Background Screening for Nonprofits: What to Consider



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When making job offers in a previous role, I often said some version of the sentence: “I want to let you know that this offer is contingent on the completion of a background check.”

Several job candidates shared very personal information about themselves at that moment, such as past debts, arrests, or convictions. They wanted to proactively disclose those things in case they showed up on a background check.

Background checks can serve as a tool to help you determine whether a prospective employee or volunteer has a history that would make them ineligible for a role. But background checks can also raise challenging ethical and legal issues and prompt you to reexamine your nonprofit’s values. Research shows that people from populations of color have more interactions with the criminal legal system due to systemic racism. Knowing that, should a criminal conviction automatically bar a person from working or volunteering with an organization?

Here are some things we encourage nonprofit leaders to consider as you ponder whether and how to background check employees and volunteers, and some ethical and policy guidance if you do.

What Background Checks Entail

When many nonprofit leaders think of background checks, they imagine the scenario I described above: running a criminal history background check on a potential employee before finalizing their hire. But some nonprofits also background check active volunteers, especially those that work with youth or other vulnerable clients. And some nonprofits also background check board members before confirming their service. The latter type of background check—for governance versus operational roles—remains rare.

For nonprofits that do background screening, criminal history background checks are common. But other tasks on your hiring or volunteer recruitment checklist can function as background screening as well, including:

- verifying degrees, certifications, and licenses

- calling references
- reviewing social media accounts
- credit checks
- sex offender registry checks
- motor vehicle registry checks

Establish Disqualifying Criteria and Know the Law

Before you consider using criminal history background checks, establish disqualifying criteria for the role. What prior convictions are relevant to the role? Do not simply decide that anyone with any criminal history is ineligible for every role at your nonprofit; that approach is neither defensible nor appropriate.

Next, consider the federal, state and local laws that may apply to your organization and be triggered by the purpose of the background check.

More than half of U.S. states have some form of a "ban the box" law. These laws require employers to remove questions about convictions and arrest records from job applications. Criminal history background checks remain allowed later in the hiring process.

Federal agencies and contractors also cannot request criminal background information from job applicants before the offer stage, with some exceptions.

It's important to research state and local laws as well. For example, California requires background checks for all regular volunteers of any youth service organization to exclude people with a history of child abuse.

If employers use a third-party background check provider to screen potential hires, the Fair Credit Reporting Act applies with important requirements you need to understand. One requirement is a disclosure that the results will be used in an employment decision. Another requirement is obtaining the applicant's prior consent. And before an employer makes an adverse employment action—like deciding not to hire someone—due to information from consumer reports, the FCRA requires the employer to provide the person with a copy of their report and inform them of their FCRA rights. If an employer takes an adverse action based on information in a consumer report, they must notify the person and let them know they can dispute any inaccurate information on their background check with the screening company.

Tips for Non-Criminal History Screening

At NRMC, we believe reference checks are the most valuable and useful background screening tool. It's the first, and sometimes only, opportunity to learn about a candidate's talents and skills from someone other than the candidate. Done well, it can increase the likelihood of a good match between your nonprofit and an applicant for an employee or volunteer role. To make the most of reference screening, follow these tips.

- Include a statement affirming permission to verify information and check references on all applications for employment and volunteer service. Your statement should include language waiving the applicant's right to bring claims against the organizations providing or checking the reference.
- Determine what information you need to find out whether a person could likely perform the duties well.
- Create a standard script asking the same reference questions for all references for a specific position. (You might choose a different set of questions based on the nature of the position; if you do that, stick to that list when reference checking any applicant who applied for that position.)
- Identify yourself to the reference and briefly describe the position you're filling.
- Ask only position-related questions, including questions about past job performance.
- Don't ask any questions you could not legally ask the applicant directly.
- Limit the number of leading questions (those that can be answered with a simple "yes" or "no") when checking references. "Is this individual eligible for rehire at your agency?" is a strong reference check question. "Did this person enjoy teamwork?" is not.

- Record the information references share with you in writing.

You may be tempted to pull up an applicant's social media profiles to search for anything that might create reputational risk. The NRMC team strongly cautions against doing this. Information found on social media sites may be revealing, but the information you uncover may be distracting and irrelevant. For example, does a gap between professional roles speak to someone's potential as your next Project Manager or CFO? Does the fact that an applicant attended a college you're not familiar with speak to their learning mindset? Definitely not. Approach this area with caution, and if you decide to do social media screenings, acknowledge the potential for bias and use these guidelines from the Society for Human Resource Management:

- Do not use a candidate's post to discriminate.
- Do not use personal information that is irrelevant to the job to make a hiring decision.
- Apply criteria for assessing posts consistently across all candidates. Create a process that identifies what you will screen for and disqualifying criteria.

