



# Administration & Finance

Policy & Procedure

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**Issuing Office:** Human Resources

**Policy Number:** FY15-HRS-006-00

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**Policy Name:** Background Checks for New Benefitted Employees

**Original Date Issued:** February 4, 2015

Revision #: September 16, 2015

Last Update:

**Purpose of Policy:** The University of Massachusetts is committed to providing a safe and secure environment, supported by qualified employees that will allow all of its students, faculty, staff, and those associated with them to successfully carry out the University's teaching, research, and public service missions. As a condition of employment, the University will conduct appropriate background checks for all new hires. This policy will be implemented in a manner consistent with the rights of privacy, equal opportunity, and academic freedom afforded to those who serve the University, based on the University of Massachusetts Policy on Employee Background Reviews, Doc. T10-088, Passed by the BoT 12/8/10.

This policy standardizes the guidelines for reviewing the academic and personal backgrounds of new employees to foster integrity and a safe environment for the university community.

**Applicable to:**

This policy shall apply to all departments at UMass Boston, and specifically, the following employees:

- All employees who are appointed on a full-time or part-time benefitted basis.

This policy shall not apply to:

- Employees who are re-hired with a break in service less than one year will be deemed to have satisfied the requirements of this policy.

Note: Non-benefitted full-time and part-time employees, contingent workers, contractors, graduate and undergraduate student employees, and sensitive positions



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will be included at a future date, as well as those promoted internally into another position.

### **Policy:**

The review of the background check will be performed by:

- the vendor the University of Massachusetts has contracted with to perform background checks for UMass Boston,
- the assistant vice chancellor for human resources or designee who has been documented in writing, and
- the adjudication committee of 5 (five) members (one from each area); Human Resources, Office of Diversity and Inclusion, Chancellor's Office, Provost Office and the Department of Public Safety.

Only these individuals will have access to the information contained in the background checks. No printed/paper documents related to background checks will be available. All background check information is electronic.

A standard background check, at a minimum, shall consist of:

- the verification of education (highest degree obtained);
- the verification of previous employment (current employer, if any, and previous seven years,)
- the verification of licensure (where such licensure is required in the job description or is cited in a job posting, resume, curriculum vitae or cover letter);
- a criminal background check which includes both criminal and sex offender record information. A criminal background check includes a review of the candidate's criminal history record check under his/her current, maiden and any alias names, based on their social security # and the state(s) of residence during the last seven (7) years;
- the national sex offender search; and
- reference checks (performed by the department hiring manager).

The university may, depending on the nature of the position, conduct other background reviews, including reviews of credit records, motor vehicle records and other similar state or national searches.



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Employees and candidates may receive a copy of their background check at no charge by requesting it from the university's vendor.

### **Procedures:**

A statement related to employee background checks will be included in university employment information including job descriptions and postings.

University pre-employment forms and/or online application process will not include any requirement for the applicant to disclose any criminal convictions or pending criminal charges.

The successful candidate for each position must sign the offer letter accepting the position and authorizing a background check, as employment is conditional on the outcome of the check. A background check will not be processed without signed consent by the applicant. If the successful candidate does not sign the letter and return to Human Resources within two (2) weeks, the offer for employment will be immediately rescinded.

### **Background Check Internal Process:**

The successful candidate may start employment prior to passing the background check; however, employment is contingent on passing the background check. Because of the sensitivity of the job, interaction with vulnerable populations, or any other reason, the hiring manager may decide not to have a candidate begin employment prior to the conclusion of the background check. Background checks usually take 5 (five) – 10 (ten) business days; however, it may take up to 30 (thirty) days depending on the state or office responding to the inquiry, or longer for international reviews.

Step 1: The successful candidate must authorize the university to perform a background check. A background check cannot be processed without the signed consent of the successful candidate. A successful candidate refusing to complete the acknowledgment section of his or her offer letter will not be considered for employment and the offer will be immediately rescinded.

Step 2: The background check process will commence when the signed offer letter is received by Human Resources (HR).



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Step 3: HR submits the legal name and valid email address to the vendor who will email the successful candidate and begin the background check process.

Step 4A: If the candidate passes the background check, and has already started employment, no further action is needed. If the candidate has not started employment based on the sensitivity of the position, HR will notify the hiring manager via email.

Step 4B: If the background check includes any discrepancies in the areas of education, employment or licensure, the assistant vice chancellor for human resources or designee will review the discrepancies. If the AVC deems the candidate suitable for the position sought at the university, and the candidate has already started employment, no further action is needed. If the candidate has not started employment based on the sensitivity of the position, HR will notify the hiring manager via email. If the AVC determines the candidate unsuitable, s/he refers the report to the adjudication committee. Refer to step 4C.

Step 4C: If the background check includes any criminal history or sex offender history, the assistant vice chancellor for human resources or designee refers the report to the adjudication committee. The adjudication committee determinations will be based on criteria agreed to by the vice chancellors and will be reviewed periodically. The adjudication committee will make their decision within 3-5 business days.

- If the adjudication committee deems the candidate suitable, and the candidate has already started employment, no further action is needed. If the candidate has not started employment based on the sensitivity of the position, HR will notify the hiring manager via email.
- If the adjudication committee deems a candidate unsuitable for the position sought at the University, Human Resources will notify the vendor who will notify the candidate and the candidate has the opportunity to appeal. See below.

Step 5: The University reserves the right to immediately rescind an offer upon an unsuccessful background check.

### **Appeal Process**

The appeal process is in accordance with the provisions of the Federal Fair Credit Reporting Act (FCRA) and Criminal Offender Record Information (CORI) law.



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If adjudication committee deems a candidate unsuitable for the position sought at the University, HR will notify the vendor who will initiate the pre-adverse letter directly to the candidate.

The candidate will receive the entire background report and a summary of their rights to appeal. If the candidate believes that the reported background review information is inaccurate, s/he may appeal the accuracy of the background review information and to have such findings reviewed by the vendor conducting the background review. If the candidate does not appeal, the employment offer is closed and the vendor will mail an "adverse action letter," withdrawing the offer.

### **Recordkeeping:**

Copies of conditional job offers for candidates who successfully complete a background check shall be filed in the candidate's personnel file. Copies of conditional job offer letters that do not result in employment shall be filed in a separate file. All background check information is held in the vendor system and is not printed and can only be reviewed by designated HR employees and members of the adjudication committee, as appropriate.

### **Other**

This policy does not replace any federal or state statutory requirements to conduct certain background check reviews as a condition for employment for a specific occupation.

This policy will also follow and comply with all equal opportunity statutes, Federal Fair Credit Reporting Act (FCRA) and Criminal Offender Record Information (CORI) law.

### **Definitions**

#### **Vendor:**

The vendor that the University of Massachusetts has contracted with to perform background checks for UMass Boston.

#### **Adjudication Committee:**



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The adjudication committee of 5 (five) members (one from each area); Human Resources, Office of Diversity and Inclusion, Chancellor's Office, Provost Office and the Department of Public Safety that reviews unsuitable candidates before a final decision.

**Oversight Department:** Human Resources

**Responsible Party within Department:** Assistant Vice Chancellor for Human Resources

**Monitoring:**

There will be an annual review of this policy by HR, in consultation with the adjudication committee.

There will be a monthly review of all new employees of the prior month to insure that all have successfully passed their background checks and that all have been documented properly.

**Authority:**

Doc. T10-088, Passed by the BoT, 12/8/10 Policy on Employee Background Reviews.