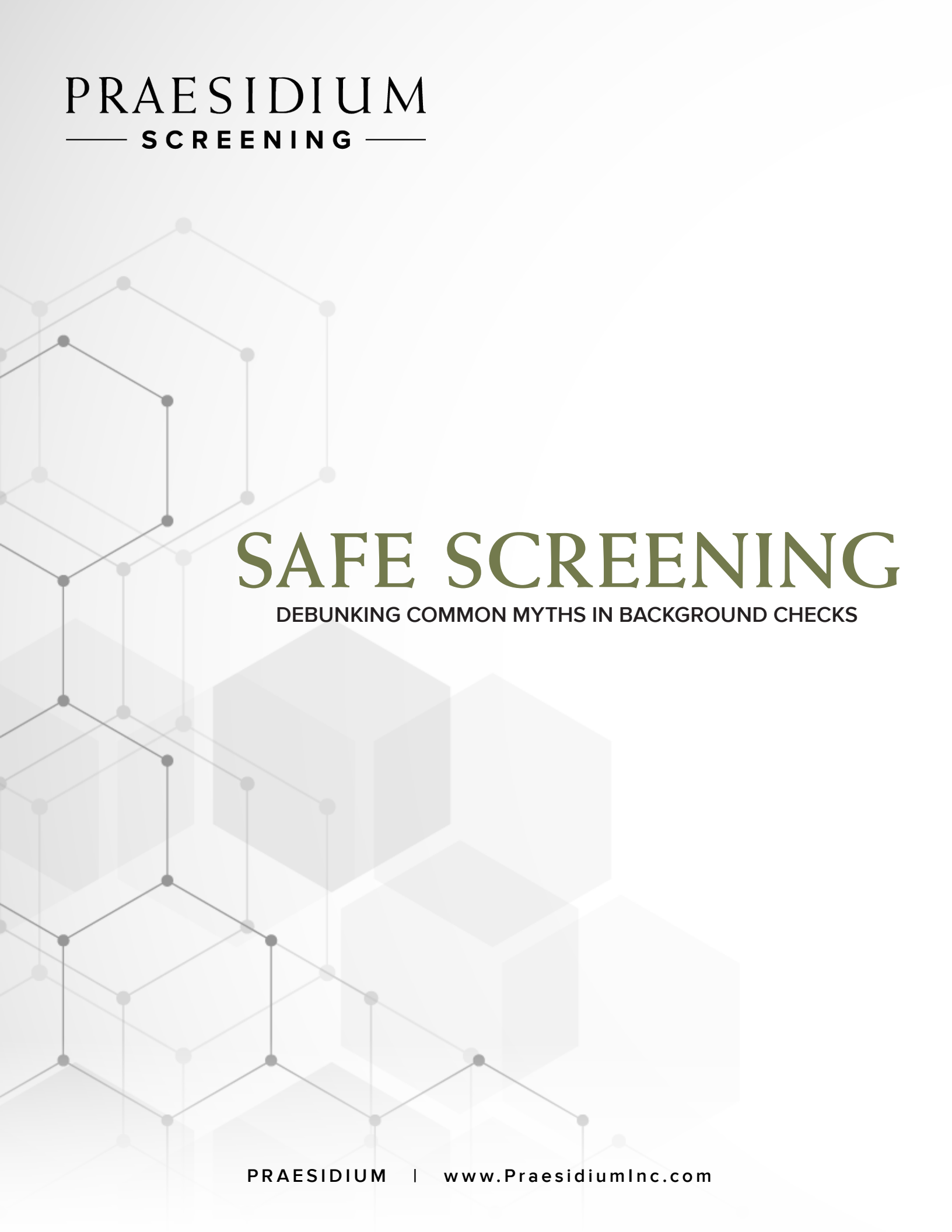




PRAESIDIUM
— SCREENING —

SAFE SCREENING

DEBUNKING COMMON MYTHS IN BACKGROUND CHECKS

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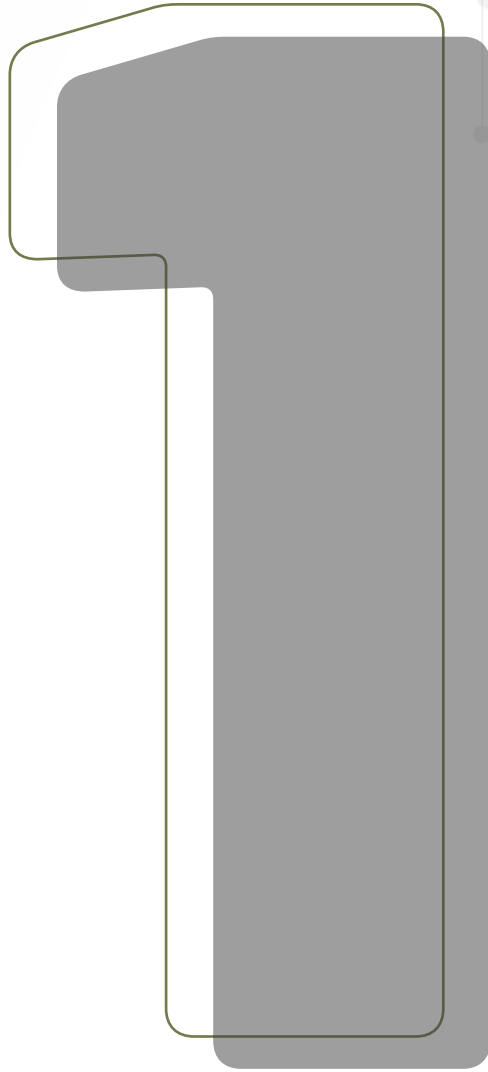
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INTRODUCTION

In an era where ensuring safety and trust is paramount, the role of effective risk management strategies cannot be overstated, particularly in the sensitive area of sexual abuse prevention and response. Praesidium stands at the forefront of this crucial effort. With a mission deeply rooted in safeguarding communities, Praesidium has established itself as a leader in providing comprehensive risk management consulting services. Our expertise extends across various industries, focusing on developing strategies that prevent sexual abuse and ensuring swift, appropriate responses when necessary.

