

# Welcome



**Adjudicators Training  
Conference**



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Conference

# Embedding Background Checks into Policies

**April 2025**

*Session Prepared and Facilitated by:*

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**Founder & Principal Consultant at HRAnswers.org**



**HR Answers**

# What We'll Cover Today (90-minutes)

- Welcome & Introductions
- The importance of effective policy integration
- Essential components of effective policies
- Common pitfalls and how to avoid them
- Strategies for gaining leadership and community buy-in
- Effectively communicating policy expectations
- Cultivating a safe, compliant, trustworthy work environment



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# Who's in the room?

## Please Share:

- Your Name and where you're from or something interesting about you.
  - *What's your current role and where?*
  - *What has been your experience creating or updating these types of policies?*



# Section 1:

# Why Policy Integration Matters

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# The Case for Proactive Policy Integration



Protecting  
organizational integrity



Promoting consistency  
and fairness



Building community  
trust

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# Risks of Fragmented or Missing Policies

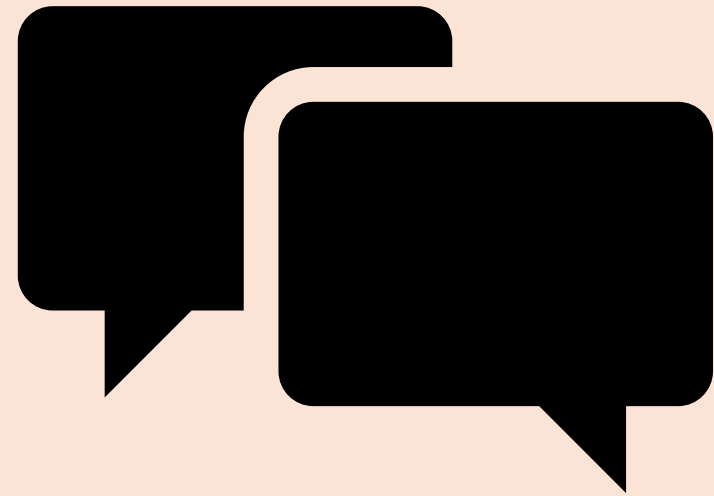
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- Compliance gaps
- Inconsistent hiring decisions
- Privacy concerns



# Reflection & Discussion

*What risks have you seen in the past/are you concerned about in your organization?*





# Section 2:

# Key Policy Components

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# Core Elements of Effective Policies



**Scope.** Who and what is covered



**Frequency.** Clear timing for initial checks and reviews



**Suitability Criteria.** Criteria that ensures consistency and fairness in decision-making



**Privacy & Confidentiality.** Protects sensitive information and respects employees' rights



**Appeals Process.** Provides clear, fair, accessible recourse

# Scope

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- Define covered roles and positions clearly, especially those that involve sensitive financial transactions, access to confidential information, or direct service to vulnerable populations.
  - “All employees with access to cash handling, financial records, or customer personal data.”
- Include new hires, promotions, contractors, and volunteers, as appropriate.
- Specify whether vendors and third-party contractors are included.
- Consider temporary and seasonal roles, especially in education, gaming and hospitality environments.
- Clarify if re-investigations apply to current employees (and at what intervals).

# Frequency

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- Define initial checks timing: pre-employment, post-offer, pre-access to sensitive systems.
- Establish a regular re-investigation cycle:
  - Every 3–5 years for employees in sensitive positions.
- Consider high-risk roles for more frequent review.
- Include triggered investigations:
  - ✓ When someone changes roles or job scope.
  - ✓ If new information arises (e.g., self-disclosure, third-party report).
- Align frequency with industry standards, regulatory expectations, and internal risk tolerance.

# Suitability Criteria and Adjudication Standards

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- Define what makes someone suitable or unsuitable for roles.
- Specific offenses (e.g., fraud, embezzlement, violent crimes) that are automatic disqualifiers for certain positions.
- Lookback periods: e.g., "within the last 7 years."
- Create tiered criteria (differentiate between positions of higher and lower risk when applicable)

# Suitability Criteria and Adjudication Standards, *continued*

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- Establish a consistent adjudication process:
  - Who reviews findings?
  - What criteria do they use?
  - What documentation is required?
- Avoid blanket exclusions; consider relevance, recency, and rehabilitation.
- Ensure criteria respect Tribal values and sovereignty, while aligning with legal and regulatory standards.

# Privacy & Confidentiality

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- Clearly state who has access to sensitive background check and related information.
- Define storage protocols:
  - ✓ Secure physical or digital storage.
  - ✓ Access logs or controls for systems.

