

Personnel

Board of Trustees Policy

SUBJECT: Pre-Employment Background Check Policy	NUMBER: <p style="text-align: center;">2.22</p>
	DATE: <p style="text-align: center;">January 22, 2018 Resolution #18-12</p>
	SUPERSEDES:

Purpose

SUNY Schenectady County Community College’s (SCCC) mission must be supported by qualified employees and a safe and secure environment for all college constituents, including students, visitors, and employees. The college must take meaningful actions to protect its funds, property, and other assets.

Policy

SUNY SCCC requires certain credential, criminal, and other background information to be verified as a condition of employment for all new employees, regardless of funding source. Unless otherwise stated herein, the background checks described below must be completed prior to the commencement of employment.

The following background checks must be completed as a condition of employment:

- identity verification
- employment verification
- criminal history check
- sex and violent offender registry check
- educational verification (when required with the advice of the hiring manager)
- license verification – includes certifications and professional credentials (when required with the advice of the hiring manager)

Foreign nationals with a visa less than two years old are exempt from all background checks except for license verification. For foreign nationals with a visa more than two years old, a full background check appropriate to the position will be conducted for the period the applicant was a United States resident.

If SCCC has performed any of the above verification or background checks on an individual within the past three (3) years, a new verification or background check is not required. The results of the previously performed verification and/or background check will be considered in any pending employment decision.

This policy does not preclude more extensive background checks which may be required by law or regulation for specific positions.

All job postings and announcements will contain a notice that any offers of employment will be conditional on the successful completion of the above listed background checks. This applies to current employees applying for a new position.

All offers of employment will be conditional on the completion of a background check and must include the following statement:

This offer is contingent on SCCC's verification of credentials and the completion of a criminal history check. You will be required to provide SCCC's third-party vendor consent for background checks and your identifying information, including your date of birth and social security number.

The Office of Human Resources will be responsible for all fees related to conducting background checks.

This policy applies to all job applicants who have been given a conditional offer of employment.

Procedures

Definitions

Criminal History Check: Verification that the selected applicant does not have any undisclosed criminal history in the jurisdiction where the applicant currently resides or has resided in the last seven years. This background check will be initiated after acceptance of the conditional offer of employment.

Educational Verification: Confirmation that the selected applicant possesses all educational credentials listed on the application, resume, cover letter, or otherwise cited by the candidate that qualify the individual for the position.

Employment Verification: Confirmation that the selected applicant actually worked in the positions listed on the application, resume, cover letter, or otherwise cited by the candidate that qualify the individual for the position, as well as all employment during a period of at least seven years immediately preceding application to SCCC. This verification includes dates of employment and verification of last position held.

Fair Credit Reporting Act (FCRA): The federal requirement governing the process by which consumer reports may be collected and utilized, including for the purposes of employment.

Foreign National: Person present in a country who does not currently have the right to permanent residency in that country.

Identity Verification: Confirmation that an individual is who they claim to be.

License Verification: Confirmation that the selected applicant possesses all the licenses listed on the application, resume, cover letter, or otherwise cited by the candidate that qualify the individual for the position; also verification of any license required for the position, including verification of the disposition of such licenses. This includes any motor vehicle driver licenses required for the position and professional credentials.

New Employee: An individual appointed to a position, regardless of the funding source, who is not currently employed on any SCCC payroll. This includes both full and part-time staff positions.

Sex and Violent Offender Registry Check: Verification that the selected applicant does not have undisclosed convictions of certain sex and violent crimes in the jurisdiction where the applicant currently resides or has resided.

Responsibility

Office of Human Resources (HR)

- Contract with a third-party vendor capable of performing the background checks identified in this policy.
- Determine the components of the background check that must be performed applicable to the position.
- After a final candidate has accepted a conditional offer of employment, authorize the third-party vendor to complete a background check, providing them with the appropriate information on the candidate.
- Include in every job posting and/or notice that the finalist for the position will be offered a conditional appointment pending the completion of a background check.
- Receive and review results of the various background checks, and take appropriate action:
 - If the background check indicates there are no convictions or discrepancies

between the application and the background check results, HR will inform the department hiring manager that the employment offer is confirmed and will lift the condition placed on the employment.

- If the criminal history and other required checks indicate there are convictions or inaccuracies in the application, HR will provide a copy of the report and the FCRA notice permitting review and dispute rights to the selected applicant, as well as notices required by New York State law. All related information will be treated and protected as confidential information.
- If the criminal history check reveals convictions which the selected applicant disclosed in the application, HR will review the report and any additional information the applicant provides and evaluate each conviction in accordance with the requirements of the New York State Corrections Law before the conditional offer of employment is confirmed or withdrawn. The existence of a conviction does not automatically disqualify an individual from employment. Pursuant to Article 23-A of the NYS Corrections Law, SCCC will consider the following: the nature and number of convictions, their dates, and the relationship a conviction has to the duties and responsibilities of the position, certificate of relief from disabilities or a certificate of good conduct issued to the applicant, and the age of the applicant at the time of the conviction
- If unreported convictions are revealed in the background check or other discrepancies are detected, the conditional offer of employment will be withdrawn unless the individual shows that the report is in error or can, within a reasonable period of time, dispute the finding and/or justify the discrepancy. The decision to reject an individual with convictions, an unreported conviction, or other falsification is solely at the discretion of SCCC, and in compliance with its policy entitled “Employment of Applicants with Criminal Convictions” (Policy #2.10).
- If the results of the background check influence a decision to withdraw a conditional offer of employment, HR will inform the hiring department, and will inform the conditional employee of such, along with their rights under FCRA.
- Ensure that background checks are complete, as confirmed by HR, and all approvals have been received, prior to confirming the offer of employment to the selected candidate.
- All applicable required notices in compliance with FCRA and New York State law will be provided to the candidate. The candidate may appeal to SCCC’s Vice President of Administration any decision to withdraw a conditional offer of employment as a result of a background check.
- Violations of college policies, including providing false or misleading information used for any of the above background checks, will be handled in accordance with applicable policies and procedures, which may include withdrawal of an employment offer and/or disciplinary actions up to and including termination.
- Maintain records indicating the item verified, the date(s) of the verification, and

the status of the verification. This information will be retained in a separate record for the associated applicant, and access will be limited to those with a legitimate business need.

- Draft and/or review all correspondence between the hiring department, the Office of the President, and the conditional employee relative to the conditional offer of employment.
- Coordinate the third-party vendor invoices and payments for performing background checks.
- Monitor the hiring decisions made in cases where the background checks reveal convictions/inaccuracies and assist in resolving the case.
- Process appropriate paperwork for initiating payment to the vendor for fees associated with the background check.
- Approve the payment of background check fees to the third-party vendor for its employees who have undergone a background check pursuant to this policy.

Hiring Department

- Provide advice to HR regarding education and license verification
- Notify HR that a candidate has been selected

Office of the President

- Ensure that the conditional offer of employment includes the statements regarding credential verification and background check consent.

Exceptions

Adjunct instructors will be permitted to begin their teaching assignment prior to the receipt of the background check results. Their continued employment shall be contingent on the results of the background check.

The following positions are exempt from this policy:

Federal work study students

Non-credit instructors, assistants and aides teaching less than 4 clock hours per semester

EMT student participants

Contact Information: Office of Human Resources