An essential piece of our approach lies in rigorous background screening processes. These screenings are vital tools in the protection of vulnerable populations. Organizations can significantly mitigate the risk of abuse and misconduct by thoroughly vetting individuals who work with or around these groups on a continual basis. Background checks serve as a critical line of defense, ensuring that those entrusted with the care and oversight of children, older adults, and other susceptible groups are suitably qualified and have a history that aligns with the responsibilities they are to undertake.¹

However, despite their importance, background screening processes are often misunderstood. Myths and misconceptions about what these checks entail, their scope, and their impact on hiring decisions abound. This white paper aims to dispel these myths, presenting a clear, factual perspective on background screening.



MISCONCEPTION

**All Background
Checks are the Same**

MISCONCEPTION #1

ALL BACKGROUND CHECKS ARE THE SAME

One of the most prevalent misconceptions surrounding background screening is the notion that all checks are identical, a one-size-fits-all solution. This belief could not be further from the truth. In reality, background checks are highly nuanced, tailored processes, varying significantly in depth, breadth, and focus depending on multiple factors. The spectrum of background checks ranges from basic criminal database searches to comprehensive investigations. At its simplest, a background check might involve a cursory search of a criminal record database under the applicant's current name within a specific jurisdiction. More extensive checks, however, explore deeper, looking at court searches in jurisdictions where the applicant has lived and searches additional names they have used, education and employment history, credit reports, driving records, and even social media activity.²

TIP

Not all background checks are created equal. Ensure your team is running the right checks on applicants based on each position's need and responsibilities.

MISCONCEPTION #1

ALL BACKGROUND CHECKS ARE THE SAME

Several key factors influence the design of a background check:

1

COMPLIANCE REQUIREMENTS: Legal and regulatory frameworks often dictate the scope of a background check. For instance, positions involving work with children or older adults may require checks that adhere to specific state and federal guidelines. Compliance with these regulations is a matter of due diligence and a legal obligation.³

2

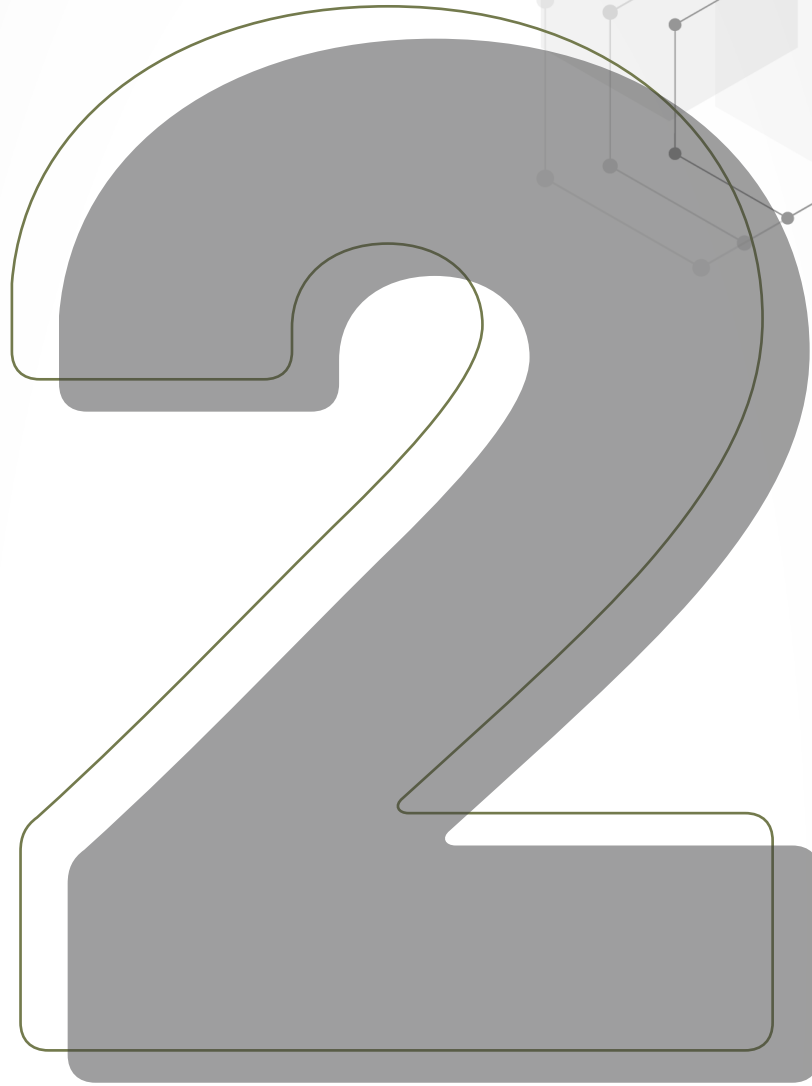
SAFETY AND SECURITY NEEDS: The level of interaction with vulnerable groups significantly impacts the depth of a background check. Positions with direct, unsupervised contact with these groups require more thorough screening than roles with limited interaction.⁴

3

ORGANIZATIONAL POLICIES: Different organizations have varying policies and standards for background checks. These policies often reflect the organization's values, the nature of its work, and its commitment to safety and security.

4

COST CONSIDERATIONS: Comprehensive background checks are more resource-intensive and, thus, more expensive. Organizations must balance the need for thorough screening with budgetary constraints, often leading to customized solutions that address critical areas of concern while remaining cost-effective.



MISCONCEPTION

**Background
Checks are Secret**

MISCONCEPTION #2

BACKGROUND CHECKS ARE SECRET

A common misunderstanding about background checks is that they are conducted secretly, without the knowledge or consent of the individual being screened. This misconception raises concerns about privacy and fairness. However, the reality is that transparency and consent are fundamental aspects of the background screening process. It is a legal requirement to obtain consent from an individual before initiating a background check. This consent is not merely a formality but a crucial aspect of respecting an individual's privacy and rights. Applicants are required to sign a document acknowledging that they understand a background check will be conducted as part of the screening process. This consent ensures that individuals know and agree to the terms under which their personal information will be reviewed.

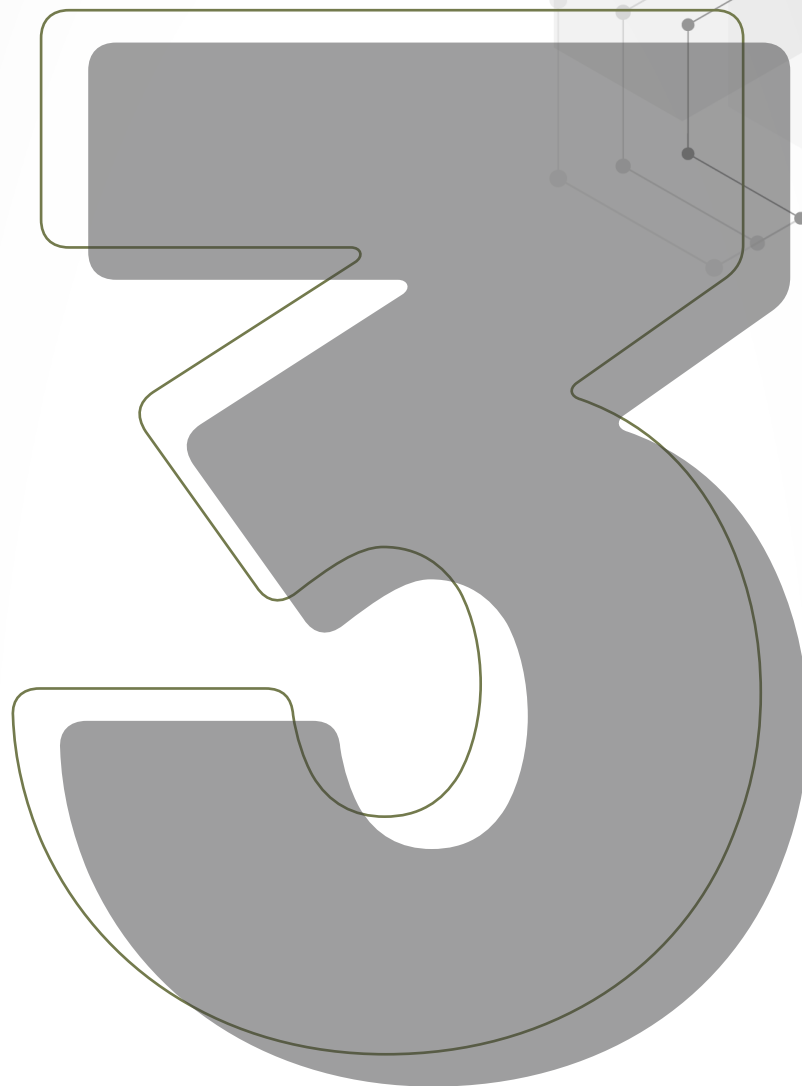


MISCONCEPTION #2

BACKGROUND CHECKS ARE SECRET

Apart from consent, individuals have specific rights concerning background checks:

- ▶ **DISCLOSURE AND AUTHORIZATION:** Applicants have the right to know a background check will be conducted on them and must authorize the check in writing.⁵ The disclosure to the applicant that a background check will be conducted is the most litigated section of the Fair Credit Reporting Act (FCRA) due to the specific requirement in the FCRA but the ambiguous details on how to comply. Class action settlements have reached millions of dollars.
- ▶ **RIGHT TO ACCESS RESULTS:** Individuals have the right to access the results of their background checks.⁵ This transparency allows applicants to see the information that has been gathered and to address any inaccuracies or misunderstandings.
- ▶ **ADVERSE ACTION:** If the employer uses ANY information in the report to adversely affect the applicant (deny employment, promotion, retention, etc.), the employer must follow adverse action procedures, which are detailed in the FCRA and include written notices to the applicant.
- ▶ **RIGHT TO DISPUTE:** If an applicant believes that the background check contains incorrect information, they have the right to dispute these findings. Screening companies must re-investigate the disputed information within 30 days and remove or correct any information that cannot be reconfirmed.



MISCONCEPTION

**Employers Use
Background Checks
to Decide Who to Hire**

MISCONCEPTION #3

EMPLOYERS USE BACKGROUND CHECKS TO DECIDE WHO TO HIRE

A widespread belief is that employers primarily use background checks as the deciding factor in hiring decisions. This misconception can lead to misunderstandings about the purpose and scope of background screening. In truth, background checks are a component of a comprehensive hiring process rather than the sole determinant in employment decisions. The primary purpose of a background check is to verify the information an applicant provides. Such information includes confirming employment history, educational qualifications, and criminal record. The goal is to ensure that an applicant's information provided is accurate and truthful. By verifying these details, employers can make informed decisions based on reliable data. Background checks complement other elements of the hiring process, such as interviews, reference checks, and skill assessments. While they provide crucial information, they are part of a broader context in which an applicant's qualifications, experience, and suitability for the role are evaluated. Employers typically use the insights gained from background checks in conjunction with these other factors to form a holistic view of the applicant.

TIP

Combine background checks with other screening processes such as reference checks to form a more holistic view of your applicants.

MISCONCEPTION #3

EMPLOYERS USE BACKGROUND CHECKS TO DECIDE WHO TO HIRE

It is important to recognize the limitations of background checks in the hiring process. These checks may not reveal the full spectrum of an individual's character or capabilities.⁶ They are not designed to provide a complete assessment of an applicant's potential for a role but to verify specific aspects of their background. As such, hiring decisions are rarely made based solely on the results of a background check. Ethical and legal considerations also play a significant role in how background checks are utilized in hiring. There are laws and regulations, such as equal employment opportunity laws, that govern how the information from background checks can be used in hiring decisions.⁷ Employers must ensure that their use of background checks complies with these regulations, avoiding discrimination and respecting the rights of applicants.