# Privacy & Confidentiality, *continued*

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- Set retention and disposal schedules:
  - Keep records only as long as necessary for compliance.
- Address data breach response:
  - What happens if sensitive information is exposed?
- Reinforce confidentiality obligations for everyone involved in handling this data.
- Align with Tribal, federal, and industry privacy laws



# Appeals Process

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- Outline a clear process for appeals:
  - Timeline to appeal.
  - Who reviews appeals (should be neutral and objective).
  - What information the employee or candidate must submit.
- Explain criteria for review:
  - New evidence or clarifying documentation.
  - Rehabilitation efforts.

# Appeals Process, *continued*

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- Errors in original determination.
  - Define possible outcomes:
    - Uphold original decision.
    - Modify decision based on new findings.
    - Reinstate eligibility with conditions.
- Ensure the process is accessible and culturally respectful and appropriate.
- Communicate appeal rights clearly during the hiring process and in employee policies.

# Common Pitfalls to Avoid



Vague language



Missing accountability  
measures



Lack of clarity on roles

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# Sample Policy Language. Clear or Vague?

- Background checks may be conducted at the discretion of HR.
- Employees with concerning backgrounds might not be suitable for employment.
- Confidentiality of records should be maintained.
- Decisions will be made on a case by case basis.
- Background checks will be conducted for all final candidates for employment, and every three years for positions of financial responsibility.
- Candidates with convictions for theft fraud or financial crimes within the past seven years will be disqualified from employment in positions of financial responsibility.
- All background check records must be stored securely, accessible only to authorized personnel, and maintained in compliance with tribal and federal privacy laws.
- Suitability determinations will follow the documented criteria outlined in this policy and must be consistently applied to all applicants and employees.

# Missing Accountability Measures

1. No assigned responsibility for follow-through
2. Lack of documentation requirements
3. No compliance monitoring or audits
4. Lack of consequences for non-compliance
5. Failure to report exceptions or deviations

# Lack of Clarity on Roles

- Defining who does what, when, and how it is documented and reported is key.
  - HR team members
  - Hiring managers
  - Adjudicators
  - Boards and Council Members



# Section 3:

# Best Practices for Policy Integration

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# Advocating for Policy Integration



Engage leadership early



Connect policy to  
organizational mission, values,  
and culture



Frame risk management as  
trust-building



# Framing Risk for Organizational Leaders

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*"Clear policies protect the organization from risk and give leaders confidence in every hiring and adjudication decision."*

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*"When our policies are strong, our leadership has fewer difficult decisions to make in the gray areas. These clear standards guide us."*

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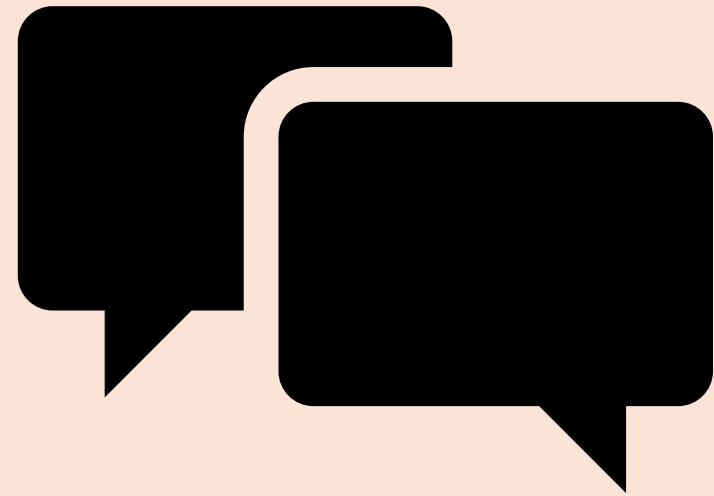
*"Proactive policies reduce the risk of public issues that can distract us from our mission and business goals."*

# Framing Risk for Council Leaders

- *"Well-defined policies are an extension of our responsibility to the community — they safeguard our people, our reputation, and our sovereignty."*
- *"By having clear standards, we prevent difficult situations where personal relationships could create perceived conflicts of interest."*
- *"This is how we show accountability to our Tribal members and maintain integrity in our employment practices."*

## Reflection & Discussion

*How might clear policies actually increase trust across our organization, even when tough decisions have to be made?*



# Developing Enforceable Language



Seek clarity and  
consistency



Balance legal  
requirements with  
community values



# Delivering a Culturally Sensitive Approach

Respects cultural values (such as restoration, redemption, and relational decision-making)

