

## BACKGROUND CHECK POLICY

**PURPOSE:** St. Bonaventure University acknowledges and respects all individuals' expectations of a right to privacy. St. Bonaventure University also acknowledges its implicit duty to be diligent in hiring persons of sound character, protect the welfare and provide for the safety of our students, employees, and institutional resources. This policy sets forth the University's procedures for conducting background checks for faculty, staff, trustees, key students, contractors and select volunteers.

**POLICY STATEMENT:** Human Resources (HR) shall be responsible for the management of the policy, initiation and overseeing the background investigation process and the confidential storage of all findings.

### Type of Background Check:

- St. Bonaventure University's authorized background check vendor will conduct the investigation and provide a report to the University based on their findings. For the majority of the University positions, the extent of the background check will be limited to a Social Security number verification, criminal conviction verification and sexual offender registry status.
- Positions with responsibilities including direct contact with students, supervisory responsibilities, and/or fiscal responsibility will require more extensive background checks depending on the position. In addition to identification, Social Security number verification, criminal conviction verification and sexual offender registry status, educational credential confirmation, employment and salary history and credit checks may be required.
- Religious or clergy who are volunteering or are applying for a position at St. Bonaventure University are required to provide a letter of good standing from the Order or Diocese as well as proof that a background check has been conducted.
- A driver's license check will be conducted on any employee prior to granting authorization to drive a University sponsored vehicle.

| <b>Background Check Levels</b>   |  |
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| <b><u>Level 1 Package:</u></b><br><b>All employees &amp; Sub-Contractors</b> | <b><u>Level 3 Package:</u></b><br><b>Finance Directors, Cabinet &amp; Trustees</b> |
| Social Security Verification and Trace                                       | All items in Level 1 & 2   |
| Felony Criminal Record Search County of residence                            | Employment Verification  |
| National Sex Offender (Real time)  | Credit Check   |
| Federal Civil/Criminal Records Search (By State)                             | Professional References  |
| National Terrorist Watch List  |  |
|  |  |
| <b><u>Level 2 Package:</u></b><br><b>All Faculty, Deans</b>                  | <b><u>Level 4 Package:</u></b><br><b>All Security Officers</b>                     |
| All items in Level 1   | All items in Level 1   |
| Education Verification (highest level)                                       | Guard Act Application (includes fingerprinting)                                    |
|  | State Department of Corrections  |

## Background Check Process:

- As part of the University's recruitment process, all position recruitment materials will advise applicants that a background check shall be a condition of employment and will be performed only in the final stages of the employment decision process.
- After the interview, the hiring manager will provide each applicant (under consideration) a background check authorization form to be completed and returned to the Human Resources Office, in accordance with our Recruitment Process Policy.
  - If an applicant or employee possesses an active security clearance issued by the US Federal Government, proof of that active security clearance will be considered in lieu of conducting a new criminal background check.
- Upon notification from the supervisor stating that he/she is wishing to hire a specific candidate for a position vacancy and the receipt of signed form, an HR representative will enter the data into the secured authorized background check vendor's website. Depending on the type of check performed it may take up to 3-business days for the check to be completed after data has been submitted.
- Reports are reviewed by the HR Director for any possible adverse information, including, but not limited to, relevant felony conviction, sexual misconduct, identity or credential issues that may cause concerns related to the candidate's employment with the University.
  - Information that raises any questions or concerns relating to employability at the University will be reviewed with the candidate for explanation.
- Unless otherwise provided by law, a criminal record will not automatically disqualify an individual from employment. Determination of suitability for employment based on the background check will be made consistent with the University policy and any applicable state or federal law or regulation. Unless otherwise provided by law, factors considered in determining the eligibility for employment may include but not be limited to the following:
  - Relevance of the crime to the position sought;
  - The nature of the work to be performed;
  - Time since the conviction;
  - Age of the candidate at the time of the offense;
  - Seriousness and specific circumstances of the offense;
  - The number of offenses;
  - Whether the applicant has pending charges;
  - Any relevant evidence of rehabilitation or lack thereof;
  - Any other relevant information, including information submitted by the employee.
- The HR Director then will review the results with the Sr. Vice President for Finance and Administration for a final decision on employment. These discussions, as well as the final determination, will be confidential and may require official approval or disapproval from the Provost and Vice President for Academic Affairs and/or consultation with the President.
  - If the authorized individual, (the Director of Human Resources) and the Senior Vice President for Finance and Administration deems that the individual's record indicates a risk to other employees or vulnerable populations participating in the University programs, the University may take actions including but not limited to withdrawal of the offer of employment, placing restrictions on work methods or activities. In the case of restrictions placed on work methods or activities, the Director of Human Resources will provide a written statement detailing the restrictions that must be signed by the employee and the Director of Human Resources before employment can continue. This statement will be placed in the employee's personnel file.
- At the conclusion of the background check process, Human Resources will notify the hiring supervisor that the background check has been completed and whether the hiring manager may

proceed with an offer of employment based on the results of this investigation. At no time may a candidate start work prior to the successful completion of a background check.

- Human Resources will prepare and sign a document to be placed in the employee's personnel file simply stating the type of background check performed and date completed. All information, discussions and records relating to the background check will be confidentially maintained in the Offices of the Human Resource Department.

#### Notification of Background Check Completion.

- Human Resources will notify the immediate supervisor once the process is completed.
- All results of a background investigation are confidential and Human Resources shall only disclose to the immediate supervisor that the applicants' results were either positive or negative.
- Any adverse decision will be disclosed and shared with applicant in accordance with applicable federal and state laws or regulations, including the federal Fair Credit Reporting Act.
- Criminal background investigation records will be received and maintained as part of a confidential file in Human Resources separate from the employee's personnel file; however, a notice a background check has been performed will be placed in the employee's file.

#### Offers of Employment:

- Should the University need to make an offer prior to the results of the background check verification, any verbal or written offers of employment shall include a statement that the employment offer is contingent upon the satisfactory completion of the background check.
- At no time can employment commence until the results of the background check have been verified.

Sanctions. Those who violate the terms of this policy, including violations of confidentiality, may be subject to disciplinary action up to and including termination.

Policy Effective Date: January 1, 2014

Approved: 12/17/2013