PRE-EMPLOYMENT BACKGROUND SCREENING

Summary

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

This policy is currently in the pilot stage. The areas being piloted include Business Services and Chief Information Office (CIO) professional staff; Athletics coaches; and all University Facilities and University Residence Hall staff.

Policy

POLICY STATEMENT

The University at Buffalo (UB) requires certain credential, criminal, and other background information to be verified as a condition of employment for all new employees, regardless of funding source.

The following background checks must be completed as a condition of employment:
- identity verification
- employment verification
- criminal history check
- sex and violent offender registry check
- educational verification (when required)
- license verification – includes certifications and professional credentials (when required)

In addition, once the above background checks are met satisfactorily, certain positions require satisfactory completion of a medical examination after a conditional offer of employment is made and prior to employment.

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.

If the University has performed any of the above verification or background checks on an individual within the past year, a new verification or background check of that specific category is not required. The results of the previously performed verification and/or background check will be considered in any pending employment decision.

This policy does not preclude more extensive background checks required by law or regulation for specific positions.
Fees
The hiring department is responsible for all fees related to conducting background checks.

Conditional Offer of Employment
• All conditional offers of employment, oral and written, must include the following statements:

  This offer is contingent on the University's verification of credentials and any other information required by state law and University at Buffalo policies, including the completion of a criminal history check. You will be required to provide the third-party vendor electronic consent for background checks and your identifying information, including date of birth and social security number.

• If a medical examination is also required as a condition of employment (certain positions only), the written and/or oral conditional offer of employment must include the following statements:

  This offer is contingent on the University's verification of credentials and any other information required by state law and University at Buffalo policies, including the completion of a criminal history check. Should this background check be satisfactory, a medical examination will then be required and such offer is contingent upon satisfactory completion of that medical examination. You will be required to provide the third-party vendor electronic consent for background checks and your identifying information, including date of birth and social security number.

BACKGROUND
The University’s academic and research missions must be supported by qualified employees and a safe and secure environment for all University constituents, including students, visitors, and employees. The University must take meaningful actions to protect its funds, property, and other assets.

APPLICABILITY
This Policy applies to all job applicants who have been given a conditional offer of employment and who are not currently employed on any UB payroll. (Pilot includes Business Services, and Chief Information Office (CIO) professional staff; Athletics coaches; and all University Facilities and University Residence Hall staff.)

DEFINITIONS
Criminal history check – verification that the selected applicant does not have any undisclosed criminal history in the jurisdiction where the applicant currently resides or has resided in the last seven years. This background check will be initiated after acceptance of the conditional offer of employment.
Educational verification – confirmation that the selected applicant possesses all educational credentials beyond high school listed on the application, resume, cover letter, or otherwise cited by the candidate that qualify the individual for the position.

Employment verification – confirmation that the selected applicant actually worked in the positions listed on the application, resume, cover letter, or otherwise cited by the candidate that qualify the individual for the position, as well as all employment during a period of at least seven years immediately preceding application to UB. This verification includes dates of employment and verification of last position held.

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.

Foreign National – person present in a country who does not currently have the right to permanent residency in that country.

Identity verification – confirmation that an individual is who they claim to be.

License verification – confirmation that the selected applicant possesses all the licenses listed on the application, resume, cover letter, or otherwise cited by the candidate that qualify the individual for the position; also verification of any license required for the position, including verification of the disposition of such licenses. This includes any motor vehicle driver licenses required for the associated position and professional credentials.

Medical examination – verification that the selected applicant can physically perform the duties of the position and/or does not pose a health or safety risk to him/herself or others.

New employee – an individual appointed to a position, regardless of the funding source, who is not currently employed on any UB payroll. This includes both full and part-time staff positions. Student assistants, graduate/teaching assistants, and volunteer appointments are excluded for purposes of this policy.

Sex and violent offender registry check – verification that the selected applicant does not have undisclosed convictions of certain sex and violent crimes in the jurisdiction where the applicant currently resides or has resided.

RESPONSIBILITY

University Human Resources Office (UHR)/Divisional Human Resources (DHR)

- Determine the components of the background check that must be performed applicable to the position.
- When notification is received via UB Jobs or a temporary appointment has been approved by UHR/DHR, authorize the third-party vendor to complete a background check, providing them with the appropriate information on the candidate.
- Receive results of the various background checks, evaluate the results, and take appropriate action:
If the background check indicates there are no convictions or inaccuracies, the initiator of the request will inform the department hiring manager that the employment offer is confirmed.

If the criminal history and other required checks indicate there are convictions or inaccuracies, UHR/DHR, through the third-party vendor, will provide a copy of the report and the FCRA notice permitting review and dispute rights to the selected applicant, as well as notices required by New York State law. All related information will be treated and protected as confidential information.

If the criminal history check reveals convictions which the selected applicant disclosed in the application, UHR/DHR will review the report and any additional information the applicant provides and evaluate each conviction before the conditional offer of employment is confirmed or withdrawn. The existence of a conviction does not automatically disqualify an individual from employment. Relevant considerations may include, but are not limited to, the nature and number of convictions, their dates, and the relationship a conviction has to the duties and responsibilities of the position.

If unreported convictions are revealed in the background check, or other falsifications are detected, the conditional offer of employment will be withdrawn unless the individual shows that the report is in error. If the individual asserts that the report is in error, the University will provide a reasonable period of time for the applicant to submit proof and/or dispute the third-party vendor’s report through applicable procedures.

The decision to reject an individual with convictions, an unreported conviction, or other falsification is solely at the discretion of the University at Buffalo and will be made jointly between UHR/DHR and the hiring department.

If the results of the background check influence a decision to withdraw a conditional offer of employment, UHR/DHR will inform the hiring department, and direct the third-party vendor to inform the individual of such on UB’s behalf, along with their rights under FCRA.

All applicable required notices in compliance with FCRA and New York State law will be provided to the candidate. The candidate may appeal to UHR any decision to withdraw a conditional offer of employment as a result of a background check.

Violations of University policies, including providing false or misleading information used for any of the above background checks, will be handled in accordance with applicable policies and procedures, which may include withdrawal of an employment offer and/or disciplinary actions up to and including termination from the University.

- Maintain records indicating the item verified, the date(s) of the verification, and the status of the verification. This information shall be retained in a record for the associated applicant, and access will be limited to those with a legitimate business need.
- Coordinate the third-party vendor invoices and payments for performing background checks.
- Monitor the hiring decisions made in cases where the background checks reveal convictions/inaccuracies and assist in resolving the case.

Hiring Department
- Extend a conditional offer of employment to the selected applicant only after an Approval to Hire has been received through UB Jobs or when a temporary appointment has been approved by UHR/DHR.
• Ensure that the conditional offer of employment includes the statements regarding credential verification, background check consent, and when appropriate, the medical examination.
• Notify UHR/DHR that the candidate has accepted the conditional offer of employment.
• Ensure that background checks are complete, as confirmed by UHR/DHR, prior to confirming the offer of employment to the selected candidate.
• Process appropriate paperwork for initiating payment to the vendor for fees associated with the background check.

Contact Information

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Related Information

Related Links:
Research Foundation Guidelines for Pre-employment Background Checks
https://portal.rfsuny.org/portal/page/portal/Pers_Admin/Hiring_New_Employee_Process/per_pre-employment-background-check_guid.htm
The Fair Credit Reporting Act
http://www.ftc.gov/os/statutes/031224fcra.pdf
NYS Correction Law, Article 23-A
http://www.labor.state.ny.us/agencyinfo/article23a.shtm

University Approval

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