

(PROCEDURE)

<b>Procedure:</b>	Background Check	<b>Procedure No.:</b>	PA3012.1
<b>Authority:</b>	College President	<b>Associated Policy Reference No.:</b>	PA3012
<b>Procedure Owner:</b>	VP Admin & Finance	<b>Responsible Party:</b>	Personnel Affairs/HR
<b>Approved:</b>	August 13, 2019		
<b>Revised:</b>	(DATE)		

SUNY Broome Community College will conduct Standard Background Checks and verification of relevant information for the sole purpose of protecting the safety and security of the College’s students, faculty, staff and its visitors, in addition to the College’s assets by reducing the likelihood of crime, injury/loss, to aid in the confidence in the College’s workforce.

This policy shall apply to all new part-time and full-time faculty, staff, adjunct employees, and identified student employees. This policy **shall not** apply to Campus Peace Officers who are held accountable to a more stringent level of background investigation.

A pre-employment Standard Background Check will be completed by a third-party vendor commissioned by the College. Offers of employment for faculty, staff, and identified students, will be made contingent upon the successful completion of a pre-employment Standard Background Check.

All prospective candidates may not begin work until after the College’s receipt of satisfactory results of a background check.

All job postings and announcements will contain a notice that any offers of employment will be conditional based upon the results of a satisfactory, required pre-employment Standard Background Check.

All background checks will be administered through the Human Resources Office upon the receipt of a signed Release of Authorization from the prospective candidates. The Human Resources Office will:

1. Contract with a third-party vendor capable of performing the background checks identified in this policy.
2. After a final candidate has accepted a conditional offer of employment, Human Resources will authorize the third-party vendor to complete a Standard Background Check, by providing them with the appropriate release of authorization signed by the candidate.

3. List in every job posting and/or notice that the finalist for the position will be offered a conditional appointment pending the results of a satisfactory background check.
4. Receive and review results of the background check, and take appropriate action:
  - If the background check indicates there are no convictions or discrepancies between the application and the background check results, Human Resources will inform the Department Head/Dean 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, Human Resources will provide a copy of the report and dispute 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 reveals convictions which the selected applicant disclosed in the application, Human Resources 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, the College will consider the following: the nature and number of convictions, date(s) of occurrence, 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 the College.
  - If the results of the background check influence a decision to withdraw a conditional offer of employment, Human Resources will confer with the County Attorney, the Director of Campus Safety and Security or his/her designee (Background Check Committee) to come to a collective decision. Upon such decision Human Resources will inform the hiring department and will inform the conditional employee of such decision.
  - Ensure background checks are complete and all approvals have been received prior to confirming the final offer of employment to the selected applicant.
  - All applicable required notices in compliance with New York State Corrections law will be provided to the applicant. The candidate may

appeal any adverse decision to SUNY Broome Community College's Human Resources Office as allowed by New York State Corrections law.

- 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, and the conditional employee relative to the conditional offer of employment.
- Monitor the hiring decisions made in cases where the background checks reveal convictions/inaccuracies along with the Background Check Committee and assist in resolving the case.
- Process and approve payment of background check fees to the third-party vendor for employees who have undergone a background check pursuant to this policy.

The pre-employment Standard Background Check must consist of the following:

- Identity Verification
- Employment Verification
- Criminal History Check
- Sex and Violent Offender Registry Check
- Educational Verification
- License Verification (certifications and professional credentials when required).

All offers of employment will be conditional on the completion of a Standard Background Check and must include the following statement:

“This offer is contingent upon SUNY Broome Community College's verification of credentials and the successful results of a criminal history check. Applicants for employment are required to provide the College's third-party vendor consent for background check and identifying information, including your date of birth and social security number.”

Inconsistency, omission or falsification of information provided by the applicant used for any of the above background checks will be considered a violation of College policies and may disqualify the applicant from further consideration for appointment and may result in the termination of the employee if discovered after appointment.

## **Criminal Convictions**

Criminal background checks are conducted on a state or federal level and will be conducted by a third-party vendor. A felony or misdemeanor conviction can be considered in employment decisions pursuant to the New York State Corrections Law as long as the conviction is reasonable related to the job and granting employment would involve unreasonable risk to property, safety, or welfare of faculty, staff, students and visitors of the College.

If the applicant has a criminal conviction(s) on record, the following factors will be considered before making a final employment decision:

- Whether employment would involve an unreasonable risk to property or would pose a risk to the specific safety and security of students, employees and guests of the College.
- Age of the person at the time of the offense.
- The time that has elapsed since the occurrence of the criminal offense.
- Employment history since the offense.
- Any information produced by or on behalf of the person regarding rehabilitation and good conduct.
- The College's legitimate interest in protecting property and the safety and welfare of individuals. If an applicant is denied employment, the College must provide a written statement for the basis of denial if requested by the applicant.
- The individual should receive a copy of Article 23-A of the NY Corrections Law and the name and address of the agency that performed the criminal investigation.

### **Exceptions:**

When an urgent situation is brought forth to the Human Resources Office which precludes sufficient time for the completion of the pre-employment Standard Background Check, (such as serious illness, injury, or loss of life), the candidate will be permitted to begin their employment prior to the receipt of the background check results. Their continued employment shall be contingent on the results of a satisfactory background check which will be acknowledged by the candidate at the time of orientation, by signing a contingency statement and release of authorization for background check.

<b>Action</b> <i>(Created, Reviewed, Retired)</i>	<b>Date</b>	<b>Initials</b>	<b>Position Title</b>
<i>Updated classification (2.9)</i>	06/22/2020	DL	<i>Assistant to the President</i>

(See contingency form sample acknowledging that employment is contingent upon completion of a satisfactory background check).

## Contingency Statement

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

Department: \_\_\_\_\_

### Consent for Background Check Policy

I understand that my employment as \_\_\_\_\_ is contingent upon the successful completion of a successful background check and have signed the corresponding Authorization of Release form consenting to a Standard Background Check.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name Date

Witness:

\_\_\_\_\_  
Signature Date