Criminal History Background Checks: How to Decide

Many nonprofits have increased their work to address systemic racism in their organizations in recent years. Studies that show how systemic racism impacts the criminal legal system have led more nonprofits to question whether they should use criminal history background checks for employees and volunteers. Some nonprofits have implemented "fair chance hiring" programs to consider people who have criminal records for employment. For example, a nonprofit that provides services to people returning from prison may seek to hire employees and recruit board members with lived experience in the prison system. Our resource "Hiring Employees with Criminal Records: An Inclusive Approach" has much more information for nonprofits that want to implement fair chance hiring.

NRMC encourages nonprofits to consider criminal history background checks or credit checks only when they are relevant to a position. For example, some youth-serving organizations run criminal history background checks on all employees to avoid hiring anyone who has a history of crimes against children. And some, but not most nonprofits run criminal history and credit checks on applicants for roles who will handle funds.

Beyond those considerations, we encourage nonprofit leaders to map out an approach to criminal history background checking and fair chance hiring before it's time to make a job offer or recruit a new volunteer.

BoardSource has some great questions for nonprofits to consider as they weigh whether to conduct background checks on board members. Nonprofits could adapt these questions when weighing whether to background volunteers and employees, too. BoardSource's questions include:

- What are our goals in implementing such a policy?
- Will implementing this policy reinforce the social inequities our programs exist to alleviate?
- Will this policy keep our clients and our organization safer?

Document your policy on background checks in writing. Include information about how your organization will proceed if a background check flags a disqualifying offense (per your list of disqualifying offenses), and how frequently you'll conduct background checks (will you do them every two-three years after hire?) Choose a background check provider that offers the services you need and fits your budget. Find out if any of your insurance providers offer discounted background check services through a vendor arrangement.

Sterling Volunteers, which was acquired by First Advantage in 2024, runs background checks on nonprofit volunteers and allows clients to set disqualifying criteria for volunteer roles, said Executive Director Katie Zwetzig. Volunteer applicants typically provide their personal information to the Sterling Volunteers platform directly, and the nonprofit client receives a detailed report with any findings based on the screening package they chose. Sterling's most popular package includes a Social Security number trace, Department of Justice Sex Offender Registry search, terrorist watchlist search, validated nationwide criminal search, current county of residence criminal history, and monthly updates. Reports like this may show information such as case numbers and judgments.

Millions of volunteers have gone through the Sterling process, Zwetzig says. They receive a copy of their background check report, which they can share with other nonprofits if they wish.

“Our focus is to keep both our clients and First Advantage compliant with the laws and help to educate the industry on the complexities of screening,” Zwetzig says.

Screen Judiciously and with Confidence

Nonprofits often reach out to NRMC seeking a simple answer to the question “Should we conduct criminal history background checks?” If you’ve read this far, you know that question doesn’t have a simple answer. But answering it to the best of your ability can help your organization better put your values into practice. Consider your organization’s mission, all applicable laws and regulations, and how you want to be in community with your team, volunteers, board members and constituents. Thoughtfully weighing those considerations should lead you to a good decision for your organization.

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Resources:

There’s No Mystery to Your History: Using Background Checks in the Screening Process – NRMC

https://nonprofitrisk.org/resources/articles/theres-no-mystery-to-your-history-using-background-checks-in-the-screening-process/

Hiring Employees with Criminal Records: An Inclusive Approach – NRMC

https://www.risk-resources.org/2023/02/28/hiring-employees-with-criminal-records-an-inclusive-approach/

Nonprofit Background Check Policy Considerations – BoardSource

https://boardsource.org/resources/nonprofit-background-check-policy-considerations/?hsCtaTracking=655865cd-2b5d-4f7e-973c-5e00be194218%7C11774538-e0bc-429c-81e0-7de6b690d252

Ban the Box – National Conference of State Legislatures

https://www.ncsl.org/civil-and-criminal-justice/ban-the-box

How to Use Social Media for Applicant Screening – Society for Human Resource Management

https://www.shrm.org/topics-tools/tools/how-to-guides/how-to-use-social-media-applicant-screening