MISCONCEPTION

**Credit Reports are Always
Part of a Background
Check**

MISCONCEPTION #4

CREDIT REPORTS ARE ALWAYS PART OF A BACKGROUND CHECK

A common but incorrect assumption is that credit reports are a standard component of all background checks.⁸ This belief leads to concerns about privacy and relevance, especially for roles that do not involve financial responsibilities. The reality, however, is that including credit reports in background checks is both universal and arbitrary but is subject to specific criteria and legal restrictions.

Credit reports are used selectively in background checks, primarily for positions where financial responsibility, honesty, and integrity are critical components of the job.⁸ Examples include roles in finance, accounting, or handling money. In these cases, an individual's credit history can provide insights into their financial stability and trustworthiness.

The use of credit reports in background checks is governed by legal restrictions designed to protect applicant privacy and prevent discrimination. In the United States, for instance, the FCRA sets

TIP

Before you run a background check that includes a credit report, make sure the requirements of the position your applicant is applying for are clear. The applicant will need to give explicit consent before you can run their credit report.

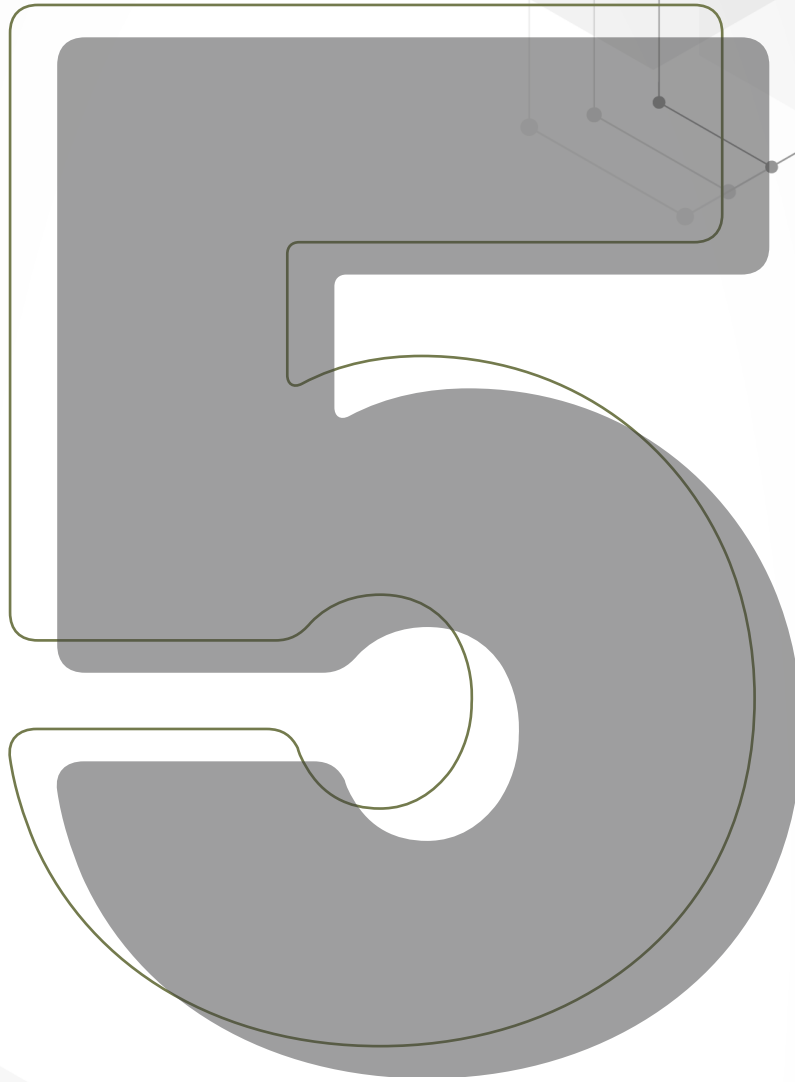
guidelines on how and when credit information can be used in employment decisions.⁹ Employers must obtain explicit consent from the applicant before accessing their credit report. They must provide notifications if adverse actions are taken based on the report, and many states have restricted the use of credit reports in the hiring process with exceptions for specific roles and positions. Additionally, pre-employment credit reports do not include a credit score.

MISCONCEPTION #4

CREDIT REPORTS ARE ALWAYS PART OF A BACKGROUND CHECK

It is important to understand that credit reports are not a universal requirement in all background checks. Their use is determined by the job's nature and the hiring organization's policies. For many non-financial positions, a credit report may be irrelevant and not included in the background screening process. Privacy concerns surrounding the use of credit reports in background checks are valid and recognized by the legal frameworks governing these screenings. Employers are required to respect these concerns, ensuring that credit information is used fairly and only when pertinent to the job requirements.





MISCONCEPTION

**A Background Check
Will Always Reveal a
Criminal Record**

MISCONCEPTION #5

A BACKGROUND CHECK WILL ALWAYS REVEAL A CRIMINAL RECORD

Another prevalent misconception about background checks is the belief that they will unfailingly uncover any criminal record associated with an individual. This expectation overlooks the complexities and limitations inherent in revealing criminal histories, which can lead to misinformed assumptions about the effectiveness of background checks.

The structure of criminal courts and record-keeping systems varies significantly across different jurisdictions. This variability can impact the accessibility and availability of criminal records. For instance, some jurisdictions may have digitized records that are easily searchable. In contrast, others may still rely on manual processes, making record retrieval more challenging. Additionally, records may be stored at various levels - local, state, or federal - each with its own set of protocols for access and reporting. The court system in the United States is fractured, and there is no publicly available centralized location where all criminal records are housed.

