



**New Jersey Institute of Technology
University Policies and Procedures**

Date of Issue: October 2020

Subject: HUMAN RESOURCES – Background Screening Policy

A. OVERVIEW

The University is committed to providing a safe and secure environment for its students, employees, vendors, and guests. 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. Background screenings will also be conducted for any NJIT employee, student, volunteer or third party entity who conduct minor focused activities on NJIT premises, or off campus activities under the auspices of NJIT, and interact with minor children in any capacity. 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.

B. POLICY

Upon making a conditional offer to a candidate, the university will conduct background screenings on all candidates selected for hire. Background screenings will also be conducted for any NJIT employee, student, volunteer or third party entity who conducts minor focused activities on NJIT premises, or off campus activities under the auspices of NJIT, and interacts with minor children in any capacity. 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.

Offers of employment are contingent upon the successful completion of a standard background screening. 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.

Background screenings identified in this policy are not intended to be used instead of reference checks. Hiring Managers, the applicable Human Resources Representative, or a search committee remains responsible for conducting professional reference checks for Finalists.

C. BACKGROUND SCREENING PROCESS

1. 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. 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 State Sex Offender Registries
 - 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
 - Drug Screening
 - Fingerprint Clearance (if required by NJ State Law for the position in question)
 - c. Background screenings may only be completed by the Department of Human Resources, an authorized vendor at the discretion of Human Resources, or the Public Safety Department.

3. Research / Faculty Scholarly

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, or conviction issues regarding credit history, where same is directly relevant to the specific position 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 seven (7) days of receipt of the adverse information.

5. Final Review

The initial review of background screening results will be conducted by Human Resources. In the event of potential adverse results which may preclude employment at NJIT, HR will review the results and may consult with the Vice President for Human Resources or designee. The Office of the General Counsel, and other university offices, as appropriate, may be consulted to assist in the review. The information received from background screenings will be used only to

determine the Finalist's qualifications and suitability for employment or engagement and whether there is a legitimate business reason for withdrawing a conditional offer of employment, as determined by the university, and will not be used to discriminate on any basis protected by applicable law or university policy.

- a. 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.
- b. 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 manages 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.
- c. 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 determined to be unacceptable to the university following the review process.

6. Confidentiality

Information obtained through the background screening process will remain confidential, except to the extent that it needs to be shared with individuals with a defined business "need to know" to complete the screening process.

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 screening 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:



General Counsel & Vice President of Legal Affairs

10/15/20

Date

APPROVAL:



Vice President for Human Resources

10/16/2020

Date



Provost and Senior Executive Vice President

10/16/2020

Date



President

10/15/20

Date