

# **BROOKDALE COMMUNITY COLLEGE COLLEGE REGULATION**

## **3.0004R Conducting Background Checks Regulation**

### **I. Title of Regulation**

3.0004R Conducting Background Checks Regulation

### **II. Objective of Regulation**

Brookdale Community College (“the College”) requires all candidates for employment who are 18 years of age or older, including faculty, administrators, and support staff in regular, temporary, adjunct, hourly, and volunteer positions have certain credentials, criminal and other background information verified as a condition of employment. This regulation will also apply to employees moving from one position to another whose previous background check is more than two (2) years old. This regulation does not apply to employees working a secondary position within the College.

### **III. Authority**

The Bylaws of the Board of Trustees; New Jersey Opportunity to Compete Act, N.J.S.A. 34:6B-11 et seq.; Fair Credit in Reporting Act (FCRA), 15 U.S.C. 1681 et seq.; and New Jersey Clean Slate Law, N.J.S.A. 2C:52-1 et seq.

### **IV. Regulation Statement**

Definitions used in this regulation mean the following:

1. “Criminal history check” means verifying that the selected candidate does not have any undisclosed criminal history in every jurisdiction where the candidate currently resides or has resided within the past seven (7) years. Criminal history checks are prohibited until after the initial employment application process, defined as the “period beginning when an applicant for employment first makes an inquiry to an employer about a prospective employment position or job vacancy or when an employer first makes an inquiry to an applicant for employment about a prospective employment position or job vacancy, and ending when an employer has conducted a first interview, whether in person or by any other means of an applicant for employment.” N.J.S.A. 34:6B-13.

2. “Educational verification” means ensuring that the candidate possesses the highest education credential listed on the application, resume or cover letter or otherwise cited by the candidate and all degrees that qualify the individual for the position sought.

3. “Employment verification” means ensuring that the candidate actually worked in the positions listed on the application, resume, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought. This verification should include dates of employment, verification of last position held, and confirmation that the individual is eligible for rehire.

4. “Healthcare sanctions check” identifies sanctioned individuals and entities in the healthcare field. Sanctioned individuals are those who have been determined to be fraudulent in their field, and/or those individuals who have had adverse actions taken against them by the licensing boards of state governments.

5. “Initial Hire” means any new College employee who has never been employed at the College in the past or an employee who previously worked at the College but who has been separated from the College for more than two (2) calendar years. An applicant returning to the College within two (2) calendar years will be exempt from another background check.

6. “License verification” means ensuring that the candidate possesses all the licenses listed on the application, resume, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought and verification of any license required for the position, including verification of the status of such licenses. This includes any motor vehicle driver’s licenses required for the associated position.

7. “Prohibited Parties” means specially designated nationals, terrorists, narcotics traffickers, blocked persons, and parties subject to various economic sanctioned programs who are forbidden from conducting business in the United States, as well as entities subject to license requirements because of their proliferation of weapons of mass destruction. The Prohibited Parties search is also used in the financial services industry to look for potential money launderers. This check is prohibited until after the first interview. See #1 above.

8. “Sex offender registry check” means verifying that the candidate does not have undisclosed convictions of sex crimes in every jurisdiction where the candidate currently resides, and has resided in the past seven (7) years. This check is prohibited until after the first interview. See #1 above.

## **Process**

### **A. Background Check Components**

#### **1. Candidates for Employment, Excluding Healthcare, Finance, and Volunteer Positions**

##### **a. License verification – if required for the job**

- Professional license verification to be completed by the hiring department.
- Motor vehicle driver’s license and commercial driver’s license to be completed by HR

b. Reference checking – to be completed by the hiring department prior to making a hiring decision and maintained by HR.

c. Employment Verification – to be completed by the hiring manager and maintained by HR.

d. Credential Verification – preliminary check is completed by HR via the National Student Clearinghouse. The hiring department notifies the candidate to provide an official transcript from the institution awarding the highest degree and, if requested, the institution awarding the degree that qualifies the candidate for the position. Such official transcripts are a condition of employment within three (3) months of hire.

e. Criminal History Check – to be completed by HR as needed after the first interview in accordance with N.J.S.A. 34:6B-14(a)(2).

