

**GENESE0**

THE STATE UNIVERSITY OF NEW YORK

Approved By: Cabinet  
Effective Date: April 26, 2007

Category: Human Resources  
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## Background Investigations Policy

### I. Profile

The State University of New York at Geneseo is committed to maintaining a safe environment for its faculty, staff, students, volunteers and the general public that use our facilities. Therefore, in order to ensure the hiring of employees of the highest integrity and to maintain a safe campus community, SUNY Geneseo will conduct pre-employment background investigations on all individuals for whom employment is to be tendered.

### II. Policy

- A. The College will perform pre-employment background checks on final candidates (part-time and full-time.) Applicants will be notified of our background checking policy authorizing SUNY Geneseo 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.
- B. Inconsistency, omission, or falsity of information provided by the candidate versus that obtained by the background investigation may disqualify the applicant from further consideration in the search process.
- C. 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:
  1. Specific duties and responsibilities related to employment.
  2. The bearing, if any, the criminal convictions will have on ability to perform job duties.
  3. The time that has elapsed since the criminal offense.
  4. The age of the applicant at the time of the criminal offense.
  5. The seriousness of the offense.
  6. The legitimate interest in protecting property.
  7. The safety and welfare of individuals and the general public.
  8. Any information produced by the applicant, or produced on his behalf, in regard to his rehabilitation and good conduct.

9. Overall public policy of New York State to encourage the employment of persons previously convicted of one or more criminal offenses.
- D. Candidates invited to campus for an on-site interview will be asked to sign an authorization form, separate from the employment application, allowing SUNY Geneseo to conduct a background investigation. Failure of an applicant to sign the authorization form will disqualify the applicant from further consideration in the search process.
- E. 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.

### **III. Procedure**

- A. Human Resources will have the responsibility for ensuring all applicants are aware of the College's policy for background investigations. This will be communicated via the On-Line Employment System (PeopleAdmin.), Human Resources website, and employment advertisements. Position advertisement (posting) will contain notification to applicants that, prior to hiring, the final candidate must successfully pass a pre-employment background investigation.
- B. The Office of Human Resources is responsible for ensuring background investigations are completed within the guidelines of this policy and federal and state regulations.
- C. Applicants invited to campus for an on-site interview will be asked to sign an authorization form, separate from the employment application, allowing SUNY Geneseo to conduct a background investigation which may include: identification and educational credential(s) confirmation, criminal conviction verification, sexual offender registry status, driving records, and employment background. The applicant will be given a copy of the Fair Credit Reporting Act Summary of Rights (FCRA.)
- D. Any offer of employment will be made contingent on the positive outcome of the background investigation considering the factors as described in the policy. No external employment candidate may begin work for the College until the appropriate screenings have been completed. A copy of Article 23-A of the New York Correction Law will be provided to candidates required to complete a background investigation at the time employment is offered.
- E. The Office of Human Resources will be responsible for determining the nexus of any criminal conviction 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 candidate needs to be disqualified based on the results of the information contained in the background investigation.
- F. Applicants will be formally notified in writing that SUNY Geneseo 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.
- G. After five (5) business days, barring the receipt of any new information that changes or clarifies the consumer report and eliminates any discrepancies, SUNY Geneseo shall

send the candidate a second letter rejecting his/her candidacy based on the disqualifying information generated by the consumer report.

- H. Hiring departments will be responsible for paying fees associated with background investigations for their search.
- I. All information received in the background investigation process will be maintained in the Human Resources Office in confidential, secure files, separate from employee personnel files.