

## BACKGROUND CHECK POLICY

<b>History:</b>	Revised: February 15, 2017 Issued: July 1, 2016
<b>Related Policies:</b>	<a href="#">Search Committee Handbook</a>
<b>Applies to:</b>	All full and part time, regular and temporary faculty, administrators, staff, volunteers, consultants, contractors, vendors and others as appropriate.
<b>Responsible Office:</b>	<i>The Office of Human Resources</i>
<b>Contact:</b>	DN120 ext. 3349 <a href="mailto:human.resources@marist.edu">human.resources@marist.edu</a>

### INTRODUCTION

Marist College is committed to hiring qualified employees and strives to provide a safe and secure environment for our faculty, staff, students and visitors. This policy supports the College’s efforts to minimize institutional risk while assisting hiring managers and Human Resources (HR) in making sound hiring decisions.

### POLICY

Marist College requires that background checks be administered for the selected finalist for all full and part-time, regular and temporary faculty, administrative, staff, and volunteer positions, prior to employment at the College. Consultants, independent contractors, and vendors who regularly work on campus are also required to have a background check. In addition, spouses/partners of current employees whose positions require them to live in College provided housing, will also be required to have a criminal background check completed.

Offers of employment are contingent upon receipt of satisfactory background and reference check results, along with final approval from the President for executive, faculty or administrative positions. Final approval by the Executive Vice President is required for all union and security positions.

All finalists are required to sign a [Background Check Disclosure & Authorization Form](#) before HR can perform any background check(s). Finalists under 18 years of age, are required to sign and have their parent/guardian also sign a [Background Check Disclosure & Authorization Form](#) signature before HR can perform any background check(s). The background check will be limited to reference checks, Social Security (Past Address Trace), Sex Offender Registry (state and nationwide), and Employment Verifications.

## **Required Checks for Candidates Prior to Employment**

Every finalist for a position at Marist College will be required to undergo the following background checks:

- Education verification – verifies highest degree earned
- Professional licenses and/or certificates verification - when applicable, including health care professionals
- Employment verification – verifies current and/or relevant previous employment (maximum of three (3) histories)
- State and nationwide criminal – searches criminal history, sex offender status, terrorist watch and related databases
- Social Security/Past Address Trace Verification – provides names and addresses associated with the social security number; does not access Social Security Administration files
- Sex Offender Registry (statewide and nationwide) – verifies whether a candidate’s name is on any statewide and/or nationwide registries
- Federal Criminal – identifies any criminal cases handled at the federal district level (includes federal offenses, such as drug trafficking, immigration law violations, misuse of federal funds, kidnapping, and robbery.)
- Motor vehicle – motor vehicle driving record, required upon hire and annually thereafter for any position that routinely drives a College owned, leased or rented vehicle on behalf of the College
- Social Media Scan – identifies information regarding use of social media and the content that is contributed to social media, and any other publicly-available information found on the internet. The scan includes, but is not limited to, social networking websites (e.g., Facebook, MySpace), professional networking websites (e.g., LinkedIn), video-sharing websites (e.g., YouTube), image-sharing websites (e.g., Flickr), blogs, wikis, virtual worlds, and personal websites.
- Nationwide Healthcare Fraud and Abuse Scan (FACIS) – identifies disciplinary actions taken by federal agencies, as well as those taken by licensing and certification agencies, in all 50 states.
- Credit check – includes account activity, accounts in collections and payment history. Credit reports are limited to the following positions:
  - Business Office staff
  - Employees that regularly handle cash or cash equivalents (e.g. Student Financial Services, Computer Store, etc.)
  - Senior management (includes deans/vice presidents/directors, etc.)
- Professional Reference Checks – In addition to the required checks listed above, the finalist must also provide the hiring manager or search committee chair with the names and contact information for at least three professional references who can affirm the finalist’s work experience, skills and qualifications. At least one of the references provided must be from the current supervisor or recent previous supervisor, unless otherwise approved by Human Resources and the Line Executive. A reference from the immediate supervisor is required for all internal candidates, even if the candidate is internal to the department.

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Completed Telephone Reference Questionnaire Forms or a written summary of the reference checks, which may include copies of the letters of reference, must be provided to HR before an offer can be made.