- Sex Offender Registry Check shall be considered part of the criminal history check– to be completed by HR
- Prohibited Parties Check – shall be considered part of the criminal history check – to be completed by HR

f. Any other background check deemed necessary – to be completed by HR

## 2. Candidates for Healthcare Positions

a. All background checks as noted in #1, above.

b. Health sanctions check – to be completed by the hiring department

## 3. Candidates for Positions with Financial Responsibilities

a. All background checks as noted in #1, above.

b. Credit check, Civil Judgment and Bankruptcy search, to be completed by HR depending upon the nature of the duties and at the sole discretion of the College.

## 4. Candidates for Volunteer Positions

Background checks for volunteer positions may be more limited depending on the nature of the position but will always include checking the National Sex Offender Registry for those with direct student contact.

## **B. Human Resources or Hiring Department Responsibilities**

1. The Hiring Department shall be responsible for submitting background check requests to Human Resources for any hire. Human Resources shall determine which of the components of the background check shall be required.

2. All offers of employment, oral or written, by the Hiring Department shall include the following statement: "This offer is contingent upon the College's verification of credentials and other information required by state law and the College, including but not limited to the completion of credential/license and employment verification, and criminal history check, including the Sex Offender Registry and Prohibited Parties check." Consistent with Sections A.2. and A.3. above, add healthcare sanctions check, credit check, civil judgment, and bankruptcy searches to the statement.

3. Criminal history check, sex offender registry checks, prohibited persons check, and credit check shall be initiated by Human Resources. Criminal, sex offender, and prohibited person checks are not permitted until after the initial employment application process (after the first interview). The individual's official name, date of birth and social security number shall be obtained from the person along with a signed authorization and release and provided to a third-party with whom the College has contracted for associated services.

4. If the verifications and checks confirm the information provided and/or indicate no concerning activity, the third-party vendor shall inform Human Resources or other designated administrative unit who in turn shall inform the hiring department that the candidate is viable for employment.

5. If the criminal history check indicates there is a conviction(s), the third-party vendor shall inform Human Resources or designated administrative unit. Human Resources or designated administrative unit shall provide a copy of the report to the individual as required by the Fair Credit Reporting Act (FCRA).

6. If other verifications identify concerns or discrepancies, a copy of the report will be provided to the individual who will be given an opportunity to correct any inaccuracies or provide additional information before a decision is made to offer, confirm, or withdraw an offer of employment. Any decision to accept or reject an individual based on the information discovered is solely at the discretion of the College.

If the criminal history check reveals a conviction(s) which the individual disclosed in the application, Human Resources or designated administrative unit shall review the report and shall evaluate each conviction, including any additional information that the individual provides, before the offer of employment is made, confirmed, or withdrawn. Human Resources and the appropriate Cabinet member shall consult with General Counsel as needed. 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 relatedness the conviction(s)

has to the duties and responsibilities of the position. Any decision to accept or reject an individual with a conviction is solely at the discretion of the College.

7. If unreported convictions are discovered in the criminal history check, or other false or unreported information is identified, any offer of employment shall be withdrawn and, if employed, the individual shall be terminated from employment, unless the individual proves that the report is in error. The decision to reject or terminate an individual with an unreported conviction or falsified application is solely at the discretion of the College.

8. In the event the results of the background check influence a decision to withdraw an employment offer or terminate employment, Human Resources or designated administrative unit shall inform the hiring department and the individual as required by FCRA.

9. Hiring departments shall maintain License verification records indicating the item checked/verified, the name of the department personnel completing the check/verification, the date of the check/verification, and the status of the check/verification. These records shall be retained in the department's personnel file for the associated employee. Copies shall be provided to HR for inclusion in the employee's official personnel file. Prohibited parties checks, healthcare sanctions checks, and criminal checks are maintained in HR in the employee personnel file. Reference checks and employment verifications performed by the hiring department shall be submitted to HR for inclusion in the employee's file. Reference checks are not available to the employee for review.

10. The hiring department shall be responsible for any fees associated with the background check process.

Violations of College policies and regulations, including providing false or misleading information used for any of the above background checks, shall result in withdrawal of an offer to external candidates or, for internal candidates, corrective action including disqualification for a position and /or up to and including termination from the College.

Decisions regarding the withdrawal of an employment offer as a result of a background check shall be made between the hiring manager and HR, except as noted in "B.6." above for criminal history checks. If there is a disagreement, HR shall make the final decision.

## **V. Responsibility for Implementation**

Associate Vice President, Human Resources

Approved: 10/27/20

Approved: President, 02/17/2025