



PRE-EMPLOYMENT BACKGROUND SCREENS

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1. PURPOSE

Yeshiva University (YU) is committed to providing a safe and secure working environment for all University constituents, including students, faculty, staff and visitors. This policy establishes the criteria and procedures whereby Yeshiva University will perform background screens on finalist candidates. Background screens will help to increase safety, manage risk, meet mandated regulatory compliance, and contribute to informed and safe hiring decisions.

Every offer of employment will be contingent upon the applicant's successful completion of the pre-employment screening process which includes completion of an online employment application, professional references checks and , a background screen.

2. DEFINITIONS

Term	Definition
<b>Background Check</b>	Process of acquiring records regarding a final candidate that are used to determine suitability for employment.
<b>Background Check Coordinator</b>	Office of Human Resources, Office of the Provost of Yeshiva University and the Office of the Executive Dean of Einstein are designated to administer the background check process for all faculty and staff positions mandated in this policy.
<b>Fair Credit Reporting Act (FCRA)</b>	Federal law that regulates collection, dissemination, and use of consumer credit information.
<b>Finalist/Lead Candidate</b>	Internal or external applicant identified as the finalist for a position.
<b>Hiring Manager</b>	Individual ultimately responsible for selecting a final candidate for employment.
<b>Criminal Conviction</b>	Being found guilty, entering a guilty plea, or pleading no contest or nolo contendere to a felony, misdemeanor and/or ordinance violation other than a minor traffic violation (e.g. speeding is considered minor while driving under the influence is major). Disclosures of criminal convictions are subject to applicable state law.
<b>Credit history check</b>	Subject to FCRA, checking the credit history of the selected applicant or employee. (Federal laws prohibit discrimination against an applicant or employee as a result of bankruptcy.)
<b>Criminal history check</b>	Subject to federal and applicable state laws, a search of the selected applicant's or employee's criminal history.
<b>Educational verification</b>	Ensuring that the selected applicant or employee possesses the highest degree earned as listed on the application, resume or cover letter or otherwise cited by the candidate that qualify the individual for the position sought.

<b>Employee</b>	Any person employed by Yeshiva University, whether full- or part-time.
<b>Employment verification</b>	Ensuring that the selected applicant or employee 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, as well as all employment during a period of at least seven (7) years, or 3 most recent employers, immediately preceding application at Yeshiva University. This verification should include dates of employment and may provide salary and/or reasons for leaving each position.
<b>License verification</b>	Ensuring that the selected applicant or employee 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 disposition of such licenses. This includes any motor vehicle drivers licenses required for the associated position.
<b>Child Abuse Registry check</b>	Verifying that the selected applicant or employee does not have undisclosed convictions of certain sex and violent crimes.

### 3. POLICY

This policy applies to all finalist candidates selected for new staff and faculty hires in regular full-time, regular part-time, time-limited, temporary (excluding agency temps), and intermittent positions who are scheduled to assume their new duties on or after the policy effective date. The University reserves the right, in accordance with applicable law, to require employees to undergo background checks periodically

A reported criminal conviction will not necessarily disqualify a candidate from employment. In accordance with New York's Correction Law Article 23-A, YU prohibits discrimination based on criminal convictions except where otherwise permitted by law, such as when there is a direct relationship between the prior criminal offenses and the specific employment position sought or held or where an unreasonable risk to property or the safety or welfare of specific individuals or the general public arises if a previously convicted applicant or employee is hired or retained.

In connection with the use of an applicant's criminal background history, the University will take the following factors into consideration in assessing a candidate's employment eligibility:

- Applicable federal/state/local laws relating to the permissible use of arrest and conviction information.
- The specific duties and responsibilities of the position for which the candidate is applying.
- The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his/her fitness or ability to perform one or more such duties and responsibilities.
- The time which has elapsed since the occurrence of the criminal offense or offenses.
- The age of the person at the time of occurrence of the criminal offense or offenses.
- The seriousness of the offense or offenses committed.

- Any information produced by the person, or produced on his/her behalf, with respect to his/her rehabilitation and good conduct.
- The legitimate interest of the University in protecting property, and the safety and welfare of our employees and the general public.

In assessing a candidate's credit history, the University, in accordance with applicable laws, will take the following factors into consideration for employment eligibility:

- Nature of the position for which the applicant is applying (e.g., will the applicant be handling money in connection with the performance of his/her duties); does the amount of the applicant's debt create a security risk for the University, in its sole discretion.
- The applicant's credit standing and credit worthiness; payment history; high and low balances; amount of indebtedness, etc., in relation to the position applied for. (Note: garnishments, bankruptcy filings and credit information generally will only be considered to the extent permitted by applicable laws.)