Background checks are often confined to specific regions or jurisdictions. Unless specifically requested, a criminal record search in an area outside of where the applicant has lived, such as in another state, county, or even country, might not be included in a standard background check. A national criminal database search can help fill these gaps, but even with millions of records, these resources may still contain gaps and incomplete data. Moreover, some records, such as sealed or expunged cases, juvenile records, or minor infractions, may not be legally reportable or accessible, depending on the location and nature of the offense.

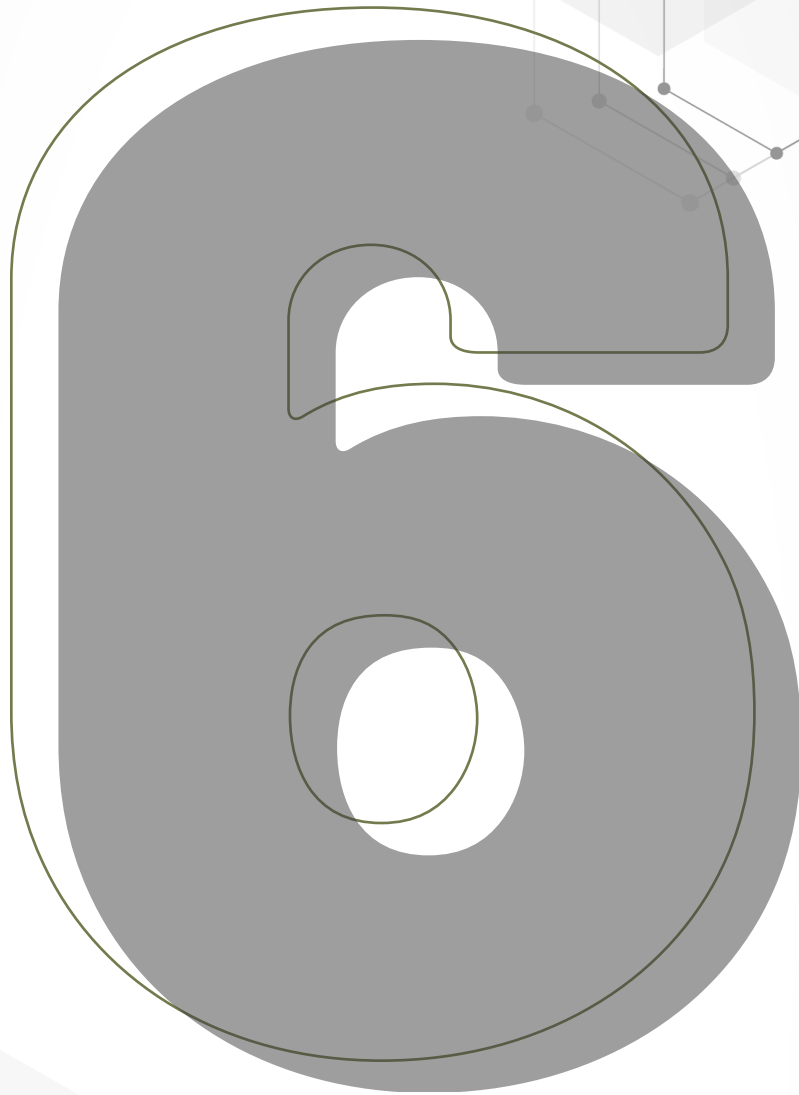
MISCONCEPTION #5

A BACKGROUND CHECK WILL ALWAYS REVEAL A CRIMINAL RECORD

Legal and ethical guidelines also dictate what can be reported in a background check. For example, the FCRA in the United States imposes limitations on reporting older offenses.⁹ Employers must adhere to these guidelines to ensure compliance and fairness in the hiring process.

To mitigate these limitations, comprehensive and customized background checks are necessary, especially for positions requiring high trust and responsibility. These checks might include a broader geographical scope, additional searches in specific databases, and direct inquiries to relevant jurisdictions or institutions.





