

William Paterson University Policy

SUBJECT:	University Background Checks	TITLE:	Employee and Third Party Background Investigation Policy		
CATEGORY: Check One	Board of Trustees <input type="checkbox"/>	University <input checked="" type="checkbox"/>	Functional <input type="checkbox"/>	School/Unit <input type="checkbox"/>	
Responsible Executive:	Associate Vice President for Human Resources		Responsible Office:	Human Resources	
CODING:	01-30-30-05-00	ADOPTED:	May 3, 2013	AMENDED:	05/03/13
			LAST REVIEWED: 05/03/13		

I. PURPOSE

William Paterson University intends to maintain a safe and productive educational and employment environment. The purpose of this policy is to promote campus safety and the security of personal and/or university property, consistent with the requirements of the law and University policy.

II. ACCOUNTABILITY

The Associate Vice President of Human Resources will be accountable for this policy along with the various hiring departments.

III. APPLICABILITY

This policy applies to all prospective or newly hired University employees regardless of whether they are faculty, adjuncts, staff (professional, managerial and classified, full-time, part-time, temporary, volunteer, project and seasonal .) This policy likewise also applies to University employees, students and third parties required to submit to a background check under the Minors on Campus Policy. This policy does not otherwise apply to students or interns unless specified herein or in the “Background Check and Degree Verification Procedures, (“The Procedures”). More specifically, this policy does not cover any background check requirements for students that may be required as part of their educational program or clinical participation. Those requirements are found in the student handbook and other materials establishing the student’s respective course of study. This policy also only applies to current employees in cases of the following:

- A. When a current employee applies for and is the successful candidate for a transfer or promotional opportunity position that requires a background check as a new employee, pursuant to the Procedures. This requirement only applies to current employees whose “new” position would require them to engage in “new activities” that require a background check under “The Procedures.” This requirement does not apply to current employees who have been transferred, hired or promoted into such a

position, who currently perform similar “activities” in their current position or have previously performed these activities at any time during their past service with the University;

- B. When the current employee is engaged in any activity that requires a background check under the Minors on Campus Policy;
- C. When required by University Policy or applicable law.

IV. REFERENCE(S)

Background Checks and Degree Verification Procedures.
Minors on Campus Policy (“The Instructional Program and Events Policy on Minors” and the “Minors Utilizing Campus Facilities and Campus Visitation Policy.”)

V. POLICY

The University will require a background check of all newly hired employees. Each background check will, at a minimum, require a social security number trace search, criminal record search and sexual crimes search, a verification of employment history and an assessment of personal and/or professional references. Additional information such as, but not limited to, education verification, credit report, driving record, physical and psychological examination, drug/ substance testing, and fitness for duty examinations, may also be required on a case by case basis pursuant to the “Background Checks and Degree Verification Procedures.”

A. Employee Background Checks-All New Hires

1. The Department of Human Resources, (“HR”), is responsible for initiating or overseeing the appropriate background check and/or testing for all new hires with the exception that the Search Committee chairpersons will be responsible for reference checks in the case of unclassified staff.
2. All candidates for employment must complete and sign an employment application which informs applicants that they are subject to a criminal background and/or driver's license and vehicle records check, if applicable. The candidate’s signature authorizes the University to investigate all statements made on the application and authorizes educational institutions, employers and others to respond to questions concerning information contained in the application.
3. All new hires must complete a "Background Investigation General Release Form" and receive a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act."

4. Conditional job offers may be extended pending the satisfactory results of all relevant checks. New hire letters will include language that employment is contingent upon applicable background checks.
5. If a criminal history has been reported by the applicant, and the background check is affirmative, HR will consult with the General Counsel and/or the Attorney General's Office. Except where employment is expressly prohibited by law, each case will be reviewed and factors will be considered such as, but not limited to, the nature and age of the crime reported, the position sought and duties, rehabilitation, the candidate's employment history, and references, the recency of the relevant information and the age of the prospective employee at the time.
6. Prior to taking any adverse employment action based on information contained in a criminal history check, HR will provide the employee or candidate with a copy of the report and a notice summarizing the individual's rights under the Fair Credit Reporting Act and a reasonable opportunity to submit information to HR disputing the accuracy or completeness of the report before a final decision is made. (This disclosure obligation does not apply to information discovered by the University during the process of checking personal and/or professional references and past employment history if that check is performed internally, without the use of a vendor.) Candidates that submit reasonable proof that their credit report has been negatively affected by identity theft, unemployment, health care cost, divorce or other events not related to their own conduct will not have their credit report considered at all as part of the selection process.
7. Data collected from any of these background checks or test will be kept as confidential as possible and not accessible to supervisors and others who might have access to the individual's personnel records.
8. No adverse employment action will be taken without consultation between and among HR, the General Counsel and/or the Deputy Attorney General, the head of the respective hiring department, and other relevant professionals and individuals, depending on the nature of the facts.
9. Nothing above shall prevent the University from performing any background check authorized under this policy based on a reasonable suspicion, or to meet the requirements of university policy or existing law.
10. Background information that is falsely reported may be cause for withdrawal of an offer of employment and/or for termination of employment.

