

ADMINISTRATIVE POLICY

Contractor Background Check Policy

Approval Authority: Vice Chancellor for Finance Originally issued:

January 2019

Responsible Administrator: Controller

Responsible Office:

Controller's Office

Current version
effective as of:

Senior Director, Purchasing and Payment Services

January 2020

POLICY STATEMENT/REASON FOR POLICY

This policy defines the requirements for independent contractors and other outside parties who provide services to Vanderbilt to pass a criminal background check as a condition prior to conducting business with Vanderbilt.

THIS POLICY APPLIES TO

This policy applies to all departments who engage outside firms or individuals to perform services for the university.

POLICY

A. Background Check Requirements

- Vanderbilt requires background checks for independent contractors doing work for the university.
- 2. Background check requirements may be required for services not performed on the Vanderbilt campus.
- 3. Background checks are not required for companies or individuals who only sell products to Vanderbilt.
- 4. Background checks are required for all engagements that require granting non-Vanderbilt employees' access to Vanderbilt systems
- 5. Vanderbilt does not require access to, or copies of, background check reports for corporate contractor personnel.
- 6. Individual / sole proprietor contractors are required to use the services of Vanderbilt's designated background check service provider to complete the standard criminal background check. The contractor is required to pay the background check service fee.
- 7. Individual / sole proprietor contractors with a clear background check report are considered eligible to do business with Vanderbilt.

B. Contracts:

- Standard Vanderbilt contract templates should be used whenever possible when contracting with independent contractors. Non-standard contracts must contain Vanderbilt's standard background check clause or alternative language approved by the Office of General Counsel.
- 2. Corporate contractors must affirm all assigned personnel meet the background check requirements as contained in the contract.
- Vanderbilt requires the contract to be signed in accordance with the Delegation of Authority Policy by both parties prior to the commencement of the work.

C. Exceptions:

Vanderbilt requires all requests to waive or modify the background check requirements to be submitted to Purchasing Services prior to the awarding of any contract or the performance of any work. The Controller, the Senior Director of Purchasing and Payment Services, the Director of Purchasing Services, the Office of General Counsel and the Director of Risk Management are authorized to grant waivers or modifications to background check requirements.

D. Compliance with the State of Tennessee and Federal Laws:

Vanderbilt University complies with all State of Tennessee and Federal laws regarding safeguards against child abuse and maltreatment. By execution of the contract, the contracting agency [contractor or supplier] agrees to comply with these laws as well as the following Vanderbilt requirements:

- Contractors interacting with minors are required to abide by the Vanderbilt Protection of Minors policy
- 2. Any contract for services that meets the requirements of this policy must have the Vanderbilt Protection of Minors Attachment incorporated as part of the contract before any work may be authorized. This contract attachment is available from Purchasing Services.

E. Background Check Matrix:

Vanderbilt applies the following matrix to govern the use of background checks for contractors or outside parties engaged in services or activities that meet <u>all</u> of the following specific requirements:

Services	On Premise	Unsupervised Access to Students / Minors / Facilities	Limited Duration	Access Required to Vanderbilt Systems	Background Check Waived?
Outside Faculty	Yes	No	Yes	No	Yes
Speaker / Lecturer	Yes	No	Yes	No	Yes
Independent Contractor	No	No	Yes	No	Yes
Performing Artist	Yes	No	Yes	No	Yes

DEFINITIONS

<u>Independent Contractor</u> - An independent contractor is an individual or firm hired to provide services over which the university has the right to control or direct only the result of the work and not the means or methods of accomplishing the result. An independent contractor is not an employee of the university.

<u>Limited Engagements</u> – A status of service provided by consultants, contractors, performers, lecturers or speakers whose total fee is less than \$5,000 for a single engagement of limited duration, usually less than one week.

<u>Minors</u> – Children under 18 years of age excluding enrolled Vanderbilt students.

<u>Outside Faculty</u> – An individual with faculty status at another accredited college or university who is engaged to provide services as an independent contractor and not invited to teach as visiting faculty.

<u>Professional Services</u> - Services performed by a firm or individual whose work product is usually intangible or is deemed to be intellectual property (e.g., consulting, IT programming, academic research services).

<u>Sole Proprietor</u> - An individual who performs services under their Social Security Number (SSN) and is not classified as a corporation or LLC.

<u>Trade Services</u> - Services performed are usually tangible in nature and not considered intellectual property (e.g., building trades, maintenance, security, installation services, catering).

PROCEDURES

N/A

FREQUENTLY ASKED QUESTIONS

N/A

ADDITIONAL CONTACTS

Subject	Contact	Office	Phone	Email
Contractor Background Check	Finance	Purchasing and Payment Services	(615) 343-6601	PurchasingServices@vanderbilt.edu

RELATED POLICIES/DOCUMENTS

<u>Background Check Contract Clause</u> - The following contract clause is included in Vanderbilt services contract templates:

CONSULTANT shall, at its expense, perform local, state and federal background and reference checks, including criminal background checks, on all prospective employees to be assigned to Vanderbilt, for every county of residence of prospective employees for the past 7 years. Such checks shall include any convictions involving any violent crime or crimes against children, any crime involving theft, possession, receipt of stolen property or sale/use or possession of drugs.

CONSULTANT agrees not to refer or place at Vanderbilt University any individual having such a criminal record during the 7 year period preceding placement at Vanderbilt University, unless VANDERBILT specifically agrees. VANDERBILT reserves the right to have CONSULTANT remove any employee from placement at Vanderbilt University if such individual is arrested, charged or convicted of such crimes while placed at Vanderbilt University or has determined to falsify their application to conceal their information in anyway.

HISTORY

Issued: May 2018

Reviewed: December 2019

Amended: December 2019

Procedures Website

N/A

FAQ Website

N/A