MISCONCEPTION

**If It's Public, It Can
Be in a Report**

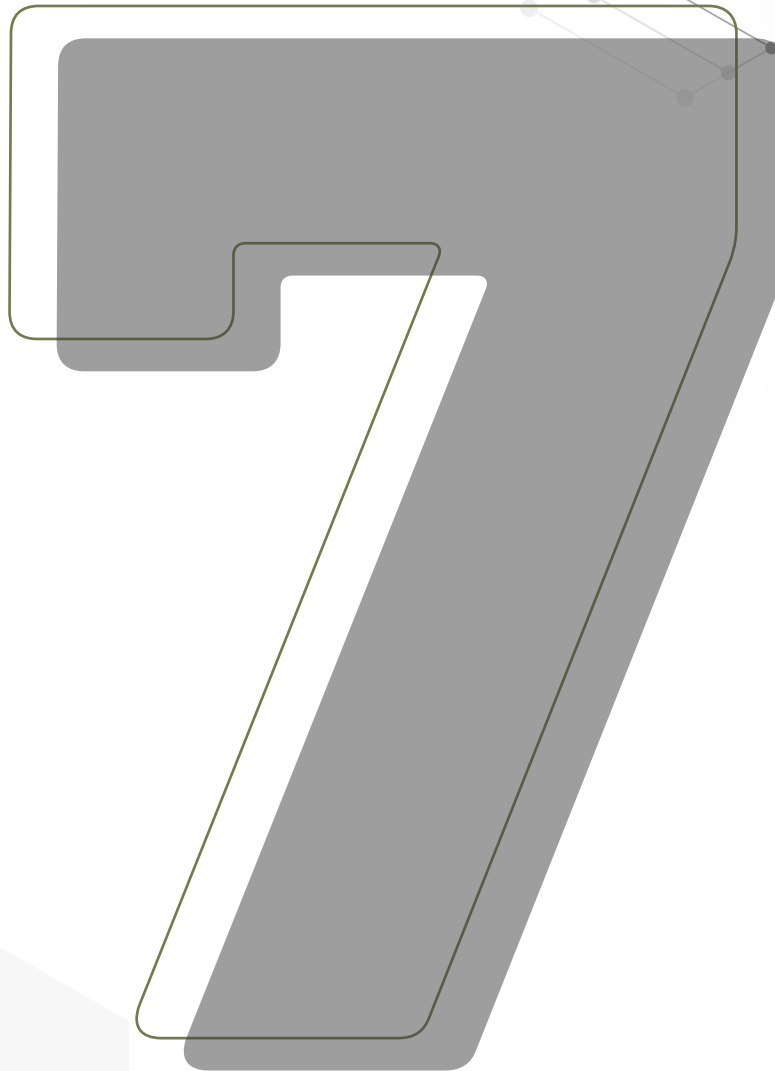
MISCONCEPTION #6

IF IT'S PUBLIC, IT CAN BE IN A REPORT

A common misunderstanding in background checks is the assumption that publicly available information can be freely reported and used in the background screening process. This misconception disregards the legal limitations governing public record information reporting. Using public records in background checks is not as straightforward as it might seem. Legal boundaries, particularly concerning time limitations, significantly influence what can be reported. For instance, the FCRA in the United States restricts the reporting of certain types of information after a specific period.⁵

Laws and regulations regarding the reporting of public records vary by jurisdiction. Some states may have more stringent rules about what can and cannot be reported, no matter the time frame, including arrest records, minor infractions, or cases that did not lead to a conviction. Additionally, several states restrict the report of conviction information to the last seven years (with some exceptions). For example, in California, records older than seven years from the date of conviction (or release from custody) cannot be included in the report.

The FCRA also binds screening companies to provide accurate and up-to-date information. Ensuring accuracy and relevance in reporting is paramount. Background check providers must diligently verify the information from public records to avoid errors and ensure that the data is current and relevant to the background check. This careful approach helps prevent the misuse of outdated or irrelevant public information.



MISCONCEPTION Everything is Online

MISCONCEPTION #7

EVERYTHING IS ONLINE

In the digital age, there's a prevailing belief that all information relevant to background checks is readily available online. This misconception can lead to oversimplified views about the ease and comprehensiveness of online background checks. However, the reality of sourcing background check information is far more complex and nuanced.¹

While much information is available online, not all relevant background check data can be found through internet searches. Critical records, such as detailed criminal histories, official educational transcripts, and specific employment records, often require direct queries to official sources or access to specialized databases. Online platforms might provide preliminary insights but are not exhaustive repositories of an individual's history.

Online information comes with challenges regarding its accuracy and completeness. Publicly available data can be outdated, mis-attributed, or incomplete. Relying solely on internet searches for background checks can lead to incorrect conclusions

or omitting vital information. Professional background checks involve cross-referencing information from multiple sources, including direct inquiries and official databases, to ensure accuracy and reliability.

TIP

Don't rely on a simple internet search for your background "checks". Not all relevant information can be found this way and some of it may be outdated.

Ensure that your background checks are thorough, accurate, and follow FCRA compliances by working with a certified screening company.

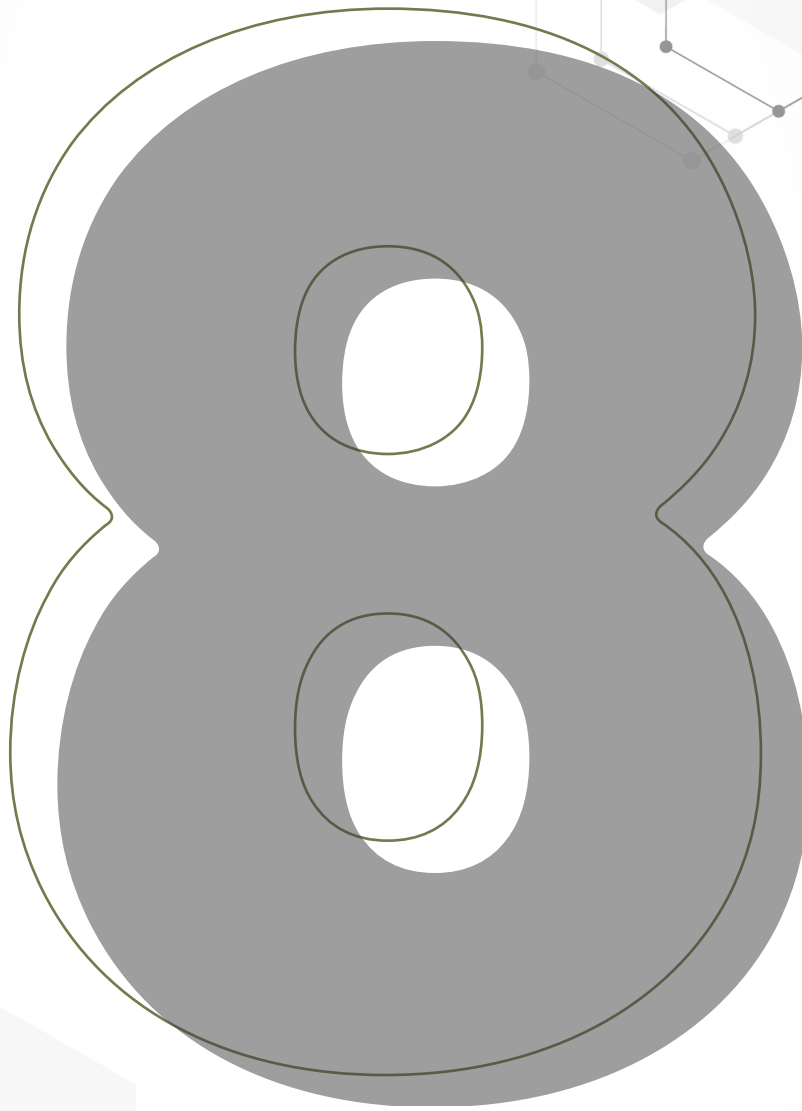
MISCONCEPTION #7

EVERYTHING IS ONLINE

There are also considerations around data privacy and legal restrictions on the use of online information. Certain personal data may be protected under privacy laws, making it inaccessible or illegal to use without proper authorization or consent.⁵ Responsible background check providers must navigate these legal waters carefully to ensure compliance and protect individuals' privacy rights.

