Reference and Background Screening (20.014)

**Introduction**
Brown University is committed to hiring the best-qualified candidate for each position. Since past performance is often predictive of future success, Brown will conduct reasonable inquiries into finalists' past history. Such inquiries may include employment reference checks, educational verification, criminal history checks and other types of background screening.

**Policy Statement**
Employment reference checks and various types of pre-employment screening are conducted prior to employment offers being made to an applicant. The purpose of the pre-employment screening process is to ensure that candidates accurately represented themselves to the University and that there is no conflict of interest in hiring an employee. In addition, those who accept offers of employment at Brown University will be required to undergo criminal background screening and as applicable other background screening prior to commencing work in a staff job. This policy and related practices are managed under applicable state and federal laws and regulations.

All applicants for staff positions at Brown University are subject to:

- Employment reference checks with prior employers before an offer of employment is extended;
- Completion of a criminal background check;
- Other appropriate background screening that is satisfactory to Brown University for that position.

Employees have an ongoing obligation to inform the University of any criminal conviction. Special rules apply for the treatment and reporting of drug-related crimes. For more information about current employee obligations, please see the policy on Drugs in the Workplace.

For some positions, comprehensive background checks are required by federal or state law or regulation or by accrediting bodies. These comprehensive checks are not included in this policy.

Discrepancies between the information a job applicant provides during an application process, whether for an identified position or another position, and the facts disclosed through background screening could be considered material misrepresentations and grounds for denial of employment, withdrawal of an employment offer, or dismissal of a current employee.

**Reference Checks**
Reference checks are required for all final candidates, internal and external, before an offer of employment will be made.

**Former or Current Employee:** If the final candidate is a former or current employee, the hiring supervisor must contact either University Human Resources to review the information relevant to job performance in that employee's file or, upon authorization from the employee, the employee's supervisor.

**Criminal History Checks**
Criminal background checks will be conducted for all candidates offered staff positions at Brown. This background screening will be initiated after a conditional offer has been made, but prior to the first day of employment.

For current Brown University employees who are transferred or promoted a criminal background check
will be required if one was not conducted as part of their original hiring process. Employment in the position may not begin until the University has received and reviewed the results.

In reviewing criminal history records that disclose prior criminal convictions, the following will be considered:

1. The nature and seriousness of the offenses for which the finalist has been convicted;
2. The number of such offenses;
3. Whether such convictions are related to the duties of the position;
4. The accuracy of information provided by the finalist in the application process.

Criminal history information will be limited to criminal convictions or pleas equivalent to conviction. Such information will be used solely for the purpose of evaluating an applicant’s suitability for employment, promotion or transfer. Criminal convictions or pleas will not automatically exclude an applicant from consideration for employment for most staff positions.

Background screening procedures and hiring requirements may differ for Public Safety positions and/or positions covered under Department of Transportation regulations for drivers required to carry commercial drivers' licenses.

**Additional Background Checks**

Additional post-offer pre-employment screening checks beyond criminal history checks may be required, depending on the nature of the responsibilities of the position being offered. These additional screenings may include, but are not limited to:

- Educational credentials;
- Motor vehicle records check;
- Professional licensing check;
- Credit history check;
- Drug screening test.

Current employees may also be subject to periodic employee screening checks when issues of safety/security are of immediate concern or when state or federal regulations require. For example, regular motor vehicle records checks may be required of those who drive vehicles as part of their work responsibilities.

**Definitions**

**Employees:** Employees are responsible for informing the University of any criminal conviction. Supervisors. Supervisors are responsible for conducting thorough reference checks on finalists prior to submitting a hiring report. Upon request, a reference check may be conducted by Human Resources or, for a fee, by a third-party background checking resource.

**University Human Resources:** University Human Resources is responsible for:

- Authorizing only employee screening that is appropriate to the position being filled.
- Obtaining consent to conduct background screening and for confidentially maintaining background check results.

Decisions regarding whether a pre-employment hiring contingency should be removed or not rests with University Human Resources, in consultation with the hiring department.

