Background Check
Policy and Procedures

This policy applies to all potential hires for staff (union and non-union) positions and certain volunteer positions.

Purpose:
It is important that the College's academic mission is supported by qualified employees, and that we provide a safe and secure environment for all College constituents, including students, employees and visitors. It is vital that Skidmore act in a proactive and responsible manner in order to protect all its human, fiscal, property and other assets.

Policy:
Any offer of employment to an external candidate for a staff (union and non-union) position at the College will be contingent upon the acceptable results of a pre-employment background check. This will serve to promote consistency in safe hiring practices through better screening of applicants. Background checks will also serve to promote compliance with legal requirements and reduce our liability; especially in employment positions that require interaction with minors.

Process:
To ensure privacy, all background screenings are conducted by a third party. All screenings are conducted in strict conformity with the Federal Fair Credit Reporting Act (FCRA), the Drivers' Privacy Protection Act (DPPA) and state and federal anti-discrimination and privacy laws. All reports are kept strictly confidential and are only viewed by individuals in Human Resources who have direct responsibility in the hiring process and others who have a need to know. All screening reports are kept in a sealed envelope in the employee's personnel file.

If a background check will include a "consumer report" or "investigative consumer report" prepared by a third party, the applicant will be provided with a written disclosure clearly stating that a consumer report will be obtained. If the report will include criminal history information, a copy of Article 23-A of the Corrections Law must also be provided to the applicant. The College must also obtain the applicant's written consent before requesting the report. Any applicant who refuses to consent to the required background screening will not be considered for employment.

Job Categories for background checks: The following is a guideline for what type of background screening may be conducted on applicants depending on the position for which they are applying.

Check Type	National Criminal Database & National Sex Offender	Criminal Felony & Misdemeanor	SSN Trace – per applicant	Employee Credit History	Federal Criminal	Education
Basic	X	X	X			
Basic w/ Education	X	X	X			X
Campus Safety	X	X	X	X	X	
Fiduciary	X	X	X	X		
Fiduciary w/ Education	X	X	X	X	X	X

DWI checks are conducted for any applicant who will be required to drive a College vehicle.

Personnel Authorized to Request/Review Background Reports:
Human Resources will be responsible for requesting all background screenings from the third-party reporting agency. Only Human Resources staff who have direct responsibility in the hiring process and others with a need to know are authorized to make this report and view the results.

In the event a background screening contains any area or areas of concern, the report will be reviewed by Human Resources to determine if the information contained on the report constitutes an unsatisfactory background check, as discussed below.

Consideration of Information Obtained in Background Reports:
A prior arrest resolved in favor of the applicant will not be considered in employment decisions.

A criminal conviction can be considered in employment decisions when the conviction is directly related to the position sought where granting employment would create an unreasonable risk to property or to the safety and welfare of others.

If a background report reveals that an applicant has a criminal conviction(s) on record, the following factors will be considered before making an employment decision based on the conviction(s):

- The public policy of New York State to encourage employment of individuals with prior convictions.
- The affect the offense(s) will have on the fitness or ability of the applicant to perform one or more of the duties and responsibilities of the position.
- The time that has elapsed since the occurrence of the criminal offense.
- The individual's age at the time the offense was committed.
- The seriousness of the offense.
- Any information produced by or on behalf of the applicant regarding rehabilitation and good conduct.
- Skidmore's legitimate interest in protecting property and safety of individuals and the general public.

Before the College denies employment wholly or in part because of information obtained in a background report, the College must inform the applicant, provide the applicant a copy of the background report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act". The candidate has a period of seven (7) calendar days to refute disputed information with the third-party reporting agency conducting the background check on behalf of the College.

If the College ultimately makes an adverse employment decision based in whole or in part on information obtained in a background check, the College must provide the applicant: notice of the adverse action; the name, address, and phone number of the consumer reporting agency that supplied the report; a statement that the consumer reporting agency that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his or her right to an additional free consumer report from the agency, upon request, within 60 days.