Conducting thorough and accurate background checks requires a level of expertise and access to resources beyond basic online searches. It involves understanding where and how to find reliable information, the legalities of accessing and using it, and the ability to accurately verify and interpret the data. This level of diligence is crucial for ensuring the efficacy and integrity of the background screening process.





MISCONCEPTION

**References Are
Always Positive**

MISCONCEPTION #8

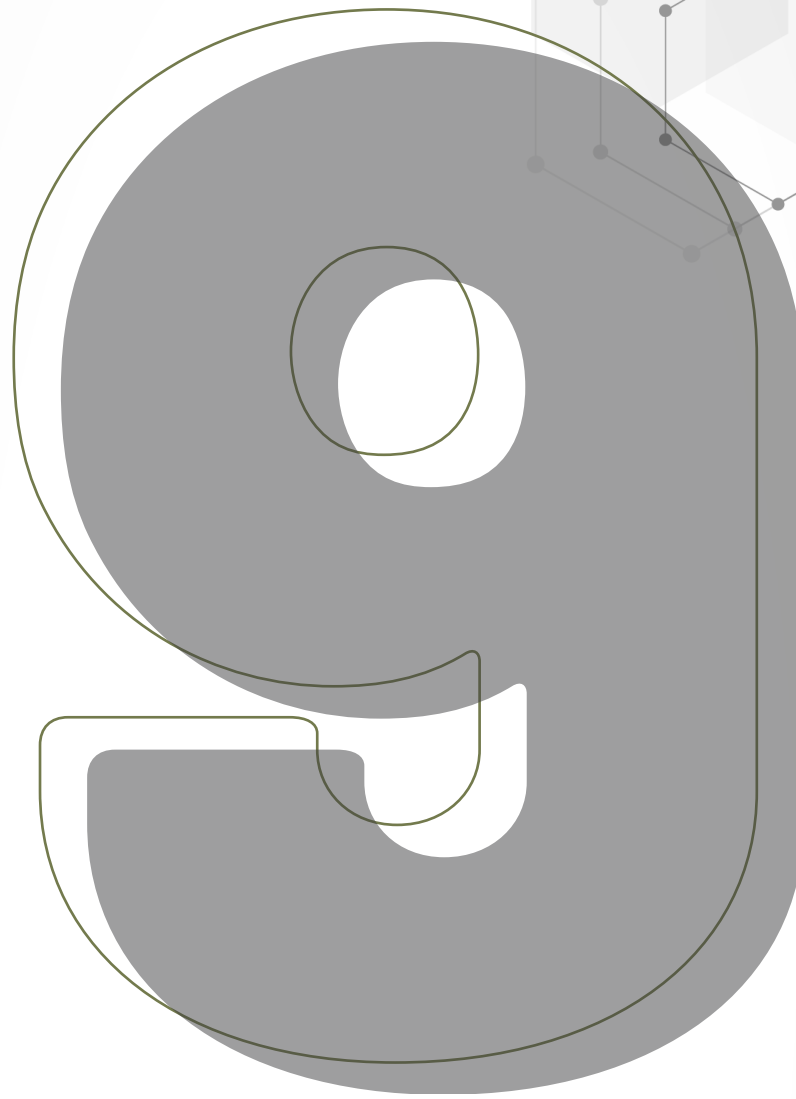
REFERENCES ARE ALWAYS POSITIVE

There is a common belief that reference checks in the background screening process always yield positive feedback, but this, too, is a misconception. Reference checks can reveal a broad spectrum of positive and negative information about a candidate's past performance and behavior.

Reference checks are not mere formalities but crucial components of a thorough background screening process. They involve contacting previous employers, colleagues, or other relevant individuals to gain insights into a candidate's work ethic, skills, and interpersonal dynamics. The responses can range from highly positive endorsements to more critical or even negative feedback.

The primary goal of reference checks is to obtain an honest and comprehensive understanding of the candidate. Positive references are valuable, but it is equally important to consider any less favorable feedback. This diverse input helps employers form a more complete picture of the candidate's abilities, character, and suitability for the role.

Professional background screeners are trained to probe beyond surface-level responses. They ask specific, behavior-based questions designed to elicit detailed and meaningful feedback. This approach can uncover nuances in a candidate's work history and performance that might not be apparent from a resume or interview.



MISCONCEPTION

**Education and
Employment Verifications
Provide a Full Picture
of Academic and
Employment History**

MISCONCEPTION #9

EDUCATION AND EMPLOYMENT VERIFICATIONS PROVIDE A FULL PICTURE OF ACADEMIC AND EMPLOYMENT HISTORY

Lastly, there is a misconception that education and employment verifications in background checks provide a complete and detailed history of an individual's academic and professional background. However, these verifications have inherent limitations that need to be understood.

Education verifications typically confirm the degrees or qualifications claimed by the individual, focusing on the authenticity of the credentials. GPAs and honorifics, i.e., summa cum laude, are usually not returned on an education verification. Transcripts can be requested from schools, particularly colleges, but these typically carry additional fees.

Employment verifications, similarly, confirm only job title and dates of employment. Screening companies often seek additional information, such as the reason for leaving and eligibility for rehire; however, most employers will not provide this information. Many employers utilize third parties to handle employment verification requests, and those providers only supply dates of employment and positions.

Understanding the limitations of education and employment verifications is crucial. For the most part, education and employment verifications only provide factual data. While they are essential for a comprehensive background check, they are only partial. A holistic approach, combining these verifications with other elements such as reference checks and interviews, is necessary to understand an individual's background and capabilities fully.