Acknowledges community relationships without biasing decisions

Uses terminology that feels inclusive and accessible to the audience (avoiding overly legalistic, foreign, or bureaucratic terms)

Recognizes sovereignty and Tribal legal frameworks alongside federal/state compliance



# Culturally Sensitive Approach: Options to Consider

- *Involve community leaders or cultural advisors early* in the policy drafting process to review language for tone and meaning.
  - *Avoid language that feels punitive first.* Instead, focus on clarity and fairness.
    - For example, rather than saying "*automatic termination,*" you might say "*disqualification from sensitive positions, with consideration for reassignment where appropriate.*"
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# Culturally Sensitive Approach: Options to Consider, *continued*

- *Use plain language explanations alongside technical terms, to help everyone understand the "why" behind policies.*
  - *Acknowledge cultural values explicitly in the policy preamble or purpose section. Example: "This policy supports the safety of our community, honors our responsibility as stewards of our enterprise, and reflects our values of fairness and accountability."*
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# Consider This

## **Overly Harsh / Cold Language:**

*"Any individual with a prior conviction of theft or fraud will be automatically terminated without exception."*

## **Culturally Respectful & Enforceable Language:**

*"In alignment with our commitment to community trust and stewardship, individuals with prior convictions of theft or fraud will not be eligible for positions of financial responsibility."*

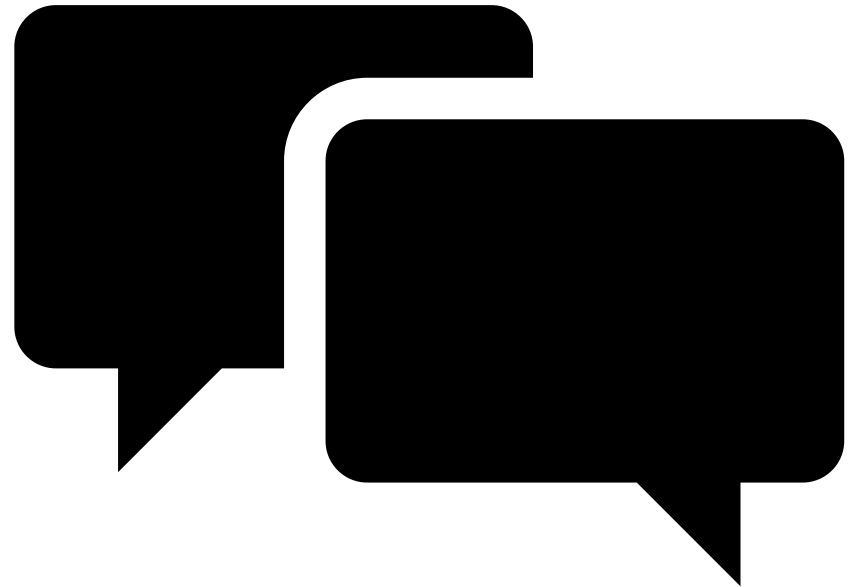
*Where appropriate, individuals may be considered for alternative roles that do not involve direct financial oversight, consistent with this policy's suitability criteria."*



