

UNIVERSITY POLICY

Policy Name:	Background Checks for Candidates for Staff and Faculty Positions				
Section #:	60.1.30	Section Title:	Universitywide HR Policies & Procedures Human Resources (HR)	Formerly Book:	
Approval Authority:	Senior Vice President for Human Resources and Organizational Effectiveness		Adopted:	07/10/2018	Reviewed: <u>12/24/2018</u>
Responsible Executive:	Senior Vice President for Human Resources and Organizational Effectiveness		Revised:	<u>12/24/2018</u>	
Responsible Office:	University Human Resources		Contact:	Human Resources 848-932-3020 policies@hr.rutgers.edu	

1. Policy Statement

All candidates for regular and temporary staff and faculty positions must undergo a background check and have certain credentials and other background information verified as a condition of employment.

2. Reason for the Policy

To establish consistent standards for conducting background checks on candidates for University staff and faculty positions. This policy is intended to assist Rutgers in meeting its commitment of providing a safe learning and working environment while ensuring that its academic and research missions are supported by qualified candidates.

3. Who Should Read This Policy

All Rutgers employees.

4. Resources

[University Policy 30.4.5: Records Management](#)

[University Policy 60.9.3: Governance of University Volunteer Use/Volunteer Processing](#)

[University Policy 60.9.53: Staff Personnel Records](#)

[United States Equal Employment Opportunity Commission: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964](#)

5. Definitions

N/A

6. The Policy

- A. In addition to positions that require a background check as per state or federal law and/or as a requirement of the position, individuals hired into any University Class 1, 3, ~~or 4~~, or 8 staff position or Class 1, 4, ~~or 7~~, or 8 faculty position will be required to have a background check performed prior to the commencement of employment, with results deemed acceptable by the University as a condition of employment. This requirement is applicable to:
1. Individuals who have never been employed previously by the University in any capacity;
 2. Individuals who have been employed previously by the University in any capacity but have never undergone a background check;
 3. Individuals who have been employed previously by the University and have undergone a background check but have had a break in service of over 365 days from their last date of pay listed in the University's payroll system;
 4. Individuals who have previously held ~~non-permanent~~temporary positions and are applying for ~~permanent~~regular positions;
 5. Individuals who have previously held a faculty appointment and are receiving a new appointment (e.g., Part-Time Lecturer) but have never undergone a background check; and/or
 6. Individuals who are currently employed by the University and are moving to a new position that requires a background check as per state or federal law and/or as a qualification for the position.

An offer of employment will not be final and commencement of employment not permitted until the completion of the background check with results deemed acceptable by the University, unless an exception is sought by the department and granted under extraordinary circumstance or for specific purposes by the Senior Vice President for Human Resources and Organizational Effectiveness or his or her designee. Employment may be denied or rescinded based upon the results of the background check.

- B. Finalists for employment must sign a form authorizing the University to have a background check performed on them by a consumer reporting agency engaged by the University to conduct such checks. A finalist's failure to consent to a background check is grounds for the rejection of the finalist.
- C. Background checks shall include, but not be limited to, a Social Security Number trace to confirm past residences and/or a validation of the Social Security Number, a criminal background check search (county, state, and federal level), and a Sex Offender Registry check.

Additionally, other checks may be conducted when appropriate in relation to the position and function, as determined by University Human Resources and the hiring department, such as: motor vehicle history; credit reports; civil legal proceedings; excluded parties lists/federal healthcare reimbursement sanctions and exclusions checks (e.g., Office of the Inspector General (OIG), Food and Drug Administration (FDA), General Services Administration (GSA), and Office of Foreign Assess (OFAC)); media search; verification of professional credentials or licensures; verification of education and/or previous employment; and professional references.

The criminal background check search may involve all levels of criminal offenses, all types of adjudications, all legal processes not yet resolved, and all types of offenses

extending as far back as possible. The University will conduct an appropriate United States criminal background check on an applicant for employment who is a foreign national and subject to this policy. A criminal background check in the individual's prior country(ies) of residence also may be conducted if his/her prior country(ies) of residence provides a criminal background check for the time period during which the individual was a resident.

- D. Omission of required information, or false or misleading information, provided on the candidate's submission for employment in the University's applicant tracking system and/or resume, or in any other communication to the University by the candidate, may result in denial or rescission of an offer of employment, or disciplinary action or dismissal for current University employees.
- E. If a background check report reveals information of concern which the University may deem unfavorable, University Human Resources shall provide the individual with a copy of the report and the document "A Summary of Your Rights Under the Fair Credit Reporting Act" and require the individual to provide a detailed written description and explanation of the information contained in the report, along with appropriate documentation, such as police reports or court documents. This information must be returned to University Human Resources within five (5) business days of the date the communication is sent to the individual. The University may also independently seek additional information, such as a copy of the original criminal charge, in order to corroborate the individual's explanation.
- F. University Human Resources, in collaboration with the Office of General Counsel, if necessary, will review the report and the individual's explanation and will consider factors outlined in the Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records Employment Decisions under Title VII of the Civil Rights Act of 1964," such as: the nature and seriousness of the offense; the circumstances under which the offense occurred; the relationship between the duties to be performed as an employee and the offense committed; the age of the person when the offense was committed; whether the offense was an isolated or repeated incident; the length of time that has passed since the offense; past employment history; evidence of successful rehabilitation; and the veracity of the information provided by the candidate in the application materials, disclosure form, or other materials. If University Human Resources deems the background check information unfavorable, or if the individual fails to provide additional documentation as required, an offer of employment may be denied or rescinded. Unresolved matters in the background check or delay by the individual in providing additional documentation as required may necessitate postponement of the final decision pending the outcome of the matter, or rescission of an offer of employment.
- G. If an individual's offer of employment is denied or rescinded based on information obtained from a background check report, the individual will be advised of the name and address of the consumer reporting agency that furnished the report, and of the right to dispute the accuracy or completeness of any information contained in the report by contacting the consumer reporting agency directly.
- H. Due to the sensitive nature of the information contained in background check reports, individuals responsible for implementing this policy must take steps to limit disclosure, unless such disclosure is required for a business necessity or by law, and must abide by University policies and procedures governing management and disposal of records (see References, above).
- I. Nothing in this policy shall preclude an individual from undergoing additional and/or more comprehensive background checks that may be required pursuant to state or federal law.
- J. Exceptions to any provisions within this policy may be granted only by the Senior Vice President for Human Resources and Organizational Effectiveness or his or her designee.