BEST PRACTICES

IN BACKGROUND SCREENING

Implementing best practices in background screening is imperative for organizations to ensure they conduct thorough, effective, and compliant checks. These practices not only enhance the safety and integrity of the workplace but also protect the rights of applicants. Here are key guidelines and recommendations for an effective background screening process.



BEST PRACTICES

IN BACKGROUND SCREENING

1

DEVELOP A CONSISTENT SCREENING POLICY¹⁰

- **CREATE CLEAR POLICIES:** Establish clear, written policies for background checks that outline the scope, procedures, and criteria used in the screening process. These policies should be consistent across all candidates to ensure fairness and avoid discrimination.
- **STAY INFORMED OF LEGAL REQUIREMENTS:** Regularly update policies to comply with changing legal requirements at federal, state, and local levels, such as the FCRA and equal employment opportunity laws. Consult your legal counsel on your organization's compliance with state, federal, and local hiring laws.

2

ENSURE TRANSPARENCY AND CONSENT¹¹

- **OBTAIN INFORMED CONSENT:** Always obtain explicit, written consent from candidates before conducting background checks. Inform them about the nature of the checks and how the information will be used.
- **COMMUNICATE CLEARLY WITH CANDIDATES:** Provide clear communication throughout the screening process. If adverse action is considered based on the check's results, follow proper notification procedures as required by law.

BEST PRACTICES

IN BACKGROUND SCREENING



3

USE RELIABLE AND VARIED SOURCES

- **EMPLOY MULTIPLE SOURCES:** Rely on a combination of sources for information, including criminal records, employment history, education verification, and reference checks, to ensure a comprehensive view.
- **CHOOSE REPUTABLE SCREENING PROVIDERS:** Work with reputable and experienced background screening providers who understand the legal and ethical nuances of conducting thorough checks.

4

REVIEW AND DECISION-MAKING¹⁰

- **CONDUCT INDIVIDUALIZED ASSESSMENTS:** Evaluate each case individually, especially when adverse findings are reported. Consider the nature and relevance of any unfavorable information in the specific job context.
- **MAINTAIN ACCURACY AND RIGHT TO DISPUTE:** Ensure the accuracy of information and allow candidates to dispute and correct any inaccuracies found during the background check.

5

TRAIN AND EDUCATE

- **TRAIN HR AND HIRING MANAGERS:** Regularly train those involved in the hiring process on background checks' legal and ethical aspects and how to interpret the results.
- **PROMOTE CONTINUOUS IMPROVEMENT:** Regularly review and update screening processes to improve efficiency, effectiveness, and compliance.

CONCLUSION

AND CALL-TO-ACTION

As we conclude this exploration into the common misconceptions surrounding background checks, it's important to reflect on the key takeaways and consider their implications for organizations committed to safeguarding their environments, particularly those caring for vulnerable populations.



CONCLUSION

AND CALL-TO-ACTION



TAILOR BACKGROUND CHECKS TO SPECIFIC NEEDS:

- Identify the scope and depth required for each background check based on specific needs and legal requirements.



PRIORITIZE TRANSPARENCY AND CONSENT:

- Ensure transparency by obtaining informed consent from individuals.
- Provide individuals with the right to access and dispute their background check results.

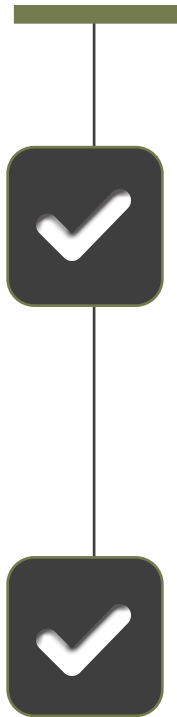


INTEGRATE CHECKS INTO HIRING STRATEGY:

- Use background checks as a verification tool within the broader hiring strategy.
- Avoid making employment decisions based solely on background check results.

CONCLUSION

AND CALL-TO-ACTION



ADHERE TO LEGAL AND ETHICAL STANDARDS:

- Govern the use of credit reports, criminal records, and public information by adhering to legal and ethical standards.
- Ensure fairness and compliance in reporting.

EMBRACE COMPREHENSIVE SCREENING:

- Adopt a thorough approach to background screening.
- Include various checks and verifications to achieve a complete and accurate understanding of an individual's background.

Given these insights, we encourage all organizations to critically evaluate their background screening practices, especially those working with youth, older adults, and other sensitive groups. It's imperative to ensure these practices are effective in protecting those in your care and fair and compliant with legal standards.

LET'S CONNECT

Praesidium invites you to reach out for more in-depth guidance and assistance in refining your background screening processes. Our abuse prevention and background screening expertise can help you navigate the complexities and challenges of creating a safe environment. Whether you're looking to enhance your current practices or seeking new solutions in abuse prevention and response, Praesidium provides the support and resources you need.

Contact us at info@praesidiuminc.com to learn how we can assist you in strengthening your protective measures and maintaining the trust and safety of those in your care.

Together, we can work towards a safer, more secure future for all.



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ABOUT US

PRAESIDIUM

Praesidium is the leading innovator of scientifically based solutions designed to transform the way organizations approach the prevention of sexual abuse. Praesidium's expertise, consulting, and solutions help to foster safer environments for children, vulnerable adults, staff, volunteers, and all parties involved. For over 30 years, Praesidium has trained more than one million people online and hundreds of thousands in person. As the largest and most comprehensive sexual abuse risk management firm globally, Praesidium knows how sexual abuse happens and, more importantly, how to prevent it.

For any further inquiries, assistance, or detailed information regarding our background screening and abuse prevention services, please feel free to contact us. Praesidium is dedicated to providing comprehensive support to organizations striving to create safe and secure environments for all.

- ▶ **EMAIL:** info@praesidiuminc.com
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We encourage you to visit our website for more resources and information about our services. Our team is readily available to address your queries and offer tailored solutions to meet your organization's specific risk management and abuse prevention needs.

Connect with us today to ensure the highest standards of safety and care in your organization.



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