
PRE-EMPLOYMENT BACKGROUND SCREENING POLICY

Category: Human Resource Management

Responsible Office: Human Resource Management Office

Date Established: 01/01/2015

Date Last Revised: 03/27/2015

Date Posted to Library: 09/12/2016

POLICY SUMMARY

This policy requires the verification of credentials, criminal history, and other information related to employment decisions.

POLICY

Policy Statement

SUNY Buffalo State will perform pre-employment background checks on final applicants prior to all new appointments (part-time and full-time) for faculty, professional staff, classified staff and graduate assistants. For this purpose, a new appointment is defined as one which requires completion of an I-9 Form.

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.

Applicants will be notified of the college's background checking policy authorizing SUNY Buffalo State to conduct a background investigation which may include: identification, educational credential(s) confirmation, criminal conviction verification, sexual offender registry status, driving records, and employment background.

Inconsistency, omission, or falsity of information provided by the applicant versus that obtained by the background investigation may disqualify the applicant from an employment offer.

Those applicants who are discovered to have past criminal convictions will be evaluated for employment. If there is a direct relationship between the criminal offense and employment, whereby the granting of employment would involve an unreasonable risk to property, safety, welfare of specific individuals or the general public, the applicant may be denied employment. Factors that will be considered in determining employment consideration include:

- Specific duties and responsibilities related to employment
- The bearing, if any, the criminal convictions will have on ability to perform job duties
- The time that has elapsed since the criminal offense
- The age of the applicant at the time of the criminal offense
- The seriousness of the offense
- The legitimate interest in protecting property

- The safety and welfare of individuals and the general public
- Any information produced by the applicant, or produced on his/her behalf, in regard to rehabilitation and good conduct
- Overall public policy of New York State to encourage the employment of persons previously convicted of one or more criminal offenses

Prior to an offer of employment, the applicant will be asked to sign an authorization release form, separate from the employment application, allowing SUNY Buffalo State to conduct a background investigation. Failure of an applicant to sign the authorization release form will disqualify the applicant from further consideration for appointment.

All information received in the background investigation process will be maintained in confidential, secure files, separate from employee personnel files, with access allowed only to those who have a legitimate business related reason to review the information.

Background

SUNY Buffalo State is committed to maintaining a safe environment for its faculty, staff, students, volunteers and others who use our facilities. Therefore, SUNY Buffalo State will conduct pre-employment background investigations on all individuals for whom employment is to be offered.

Applicability

This policy applies to all final applicants who have been given a conditional offer of employment and who are not currently employed on the SUNY Buffalo State payroll.

Definitions

Appointment – For the purposes of this policy, a new appointment is defined as a hire requiring completion of an I-9 Form.

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.

Responsibility

Human Resource Management Office

- The Human Resource Management Office will have responsibility for ensuring all applicants are aware of the college's policy for background investigations. This will be communicated via the applicant tracking system, the Human Resource Management Office website, and employment advertisements. Position advertisements (postings) will contain notification to applicants that, prior to hiring, the final applicant must successfully pass a pre-employment background investigation.
- The Human Resource Management Office is responsible for ensuring background investigations are completed within the guidelines of this policy and federal and state regulations.

- If the background check provides information on criminal convictions or inaccuracies, the Human Resource Management Office will consult with the appropriate hiring authority and, if appropriate, legal counsel, to determine the nexus of the conviction/inaccuracies to the job duties to be performed and other safety factors as indicated in the policy. In consultation with senior leadership, a decision will be made if the applicant needs to be disqualified based on the results of the information contained in the background investigation.
- Applicants will be formally notified in writing that SUNY Buffalo State has received disqualifying information from the consumer report. The applicant will be presented with the information obtained in the background check pursuant to the Fair Credit Reporting Act and will be provided an opportunity to respond to the facts of the situation as provided by the Fair Credit Reporting Act. Applicants will also be provided with a copy of Article 23-A of the New York Correction Law.
- After five (5) business days, barring the receipt of any new information that changes or clarifies the consumer report and eliminates any discrepancies, SUNY Buffalo State shall send the applicant a second letter rejecting his/her candidacy based on the disqualifying information generated by the consumer report.

Department Head/Chair

- Provide the authorization release form to all applicants invited for an interview and forward completed authorization release forms to the Human Resource Management Office.
- If the vacancy does not have a posting in the applicant tracking system, ask the applicant to complete a paper employment application.
- Extend a verbal offer of employment contingent upon the positive outcome of the background investigation and subject to the approval by the senior administrator authorized to make personnel appointments.
- Contact the Human Resource Management Office with the name of the desired applicant so they may initiate the background investigation request.
- Upon notification from the Human Resource Management Office by e-mail, proceed with routing an Appointment Form where appropriate.

Procedure

1. All applicants invited for an interview will be asked to sign an Authorization Release Form, allowing SUNY Buffalo State to conduct a background investigation which may include: identification, educational credential(s) confirmation, criminal conviction verification, sexual offender registry status, and employment background. The Authorization Release Form includes and provides a copy of the Fair Credit Reporting Act Summary of Rights (FCRA) and a copy of Article 23-A of the New York Correction Law for the applicant. Failure of an applicant to sign an Authorization Release Form will disqualify the applicant from further consideration for appointment.
 - a. For applicants invited for an interview by the Department Head/Chair, the Department Head/Chair will provide the Authorization Release Form to the applicant.
 - b. For applicants invited for an interview by a Search Chair, the Search Chair will provide the Authorization Release Form to the applicant.

2. Completed Authorization Release Forms should be promptly forwarded to the Human Resource Management Office in a confidential envelope. This can be done either by the applicant directly, or if more convenient, by the Department Head/Chair or Search Chair.
3. If the vacancy does not have a posting in the applicant tracking system, the applicant should complete a paper employment application.
4. After the interviews, any verbal offer extended to an applicant is contingent upon the positive outcome of the background investigation and subject to approval by the senior administrator authorized to make personnel appointments.
5. Any written or verbal communications with an applicant regarding a potential hire must emphasize that the appointment is contingent upon the positive outcome of the background investigation and subject to approval by the senior administrator authorized to make personnel appointments.
6. Once a contingent verbal offer is accepted, the Department Head/Chair contacts the Human Resource Management Office with the name of desired applicant and the Human Resource Management Office initiates the background investigation request with the applicant and the vendor.
7. Following review of the background investigation results, the Human Resource Management Office will notify the Department Head/Chair or hiring manager by e-mail whether to proceed with routing an Appointment Form for the selected applicant. No Appointment Form should be routed prior to this notification.
8. Once an Appointment Form is approved by the senior administrator authorized to make personnel appointments, a written contract offer is prepared, signed, and mailed to the applicant. The Dean's Office prepares contracts for part-time faculty and graduate assistants; the Human Resource Management Office prepares all other contracts and appointment letters.
9. All information received in the background investigation process will be maintained in the Human Resource Management Office in confidential, secure files, separate from employee personnel files.

RELATED INFORMATION

Documents and Forms:

[SUNY Buffalo State Authorization Release Form for Applicants and appointment forms](#)

Related Links:

[Fair Credit Reporting Act \(FCRA\)](#)

[New York State Correction Law, Article 23-A](#)

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REVISION HISTORY

Date of change: 03/27/2015

Brief description of edit: Adapted to standard template

APPROVAL

Approved prior to 2016