



New Jersey Institute of Technology  
University Policies and Procedures

Date of Issue: Sept 2014

*Subject:* HUMAN RESOURCES – Background Screening Policy

#### A. OVERVIEW

The university is committed to providing a safe and secure environment for its students, employees, and the public. In order to promote a safe environment, safeguard assets, cultivate consistent hiring practices across the university, and ensure the hiring of qualified individuals, the university will conduct background screenings on final candidates prior to employment with the university. The purpose of the background screening is to confirm, within legal and professional limits, the professional credentials, as well as to ascertain the criminal and other pertinent background information, of the prospective employee for the position in question.

The Department of Human Resources will maintain compliance with this policy by requiring that all employment postings include a statement indicating that final candidates will be subject to a background screening, and further requiring that offer letters include a statement that the offer is contingent upon the university's acceptance of the results of the background screening. In the event the offer letter omits this statement, it is still the policy of the university to require background screenings in accordance with this policy.

#### B. POLICY

Upon making a conditional offer to a candidate, the university will conduct background screenings on candidates selected for hire. Background screenings will be performed so that the university, to the extent possible, may confirm that individuals who join the university community have

accurately represented their relevant background and qualifications, both in verbal representations and in written materials, including their resume and application for employment.

The university maintains the right to decline employment or withdraw an offer of employment to a candidate, or to sanction and/or terminate an employee, who has knowingly provided false, misleading, erroneous, or deceptive information on an application, resume, or during an interview, or who has intentionally omitted relevant information during the hiring process.

### **C. PROCEDURE**

#### **1. Final Candidates**

Background screenings are required for candidates selected for hire as a condition of employment, after the job offer has been conditionally made. Employment will be contingent upon the university's review and acceptance of the results of the background screening. Final candidates will be required to complete and sign a consent form allowing the university to conduct a background screening, including but not limited to, releases of information from former employers, educational institutions and other pertinent organizations. Failure to complete and sign this form will result in the candidate's removal from consideration of hire.

#### **2. Background Screening Process**

The Department of Human Resources, in collaboration with the hiring department, will determine the extent of the background screening for the open position.

a. The background screening may include, but is not limited to:

- Federal Criminal Records Databases, including the National Sex Offender Database

- State Criminal Records Databases, including the New Jersey Sex Offender Registry
- Educational Verification
- Employment Verification
- Social Security Number Trace
- Social Security Number Validation

b. In addition, dependent upon the final candidate's anticipated job responsibilities and other circumstances relative to the employment position, the university may elect to complete additional screenings. These screenings include, but are not limited to:

- Motor Vehicle Reports
- Professional Licensure Checks
- Consumer Credit Reports
- Workers Compensation Report
- Fingerprint Clearance (if required by NJ State Law for the position in question)

c. Background screenings may be completed by the Department of Human Resources, an authorized vendor at the discretion of Human Resources, Department of Pre-College Programs or the Public Safety Department.

### 3. Research / Faculty Scholarly Employment

If a position requires the evaluation of scholarly activity, this evaluation will be performed by scholarly members of the search committee, in consultation with the hiring department, Dean, and/or Provost. In reviewing scholarly publications, the evaluators will review research citations and check authenticity of any written submissions proffered by the candidate.

### 4. Background Screening Results

When the university receives the results of the background screening, it will review the results to ensure its completeness. The university will compare the information obtained in the background screening to the information presented by the candidate, and will confirm the accuracy of the information supplied by the candidate.

- a. If it is found that the candidate falsely or inaccurately reported material information in his/her application, he/she may be disqualified from further consideration for employment.
- b. The possession of a prior criminal history, conviction or poor credit history does not necessarily preclude NJIT employment. The nature of the offense(s) and its relevance to the responsibilities required by the specific position are considered on a case-by-case basis. This consideration will include the nature of the position, the number and type of offense(s) for which the individual was convicted, evidence of rehabilitation since the original offense, the amount of time that has passed since the conviction, and the risk to the safety and security of the campus community, as well as the security of university assets. In the event that a prior criminal history, conviction or poor credit history is revealed, the candidate will be given a copy of the background report, and an opportunity to refute, explain and/or correct any information provided in the screening, within ten (10) days of receipt of the adverse information.

## 5. Final Review

The Vice President for Human Resources, in consultation with the Office of General Counsel, will evaluate the impact of the information to the position in question, as well as any responding information provided by the candidate and make the final employment determination.

- a. The university complies with the Fair Credit Reporting Act, which regulates the use of information gathered by consumer reporting agencies and which may determine an individual's eligibility for employment. To ensure confidentiality of all candidate information, the Department of Human Resources coordinates the background screening process. Results of the background screenings are sent directly to the Department of Human Resources, and will be shared with the candidate pursuant to law.
- b. If the background screening identifies a matter which is covered by the Fair Credit Reporting Act, the Vice President for Human Resources, in consultation with the Office of General Counsel, will evaluate the relevance and make the final employment decision.
- c. Based upon a review of the information received through the background screening initiated by HR, the Department of Human Resources will advise the hiring department as to whether an offer can be finalized to the candidate.
- d. The university reserves the right to withdraw at any time an offer of employment, which shall be deemed conditional, should the results of a background screening be unacceptable to the university.

#### **6. Confidentiality**

Information obtained through the background screening process will remain confidential.

#### **D. Transfers/Promotions**

## 1. Current Employees

Background screenings will be conducted on current employees who transfer or are promoted into a position when:

- a. the new position has been identified as requiring a specific need for a background screening, such as positions that are safety sensitive, that involve contact with students or minors, or involve control over university funds;
- b. a background screening was not completed at the time the employee was initially hired by the university;
- c. the background screening does not violate any provision of the employee's collective bargaining unit agreement, where applicable.

2. The university reserves the right to refuse transfer/promotion of an employee if a background check is prohibited by the employee's collective bargaining agreement and permission by the collective bargaining representation cannot be obtained on an ad hoc basis.

**REVIEW:**

*Holly C. Pter*

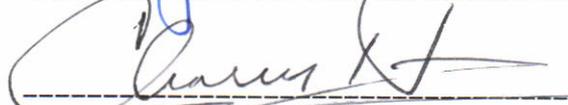
General Counsel

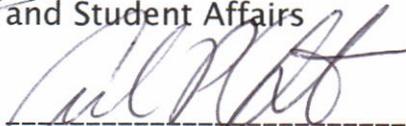
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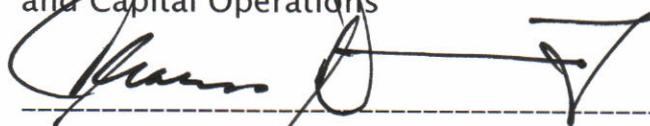
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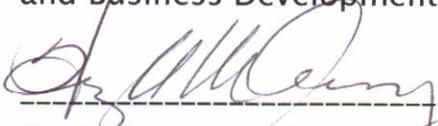
 10/2/14  
Vice President for Human Resources Date

 10/9/14  
Vice President of Academic Support and Student Affairs Date

 10/2/14  
Vice President for Real Estate Development and Capital Operations Date

 10/16/14  
Vice President of University Advancement and the Foundation at NJIT Date

 6/19/14  
Senior Vice President for Technology and Business Development/NJII President Date

 10/8/14  
Senior Vice President of Administration and Treasurer Date

 10/21/14  
Provost and Senior Executive Vice President Date

 10/21/14  
President Date