B. Backgrounds Checks-Minors on Campus

1. Third Party Entities or Individuals, not employed by the University, that are engaged in activities described as a “Program” or “Event” under the Minors on Campus Policy must meet the requirements of this policy, including but not limited to the background check requirements of Section V (B) (1) (a) herein, at their own expense. Any Third Party Entity or individual that has met the requirements of N.J.A.C. 8:25-3.2 “New Jersey Youth Camp Safety Standards”, for the current year may forgo additional background checks by supplying a current certificate of approval from the State of New Jersey.
 - a. All members of the staff must supply proof that they have passed a background check (no negative findings) for sexual crimes under the national and local Sex Offender Registry, have no criminal record and have a valid driver’s license, if their job duties include driving a motor vehicle.
 - b. If the Third Party Entities or Individual provides the appropriate information for one year and the staff member remains continuously in the employment of that same employer, the employer can subsequently substitute an affidavit attesting to the fact that the staff member remains in compliance with this requirement if they seek permission to engage in similar “Program or Event” activity at the University in the immediate subsequent year. This affidavit must be executed within 60 days of the commencement of the “Program or Event.”
 - c. Staff members who are added immediately prior to the commencement of the “Program or Event” and have not yet received confirmation of an acceptable background check may still participate provided these members are under direct supervision and not allowed to supervise minors alone. Third Party Entities or Individual must meet the proscribed staffing ratios under the Minors on Campus Policy without inclusion of these unchecked individuals.
2. Current Employees that are engaged in activities described as a “Program or Event” and are subject to a background check under the Minors on Campus Policy must meet the requirements of this policy, including but not limited to the background check requirements of Section V (B) (1) (a).
 - a. If the current University employee is utilizing current University students as unpaid volunteers for the “Program or Event”, in lieu of the sexual crimes background check and criminal history check by a vendor, the Division Student Development ¹ may accept an affidavit from the student,

¹ The Division of Student Development is responsible for monitoring background checks associated with the Minors on Campus Policy.

verified by the Program Coordinator, that a search of the student's name in the online National and local Sex Offender Registry disclosed no negative findings concerning the student employee/volunteer and that a review of the University student's judicial file contained no determination based on a disciplinary hearing that the student had violated a University policy or rule in connection with allegations that the student had committed a crime of violence or a sexual offense. Such students shall not be allowed to supervise minors unless accompanied at all times by an individual who has passed the required background check. Also, this exception shall not apply to any student who is required to have a background check under the Background Checks and Degree Verification Procedures.

- b. If the current University employee successfully passes the background check for one year and the staff member remains continuously in the employment of the University, Student Development can subsequently rely on an affidavit from the employee attesting to the fact that the staff member remains in compliance with this requirement. This affidavit must be executed within 60 days of the commencement of the "Program or Event."
3. Student Organizations that are engaged in activities described as a "Program or Event" under the Minors on Campus policy must meet the requirements of this policy, including but not limited to the background check requirements of Section V (B) (1) (a).
 - a. If the Student Organization is utilizing current University students as unpaid volunteers for the "Program or Event", in lieu of the sexual crimes background check and criminal history check by a vendor, The Division of Student Development may accept an affidavit from the student, verified by the Program Coordinator, that a search of the student's name in the National and local Sex Offender Registry disclosed no negative findings and that a review of the University student's judicial file contained no determination based on a disciplinary hearing that the student had violated a University policy or rule in connection with allegations that the student had committed a crime of violence or a sexual offense. Such students shall not be allowed to supervise minors unless accompanied at all times by an individual who has passed the required sexual crimes and criminal history background check. Also this exception shall not apply to any student who is required to have a background check under the Background Checks and Degree Verification Procedures.

By Direction of the Associate Vice President of Human Resources
Adopted May 3, 2013