Pre-Employment Background Checking Policy and Procedure

Purpose:
The purpose of this policy is to:

- promote consistency in safe hiring practices through more thorough screening of job applicants
- increase legal compliance and reduce risk of liability especially in employment positions that require interaction with minors

Pre-employment/pre-placement background checks will help ensure that the College's academic mission is supported with qualified employees, and that we provide a safe and secure environment for all of the College's constituents including students, employees and visitors. This process supports Skidmore's ability to act proactively and responsibly in protecting its human, fiscal, property and other assets.

Policy:
Post-job offer, pre-employment/pre-placement background checks will be required for:

- Prospective employees ("finalist" applicants) for all new hires
- Skidmore employees moving from temporary or on-call to a regular employment status; or being renewed in their temporary position
- Skidmore employees transferring into jobs which change their level of responsibility in:
  - handling cash, billing or salary information (e.g., cashiers, Bursar and/or Financial Services staff members); and/or
  - interacting with students or minors (e.g., responsibility for working with students or minors, greater accountability for the welfare of students or minors, and/or closer interaction with students or minors)

Any job offer made to these job candidates will be contingent on the satisfactory results of the background check. Candidates who do not consent to being background checked, or do not complete the required steps for a check to be conducted, will not be considered for employment or transfer (as outlined above).

Process:
Note: Whenever a job candidate is being considered for employment and discloses, or has disclosed (verbally or in writing) his/her previous conviction of a criminal offense, the hiring supervisor must consult with the Assistant Director of Equal Employment Opportunity and Workforce Diversity (ADEWD) to determine appropriate response/action.

When an offer is made to a candidate, the hiring supervisor (DOF or Assoc. DOF) will notify the candidate of the following:

- the job offer is contingent on the satisfactory results of a background check and a start date will be set when the candidate has cleared pre-employment screening requirements (Note: Candidates for Union positions will also be required to complete and pass a physical capabilities/drug screening as specified in the Physical Capabilities/Drug Screening Policy and Procedure).
- Human Resources will send the candidate an e-mail with a link to the Background Check Disclosure and Authorization Form, which the candidate must review, complete and submit on-line to initiate the background check.

The hiring supervisor (DOF or Assoc. DOF) should also encourage the candidate to complete and submit the form promptly, and to notify Human Resources promptly if she/he does not receive the e-mail within one

business day, or if for any reason the candidate is unable to complete the Disclosure and Authorization Form on-line.

If the candidate does not have an e-mail address, the hiring supervisor (DOF or Assoc. DOF) should ask the candidate to promptly contact the Employment Coordinator* in Human Resources (phone number: (518) 580-5800) to schedule a time to review and complete the form on-line in Human Resources.

Once the hiring supervisor (DOF or Assoc. DOF) has notified the candidate of these requirements, the hiring supervisor (DOF or Assoc. DOF) will notify the Employment Coordinator* that he/she has done so. If the candidate does not have an e-mail address, the hiring supervisor (DOF or Assoc. DOF) also will notify the Employment Coordinator* of that to expedite the process.

If a candidate refuses to consent to a background check, or does not complete and submit the Background Check Disclosure and Authorization Form within one (1) business day of receiving the form from the Employment Coordinator*, the hiring supervisor (DOF or Assoc. DOF) will inform the candidate that, in accordance with College policy, she/he will not be considered for employment unless she/he complies with the requirement.

All background checks will be conducted by a qualified third party and in conformity with the Federal Fair Credit Reporting Act (FCRA), the Drivers' Privacy Protection Act (DPPA), and state and federal anti-discrimination and privacy laws. Only Human Resources is authorized to request background checks from the third-party reporting agency.

Background check reports will be kept strictly confidential. They will be viewed by or shared with only Human Resources employees who have direct responsibility in the hiring process and those who have a need to know.

Type of background check conducted by position**:** The type of background check conducted may vary based on the position's requirements.

Check Type	Criminal Databases & National Sex Offender	SSN Trace - per Applicant	Employee Credit History	Federal Criminal	Education
Basic*	X	X			
Basic w/ Education	X	X			X
Campus Safety	X	X	X	X	
Fiduciary**	X	X	X	X	
Fiduciary w/ Education	X	X	X	X	X
Instructional	X	X			X

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

* Minimum background check
** Positions required handling cash, billing and salary information (i.e. cashiers, Bursar, Financial Services, etc.)

<u>Consideration of Information Obtained in Background Reports</u>: When an applicant's background check results are received, Human Resources will examine the results to determine if (1) there is a direct relationship between a negative result and the type of employment sought; or (2) granting the type of employment sought would create an unreasonable risk to property or safety of others. After reviewing the results, if there is a criminal offense identified, Human Resources will consider the following factors:

(a) The public policy of the State of New York, to encourage the employment of persons previously convicted of criminal offenses;

(b) The specific duties and responsibilities necessarily related to the type of employment sought by the applicant;
(c) The bearing, if any, the criminal offense or offenses for which the applicant was previously convicted will have on his/her fitness or ability to perform one or more such duties or responsibilities;
(d) The time which has elapsed since the occurrence of the criminal offense or offenses;
(e) The age of the applicant at the time of occurrence of the criminal offense or offenses;
(f) The seriousness of the offense or offenses;
(g) Any information produced by the applicant, or produced on his/her behalf, in regard to his/her rehabilitation and good conduct; and
(h) The College's legitimate interest in protecting property, and the safety and welfare of specific individuals or the general public.

After making its determination, Human Resources will notify the hiring supervisor that the applicant is "clear for hire" or "not clear for hire." If the applicant is "not clear for hire", Human Resources will review the results with the hiring supervisor (DOF or Assoc. DOF) to determine an appropriate course of action.

Before the College takes any adverse action including, but not limited to, denying a candidate employment/transfer into a position based wholly or in part on information in a background check report, Human Resources will issue the candidate a pre-adverse action notice.

Skidmore will give the candidate seven (7) business days from the day the pre-adverse action notice is issued to respond to the notice. No job offer may be extended to another candidate until the decision to deny employment has been finalized.

If, based wholly or in part on information in a candidate's background check report, a decision is made to deny the candidate employment/transfer into a position, the hiring supervisor (DOF or Assoc. DOF) will notify:
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- the candidate that based on unsatisfactory results of the pre-employment screening, the candidate will not be employed/transferred, and that the job offer will be rescinded; and
- the Assistant Director of Compensation and HRIS that the candidate has been notified of same.

Candidates who want to discuss their background check results and/or their bearing on an employment decision should be referred to Human Resources. Under no circumstances should a hiring supervisor or anyone else outside of Human Resources address questions about background check results.

Upon receipt of notice from the hiring supervisor that a decision has been made to rescind a job offer, and that the candidate has been notified of same, the Assistant Director of Compensation and HRIS/designee will issue an adverse action notice to the candidate rescinding the job offer.

* For summer program positions, the HRIS Coordinator will function as the Employment Coordinator in all respective parts of the recruitment and hiring process.

Implementation/Effective Date	July 25, 2011
Personnel and Entities Affected	Potential new hires. Skidmore employees moving from non-regular to regular employment status or being renewed in their temporary position. Internal transfers with increased responsibility for: handling cash, billing or salary information; and/or interacting with students.
Responsible Office	Human Resources
Policy Website Address	
Related Documents	Physical Capabilities/Drug Screening Policy and Procedure
Date of Update	June 29, 2012
Reviewed by	
Endorsed by	

This policy is not a contract. Skidmore College may eliminate, depart from, or change this policy for any reason at any time, with or without notice.