## Reflection & Discussion

*What barriers might exist to integrating these types of policies?*

*What suggestions do you have for overcoming them?*



# Section 4:

# Communicating & Ensuring Accountability

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# Communication Strategies



Carefully design  
policy rollout  
plans



Provide employee  
training



Reengage,  
discuss, and  
reinforce overtime

# Accountability & Tracking



Design effective  
monitoring strategies



Dedicate your efforts to  
building a culture of  
responsibility



# Section 5:

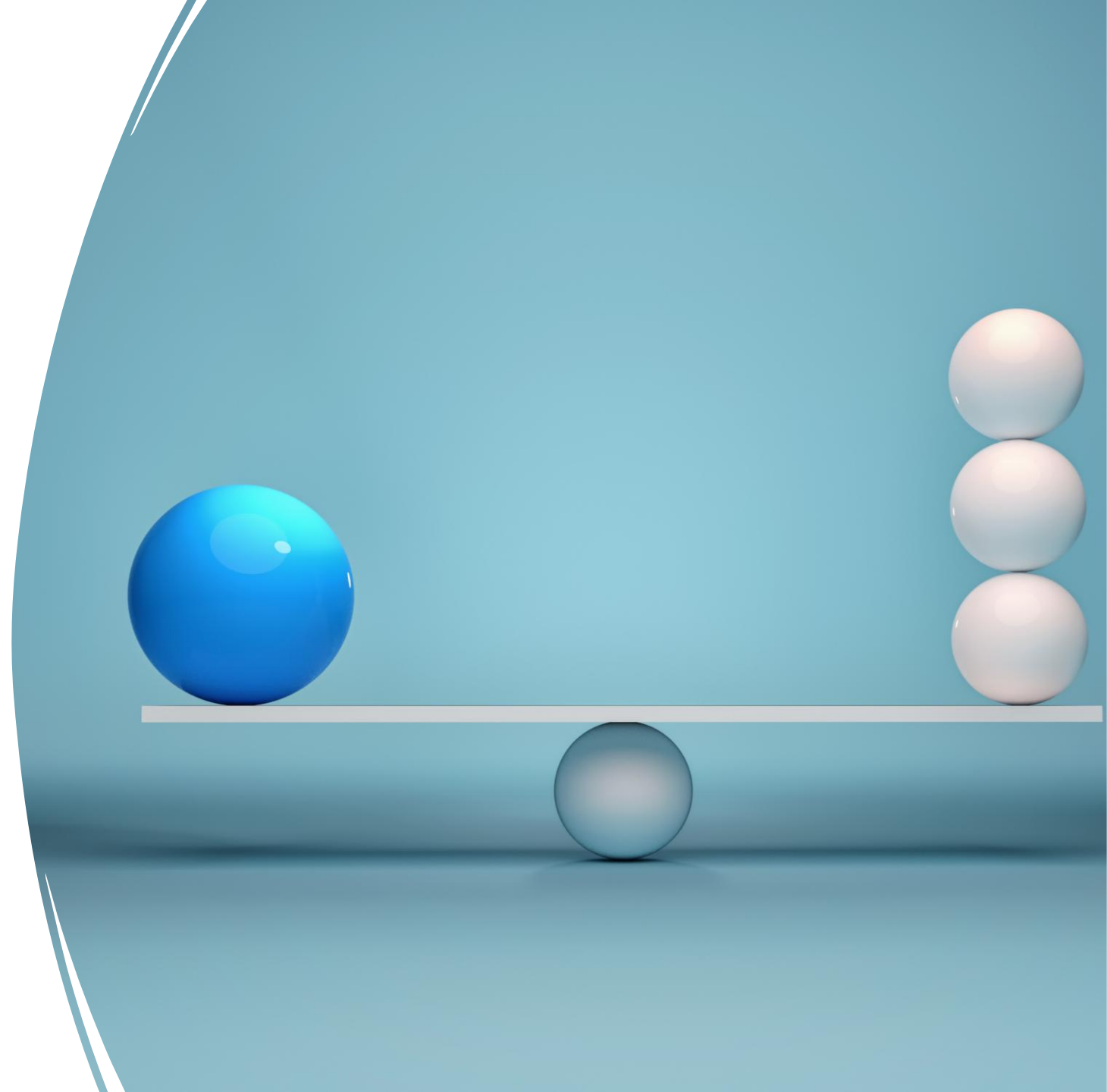
# Supporting Safe & Compliant Workplaces

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# Building Trust & Compliance

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- Seek to balance enforcement with respect
- Support rehabilitation where appropriate
- Encourage openness around policies



# Section 6:

# Do's and Don'ts of Policy Implementation

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Grab your copy of  
the Do's & Don'ts  
Checklist here:





# There is always more to cover.

Let's Keep The Conversation Going.

- Reach out to your facilitator:  
Niki Ramirez, MBA/PHR  
Founder & Principal Consultant  
call: (602) 715-1300  
email: [nramirez@hranswers.org](mailto:nramirez@hranswers.org)
- [Connect with me on LinkedIn](#) →





# Meet Your Facilitator:

## Niki Ramirez, MBA/SPHR/SHRM-CP/THRP

- I'm a certified human resources consultant and the founder of HRAnswers.org. We focus on providing practical, impactful HR consultation to business leaders and HR professionals so that they can relax and focus on their goals.
- We believe that professional human resources support isn't only for big organizations with huge budgets. HR support is something that every size business deserves! We've taken everything that we've learned **to** design a processes to help all size organizations create HR programs that align with their goals *and* organizational culture, to yield maximum results.
- At HRAnswers.org, our goal is to help our clients reduce business risk and dramatically improve the employee experience. Clients trust my expert team and I to work on a variety of complex HR projects like **employee and leadership training**, job descriptions, performance plans, and we help with sticky hiring and termination situations.

# *Stay Connected and Share Your Thoughts*



*We Value Your Feedback*

# *Thank You!*



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