## **Current Employees**

- Current employees who are promoted or transferred to another position will be required to undergo the appropriate background check.
- Current employees who, as a condition of employment, are required to have up-to-date licenses and/or certifications, will have a regular background check on a schedule as mandated by the appropriate federal, state or local licensing board.
- Current employees who, as a condition of employment, are required to live in College provided housing, will be required to have a criminal background check completed annually.
- Spouses/partners of current employees whose positions require them to live in College provided housing, will also be required to have a criminal background check completed annually.
- Employees have an ongoing responsibility during the course of their employment to make the College aware of any felony or misdemeanor convictions or pleas which are acknowledgements of responsibility. Any convictions or pleas should be reported to the Office of Human Resources.
- Any employee who has unsupervised access to minors will be required to have a background check completed every year.
- The College reserves the right to conduct relevant background checks of current employees when it has reasonable grounds to do so.

## **Former Employees**

- All former employees and volunteers who have had a break in service of more than 12 months must successfully complete a background check before the start of employment.
- Any former employee with a break in service of less than 12 months must disclose any convictions, felony or misdemeanor which occurred during the break in service immediately upon being rehired

## **EVALUATION OF RESULTS**

Background checks will be used to evaluate eligibility of candidates before granting or continuing employment at Marist College, and will not be used to discriminate based on race, sex, age, color, religion, disability, national origin, sexual orientation, genetics or veteran status. Marist College complies with the FCRA, similar state FCRA laws in the jurisdictions in which Marist College does business, federal and state equal opportunity laws, and all other applicable legal authorities that regulate the performing of pre-employment background checks.

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Negative credit information does not automatically exclude an applicant. Every applicant will be individually considered and under no circumstances will an employment decision be based solely on information in a credit report.

In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment is based upon the following factors:

1. The nature of the job for which the applicant is being considered.
2. The nature of any adverse or negative information; in the case of a criminal matter, the facts surrounding the matter are particularly relevant.
3. The age of any adverse or negative information and/or the age of the applicant at the time of the adverse incident in relation to the present may also be relevant.

If the background check reveals questionable or negative results, the applicant will be asked to verify or elaborate on the questionable or negative results in order to determine how to proceed with the appointment. As appropriate, the Office of Human Resources will send the applicant a pre-adverse action letter that includes a copy of the report, a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," along with a copy of the Article 23-A of the New York State Correction Law and any other state specific notices. Marist College reserves the right to take adverse action, including the withdrawal of an offer, or in the case of a current employee, disciplinary action up to and including termination.

## **FALSIFICATION**

A job candidate will be disqualified from further consideration for a position if falsified criminal conviction histories, employment histories, educational credentials, licenses or certificates are discovered prior to employment or promotion. If an employee is found to have falsified their application during the course of their employment, they will be subject to disciplinary action, up to and including termination of employment.

## **CONFIDENTIALITY**

Marist College utilizes a third party vendor to collect data in a secure and confidential manner. The vendor works directly with candidates to obtain their written consent to conduct the background check. Results of all background checks are confidential and will not be disclosed to any individual, including hiring managers, except to the extent necessary on a need-to-know basis. Hiring managers do not receive any details of the background check, only notification when the results do not meet Marist's guidelines.

Records gathered as a result of a background check will be maintained by the Office Human Resources as confidential files and will be held separately from an employee's personnel file. Any information collected from the background check and correspondence with the third party vendor managing the background check will be retained in accordance with the Office of Human Resources' record retention policy and may be reviewed only on a need-to-know basis or as

required by law. Background check results will be kept for a minimum of five (5) years, which is based on the Federal Fair Credit Reporting Act (FCRA) five year statute of limitation.

## **PROGRAM ADMINISTRATION**

The Office of Human Resources is responsible for the administration and funding of the background check program. HR will determine the appropriate background checks required for each position, will communicate with hiring managers and others as required, and will coordinate the overall program with the vendor.

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## **POLICY DISCLAIMER**

Responsibility for the interpretation and administration of this policy resides solely with the Office of Human Resources.

In order to ensure that the College has the flexibility to address changes that might be needed with respect to other changing circumstances, the College reserves the right to amend this policy at any time.