**Procedures**
All individuals offered a staff position at Brown University will undergo a criminal history check post-offer, but pre-employment. The check will include at a minimum a Social Security number trace, county courthouse review, National Sex Offender check and National Widescreen check.

Additional screening may apply to all applicants who have been offered certain positions identified by the University as having duties which include a risk of physical harm, financial or research loss and/or other harm to the University. Some of the criteria for identifying a position/function as possibly requiring additional checks include, but are not limited to:

- Direct responsibilities for the care, safety, and/or security of humans and/or access to residences or other facilities identified as high risk;
- Direct responsibility for handling or managing cash or credit card information;
- Direct access to or responsibility for controlled substances;
- Responsibility as part of job duties for operating vehicles that could cause injury or accidental death;
- A requirement for a certificate, professional license or accreditation;
- Federal or state mandate.

**Process**

Brown University may engage a third party partner to conduct background screening checks, including reference checks.

- Where a third party conducts all or any portion of a background check, the University will comply with the requirements of the Fair Credit Reporting Act.
- All positions requiring a level of employee screening checks shall be so identified in the job posting for the position, along with the specific checks which will be required.
- Applicants will be informed during the pre-employment process that selection is subject to completion of background screening with results acceptable to the university, and which check(s) would apply.
- Prior to conducting the background check(s), a signed written or electronic consent will be obtained from the prospective employee for the position.
- The information obtained through employee screening checks will be maintained in a separate file in Human Resources. Hard copy results will be destroyed three years following the date of hire.

Pre-employees who have accepted an offer of Brown employment and consented to a criminal history or other background check will be permitted to provide responsive information regarding their criminal conviction record and other background records, including evidence of rehabilitation, character, educational achievements, the length of time since the last criminal conviction, and other extenuating circumstances.

**Motor Vehicle Records (MVR)**

Finalists for positions requiring driving responsibilities or operation of University vehicles (owned, rented or leased) are subject to a background check of their motor vehicle records. Driving records will be reviewed solely for the purpose of evaluating an applicant's suitability for employment, promotion or transfer.

Employees in positions requiring driving responsibilities or operation of University vehicles (owned, rented or leased) must complete the University Driver Authorization form. The hiring department should contact the Office of Insurance and Purchasing to determine license requirements. The process for completing the form includes a visual inspection of the individual's valid United States drivers' license and written acknowledgement that the University may obtain the motor vehicle record of the applicant or employee from the licensing state on a periodic basis. Employees must adhere to the prompt
reporting requirements regarding changes in status of license.

Finalists for positions requiring a Commercial Driver's License (CDL) must demonstrate that they will be eligible to obtain such a license upon employment. Employees in positions requiring a CDL will be subject to the federal and state laws governing the requirements for such licenses (e.g., drug screening and physical exams). MVR checks will be performed annually for drivers required to maintain CDL licenses as part of their Brown job responsibilities.

Failure to maintain the proper license or to report changes in status will be considered on an individual basis, but may result in an adverse personnel action.

**Educational Credentials and Licensing Checks**

Academic credentials and/or professional licensing/certification, as required for the position, will be verified by either the HR Department or the hiring department.

**Drug Screening**

Finalists for positions which have been identified as having access to controlled substances and not subject to professional credentialing (e.g., pharmacists, physicians, nurses), or as required by federal regulation, will be screened for controlled substances. Supervisors and managers should contact Human Resources if they believe the position requires a drug screening. HR shall make a determination on behalf of the University. If a drug screening is appropriate, Human Resources will make arrangements for the drug screening by a third-party agency. Such tests will be administered in accordance with RI and/or federal law.

Related Policies
- Hiring Employees for Staff Positions
- Drugs in the Workplace
- safeDRIVE: Policy and Procedures for Driver Safety and Motor Vehicle Use

Related Information
- Fair Credit Reporting Act

Policy Owner
- Approved by Vice President for Human Resources

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Revision Date: Tue, 2014-05-20 16:06

Source URL (retrieved on 2018-Jun 13):
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