The University reserves the right to withdraw any offer of employment, consideration for employment, contract engagement, or discharge an employee upon finding falsification, misrepresentation, or omission of fact on an employment application, resume, other attachments, or in verbal statements, regardless of when it is discovered.

As a general rule, the hiring department will be responsible for the costs associated with conducting background screens.

Completion of non-faculty background screens will be coordinated by the appropriate staff from the Human Resources Recruitment Services department through an approved third-party vendor who is qualified to perform such work for all non-faculty positions. Likewise, for faculty positions on the Manhattan Campuses, coordination will be handled through the Office of the Provost and the Office of the Executive Dean of Einstein will coordinate faculty background screens for all Einstein faculty appointments.

**Policy Provisions for New Faculty & Staff Employees**

All new Faculty and Staff employees shall have the following background checks completed as a condition of employment with Yeshiva University. The standard background check includes:

- Social Security Trace (SSN and name match)
- Education verification (highest degree earned)
- Employment verification (7 years or 3 most recent positions)
- Criminal history check (state & federal levels)
- Office of Foreign Asset Control and National Sex Offender Registry checks

Additional background screens may include, but are not limited to:

1. License verification
2. Child Abuse Registry
3. Credit Check
4. CMS (Centers for Medicare and Medicaid) check
5. Fingerprinting

Below is the Pre-employment Screening Matrix to be used as a reference:

Pre-employment Screening for YU Staff & Faculty								
	Background Screen*	Medical Examination	Child Abuse Registry Check & Monitoring	Fingerprinting	Credit Check	License & Certification Verification & Monitoring	CMS Check & Monitoring	Motor Vehicle Driving Record Verification & Monitoring
All Faculty*	x							
All Staff*	x							
Direct Patient/Research Participant Care	x	x						
Direct Involvement with Minors*	x	x	x	x				
Veterinary Care	x	x						
Lab Workers	x	x						
Licensed/Accredited workers (social workers, LPNs, CPAs, lawyers, etc.)	x					x		
Finance, Accounting, Cash-Transaction Operating Staff	x				x			
Driver	x	x						x
Groundskeeper	x	x						
Medicaid/Medicare Billing department members	x						x	

\*Includes affiliates: YU High Schools and RIETS

Please consult with the Chief Human Resources Officer for approval if you are interested in additional pre-employment screens.

**Foreign Nationals** who have been offered employment into appointed Staff or Faculty positions will be subject to the following provisions:

- The verification of education that the candidate has cited that qualifies the individual for the position.
- The verification of employment that the candidate has cited that qualifies the individual for the position.
- A criminal history check covering time in the United States if the period of time that the individual has been in the United States exceeds one year.
- A criminal history check in the individual's prior countries of residence only if the individual's visa and/or authorization to work in the United States was issued before implementation of the Patriot Act on October 24, 2001. The University will not require that a criminal history check be conducted in the individual's prior countries of residence if the visa or authorization to work was issued or renewed under the provisions of the Patriot Act.

For the limited occasions for which we hire individuals under the age of 18, our pre-employment process will not include a criminal history check as different states vary on whether criminal history of

a minor is sealed or not. As an alternative, this University will:

- request a letter from the school's guidance counselor verifying enrollment/attendance at the school and attesting to the good standing of the student. The HR Representative will verbally confirm the authenticity of this document by contacting the school and create a memo to file documenting this conversation.
- confirm high school diploma or GED for any finalist candidate not currently enrolled in school.
- request written references for the three most recent positions.

### **Sanctions for Violation**

Violations of University policies, including providing false or misleading information used for any of the above background checks, will be handled in accordance with applicable University policies and procedures; which may include disciplinary actions up to and including termination from the University.

## **4. PROCEDURE**

All offers of employment will be contingent on satisfactory results of the background screen. The University will ensure that all background checks are conducted in compliance with applicable federal and state statutes, including the Fair Credit Reporting Act.

### **A. Information Collection**

A signed authorization from the finalist and an Application for Employment is required before criminal record information or background information may be requested from the outside credit reporting agency. Additionally, all written disclosures required under federal law and applicable state law will be given to finalists before conducting a background screen.

