

Policy: Background Check Policy

Date: May 2019

Status: Active

Policy Type: University

Contact Office: Human Resources

Oversight Executive: Executive Director of Human Resources

Applies To: Exempt and non-exempt employees

Table of Contents: Policy Statement

1. Purpose
2. Summary
3. Definitions
4. Procedure

Policy Purpose: The purpose of this policy is to:

- Promote consistency in safe hiring practices through more thorough screening of job applicants.
- Increase legal compliance and reduce risk of liability especially in employment positions that require interactions with minors.

Pre-employment/pre-placement background checks will help ensure that the colleges' academic mission is supported with qualified employees, and that we provide a safe and secure environment for all of the College's constituents including students, employees and visitors. This process supports Clarkson's ability to act proactively and responsibly in protecting its human, fiscal, property and other assets.

Policy Summary: This Policy applies to all University departments, Institutes, Centers & Schools.

Definition of Terms in:

Policy Statement:

Clarkson University is committed to ensuring that its academic and research missions are supported by qualified staff members, and that its community is as safe as possible. Clarkson is also committed to taking meaningful actions to protect its finances, property, and other assets. This policy sets forth Clarkson procedures for conducting pre-employment background checks for all staff positions.

Clarkson University complies with all applicable federal, state, and local laws, including fair employment practices and equal opportunity, when conducting background checks.

Procedures:

The following procedures will be followed:

Responsibilities:

- The employer will use a third-party consumer-reporting agency to conduct the background checks.
- The Human Resources department has primary responsibility for the process, along with appropriate management personnel.
- The legal obligations of the employer under the Fair Credit Reporting Act, including taking negative action based on the information disclosed by the background check.

Accountability:

- As a condition of hire, background checks are required on all applicants offered a faculty, full or part-time position that is expected to last six (6) months or longer, except for student employees. In addition, in the event an initial employment period of less than six (6) months is subsequently extended to exceed six (6) months, a background check must be completed at the time employment is extended. Any temporary employee hired for less than six (6) months still requires a background check through the national Sex Offender database.
- Background checks may be required for employees obtaining safety sensitive duties, such as a change in positions or significant change in duties as determined by Human Resources.
- Employees, who have a completed background check on file and experience a break in service in employment, will not be required to have an additional background check if they have been in active work status within one year.
- Background check may be required at the discretion of the hiring authority, if the employee begins working in a different department or college and/or different job capacity that includes safety or sensitive duties; such as handling currency, accounts payable, having access to sensitive computerized databases or laboratories, or having

access to a master key.

Notification:

To pass a background check, written notification of the requirement will be given during advertisement and/or at time of application.

Initiation of Check:

- Only Human Resources will initiate background checks.
- Human Resources may only initiate background checks once they receive a completed and signed authorization for pre-employment check form, and as a condition of employment.

Background Checks:

- Clarkson University will use a third-party agency to conduct the background checks to verify the accuracy of the information provided by the applicant during the selection process.
- Background checks will include, at a minimum, a multi-state criminal background check including felonies and misdemeanors, a social security trace, and a National Offender Registry Check. Background checks may also include a credit check (conducted in compliance with the Fair Credit Reporting Act), driver history check, and credentials verification for applicants designated by Human Resources (classified faculty or contract professional employees).
- Background checks conducted by the US Department of Homeland Security for international, non-citizen job candidates as part of the visa process may be considered adequate for the purpose of this policy if the candidate has not previously resided in the United States.
- Clarkson University will ensure that all background checks are conducted in compliance with all applicable federal and state statutes, such as Fair Credit Reporting Act and the Americans with Disabilities Act. The information that can be collected from previous employers and other sources will be limited to that which is job-related and pertains to the quality and quantity of work performed by the applicant and to the applicant's attendance record, education and other lawful, work related inquires. The Human Resources department, along with appropriate management personnel, will be primarily responsible for the background check process.

Conditional Offer of Employment:

- The background check must be completed before employment begins, except as provided below. Any offers made before a background check has been completed shall be expressly conditional upon successful completion of the background check. Employment may begin prior to completion of the background check only as a conditional offer of employment, and when the hiring authority

establishes to the satisfaction of Human Resources there is a compelling need. In such case, Human Resources will provide the hiring authority with the condition of hire language.

- Conditional offers shall be withdrawn if the results of the background check are deemed to disqualify the applicant for the position (regardless if conditional employment began).

Results of Background Check:

Results from a background check will be considered in the following manner:

- If the background check reveals criminal records or other serious misconduct (other than minor traffic violations), an offer may be rescinded based on the severity. In such cases, Human Resources, and the hiring authority shall make an initial determination as to whether the background check results would disqualify the candidate for the position.
- Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment with Clarkson University. Depending on a variety of factors (for example, the nature of the position, the nature of the position , the nature of the conviction, age of the candidate when the illegal activity occurred), the candidate may still be eligible for employment.
- The group's consideration shall include, but not limited to, the following factors:
 1. Number of offenses or misconduct and the circumstances of each.
 2. Length of time between the offense or misconduct and the application for employment.
 3. Other employment history.
 4. Evidence of applicant's rehabilitation efforts.
 5. Severity of the offenses or misconduct.
 6. Relevance of the offense or misconduct to responsibilities of the position.
- To the extent required by the Fair Credit Reporting Act (FCRA), applicants will be informed, in writing, notice of adverse information discovered in the background check and given an opportunity to respond. Upon conclusion of the review, written notice will be sent to the candidate regarding the employer's decision of eligibility for the position.
- Failure to disclose criminal convictions or falsify information requested during the application process may result in disqualification for employment or termination of employment.
- Disqualification of a candidate based on information discovered in the background check is not subject to grievance or appeal by the candidate.

Record Keeping:

- Clarkson University assures applicants that all information obtained from the background check process will only be used as part of the employment process and will be kept strictly confidential, will be maintained by Human Resources, and will be disclosed only to authorized employees who have a need to know in the performance of their job assignments.
- Clarkson University complies with all federal and state laws regarding the collection, storing and disposal of applicant information, such as the Fair and Accurate Credit Transactions Act (FACTA).

Responsibilities of cost:

- The hiring authority will be responsible for the cost associated with the background check. A qualified vendor, approved by the University, will conduct the investigation.

**Related
Information:**

**Policy
Background:**

Major Category:

**Category Cross
Reference:**

Process:

**Next Scheduled
Review:**

**Approved By,
Date:**

Revision History: