



Success. It's In Our Nature.

Policy Name: Background and Reference Checks

Policy Number: I-3

Functional Area(s) Responsible: Human Resources

Owner(s) of Policy: Human Resources

Most Recent BOT Approval Date: May 2010

Most Recent Review Date: Spring 2025

Most Recent Review/Revision Type: ☐ none ☐ minor/non-substantive ☒ substantive/extensive

Policy Statement:

Finger Lakes Community College is committed to maintaining a safe and secure environment for our students, faculty, and staff. To uphold this commitment, the College will conduct a comprehensive background screening for all final candidates being considered for employment. Finger Lakes Community College will adhere to all applicable federal, state, and local laws regarding background screening, including the Fair Credit Reporting Act (FCRA).

All candidates will be required to provide written consent before a background check is conducted. All information obtained through background checks will be kept confidential and will only be shared with individuals involved in the hiring process, as necessary.

Reason(s) for Policy:

The purpose of this policy is to ensure the safety and security of our students, faculty, and staff by conducting background checks on individuals who are offered employment. A thorough vetting process fosters a safer campus environment, promoting trust and well-being among students, faculty, and staff. A standardized approach to background checks ensures that all candidates are evaluated consistently, promoting fairness, and reducing potential biases in the hiring process. Reference checks confirm that candidates possess the necessary qualifications, experience, and credentials for their respective positions. A structured reference check process ensures that all candidates are evaluated consistently, fostering fairness in hiring practices and promoting trust within the institution.

Applicability of Policy:

In compliance with applicable federal, state, and local regulations, Finger Lakes Community College will conduct thorough reference checks on all final candidates being considered for employment. This process ensures that candidates possess the necessary qualifications and competencies for their respective positions.

Definitions:

The Fair Credit Reporting Act (FCRA) is a federal law enacted in 1970 to promote the accuracy, fairness and privacy of consumer information contained in the files of consumer reporting agencies. It provides consumers with the right to access their credit reports, dispute inaccurate information, and be informed when their credit information is used against them, such as in employment decisions.

Article 23-A of the New York Corrections Law prohibits employers from unfairly discriminating against individuals with previous criminal convictions. Employers must evaluate qualified jobseekers and current employees with conviction histories fairly and on case-by-case basis. The law applies to both public and private employers and

ensures that individuals are not automatically disqualified from employment based solely on their criminal record, unless mandated by law.

Related Documents:

Fair Credit Reporting Act ("FCRA"), 15 U.S.C.A. §§ 1681

New York Correction Law Article 23-A, Sections 750-755

Procedures:

Background checks will be conducted by one of the College's authorized third-party vendors, who will be charged with ensuring that the background checks are in compliance with the FCRA. The College will be responsible for the following steps in the process:

- **Step One:** All candidates who are offered a position will be required to complete and submit to Human Resources the Background Check Release form (which is required to be a "stand alone" document).
- **Step Two:** The College must certify to the third-party vendor that it will only use the information it receives according to the requirements of the FCRA.
- **Step Three:** Upon receiving the background check results, Human Resources will review the findings to assess any potential concerns. If issues arise, Human Resources will evaluate the relevance of the findings to the candidate's qualifications and the position requirements. If the background check results lead to an adverse employment decision, the candidate will be notified in writing and provided with a copy of the background check report, a summary of their rights under the Fair Credit Reporting Act (FCRA) and an opportunity to dispute any inaccuracies in the report.

Forms/Online Processes:

- **Step One:** Background Check Release form
- **Step Two:** Certification to Third-Party Vendor
- **Step Three:** Reference Checking Services and Post-Decision Notice and FCRA Summary of Rights

Appendix:

None