#### Self-Disclosure of Criminal Convictions

Current faculty, staff, graduate associates, student employees, appointees, volunteers, and staff provided by third party staffing vendors are required to self-disclose post-employment criminal convictions that occur within three business days of the conviction to the Chief Human Resources Officer, the Office of the Provost or the Einstein Executive Dean. Adjunct faculty that have a break in service of less than 12 months must disclose any conviction occurring during the break within three business days of returning to University employment. Chief Human Resources Officer, the Office of the Provost or the Einstein Executive Dean, will work together to determine next steps.

#### Talking to Candidates about Criminal Convictions

Internal and external applicants are required to self-disclose criminal conviction information as part of the application process.

For staff roles, trained HR staff should ask the applicant to review the application form for completeness and accuracy of information. If criminal history is noted, and the applicant indicates that a criminal record was expunged, sealed, annulled, impounded, erased, dismissed under the First Offender's law, or pardoned by the Governor, no further questions should be asked about it as it cannot be taken into account regarding the candidate's employment. Otherwise, the applicant will be required to provide an account for the HR file.

For faculty roles, hiring managers must communicate to the Office of the Provost or Executive Dean for Manhattan Campus or Einstein hires, respectively.

Discriminatory questions are strictly prohibited. Examples of appropriate and inappropriate questions are:

Appropriate Questions	Inappropriate Questions
Can you tell me about the circumstances surrounding the conviction?	Have you ever been arrested?
What was the official offense you were convicted of?	Was this the first/only time you were arrested?
When and where were you convicted of this offense?	How drunk were you? Do you have a problem with alcohol/drugs?
Are there other convictions not listed on your application or disclosure form?	How old were you when you were arrested?

**B. Final Candidate Authorization and Background Company Notification**

Only the department of Human Resources may initiate a background check and receive results for staff hires. Likewise, background screens for Einstein faculty hires will be centralized in the Office of Academic Appointments. For the Manhattan campuses, the initiation of the background screen will be decentralized at the school level, but all reports will be centrally received and reviewed by the Office of the Provost.

**C. Assessing Background Check Information**

Results of all background checks will be kept confidential and will not be disclosed to any person except to the extent necessary to administer and enforce this policy, or as required by law or appropriate legal process. Criminal background investigation records will be maintained as part of a confidential file (to the degree possible) in the department of Human Resources, Office of the YU Provost or Einstein's Office of Academic Appointments, based on the type of hire. Violation of the confidentiality requirement is grounds for discipline, up to and including termination of employment.

**D. Results of Background Checks**

1. Results of background checks are sent directly to the Office of Human Resources for staff positions and to offices of the Einstein Executive Dean for Einstein-based faculty positions and the Yeshiva University Provost for Manhattan Campus faculty hires.
2. If the background check is clear, Human Resources will notify the hiring manager that the candidate is approved to begin employment and the HR Representative will then extend the formal offer, finalize the start date and initiate the new hire onboarding process. For faculty positions, the offices of the University Provost and Einstein Executive Dean will notify the respective hiring department so on-boarding procedures may commence.
3. If the background check is questionable, Human Resources will review the information in consultation with legal counsel and will make an individualized assessment on the candidate comparing the nature, qualifications and duties of the position at issue and determining whether the conviction does, in fact, bear directly on the candidate's suitability for employment. Other individuals that may be consulted, at the discretion of Human Resources, include the hiring supervisor, the appropriate Vice President or Department Chairperson, the Office of the YU Provost and Einstein Executive Dean (for faculty hires) and the Office of the President. A decision to hire an applicant with a job-related conviction requires the approval of the appropriate Chief Human Resources Officer, Provost, Executive Dean and/or President. All such decisions will be documented.

4. Human Resources will comply with FCRA and applicable state disclosures before taking adverse action regarding a candidate who has submitted to a background screen. This includes, but is not limited to, pre-adverse action notifications and disclosures, reasonable waiting time, and adverse action notifications.

E. **Contingent Offers of Employment**

All offers of employment are contingent upon successful completion of the background screen and all written or oral offers of employment must state: "Our offer is contingent upon satisfactory reference inquiries, verification of the accuracy of information obtained in the employment process through an independently conducted background investigation, and authorization to work pursuant to the Immigration Reform and Control Act of 1986 ("IRCA"). Your employment with Yeshiva University cannot commence until these conditions have been satisfied."

F. **Retaining Background Check Information**

In accordance with the University's Record Retention Policy, background check results must be retained, in a secured location, for the length of employment plus three years.

For candidates who are not hired due to the information revealed on the background check, both the background check results and the FCRA forms including all disclosures, authorizations and releases must be retained for three years in a file separate from other documents generated by the selection process.