



## **Committee on Human Resources and Administration**

### **BOARD OF REGENTS FOR HIGHER EDUCATION AGENDA - SPECIAL MEETING Boardroom 123, 39 Woodland Street, Hartford, CT**

**1:30 p.m., Thursday, October 9, 2014**

A meeting of the Human Resources and Administration Committee of the Board of Regents for Higher Education will be held at **1:30 p.m. on Thursday, October 9, 2014, in Room 123 at 39 Woodland Street, Hartford, CT.**

The agenda for the meeting is below.

1. Call to Order
2. Approval of Meeting Minutes of September 4, 2014

#### ACTION ITEM

3. Pre-employment Background Verification Policy

#### DISCUSSION ITEMS

4. Discussion of Student Worker Pay Rates
5. Discussion of Student Worker Policy
6. Discussion of Future Agenda Items
7. Adjournment

#### **Committee members**

Naomi K. Cohen, Chair  
Yvette Melendez  
Richard J. Balducci  
Elease Wright

**ITEM**

Pre-Employment Background Verification Policy at the Connecticut State Colleges and Universities

**BACKGROUND**

The Connecticut State Colleges and Universities (“CSCU”) System and its seventeen institutions are committed to providing a safe learning and working environment for its students, faculty and staff. Therefore, in order to ensure the appointment of employees of the highest integrity and to maintain a safe educational community, the CSCU System conducts pre-employment background investigations on prospective employees. Additionally, the federal Campus Sex Crimes Prevention Act requires the colleges and universities to advise the campus community regarding sex offenders; and the Clery Act, Title IX, the Campus Sexual Violence Elimination (SaVE) and other legislation requires the colleges and universities to take proactive measures to maintain a safe campus environment.

**ANALYSIS**

The proposed policy sets forth consistent requirements and guidelines for performing such background investigations on all individuals for whom employment will be tendered. The proposed new policy unifies and updates the existing policies and practices of the State Universities, System Office and Board for State Academic Awards (Charter Oak State College) while expanding it to include the Community Colleges. This policy has been developed by the System Office following an opportunity for review and input provided to the presidents and human resource officers at the seventeen institutions.

**RECOMMENDATION**

That the Board of Regents for Higher Education rescinds CSU BR#05-008 and adopts the attached Pre-employment Background Verification Policy for the System Office and all institutions of the Connecticut State Colleges and Universities System.

## **Pre-employment Background Verification Policy Connecticut State Colleges and Universities**

### **Introduction/Purpose:**

The Connecticut State Colleges and Universities System (“CSCU”) is committed to providing a safe learning and working environment for its students, faculty and staff. Therefore, in order to ensure the hiring of employees of the highest integrity and to maintain a safe educational community, the CSCU System, comprised of its seventeen institutions and the System Office, will conduct pre-employment background investigations on all individuals for whom employment is to be tendered.

This policy sets forth the requirements and guidelines for performing such background investigations.

### **Scope:**

Upon adoption by the Board of Regents for Higher Education, all regular, full-time and part-time external candidates for employment with a CSCU institution or the System Office, as well as potential re-hires with a break in service of more than one year, shall undergo a pre-employment background investigation pursuant to this policy as part of the employment screening process. This policy covers all full-time and part-time employees, including University Assistants, Educational Assistants, Adjuncts/Lecturers and other temporary and contracted employees.

This policy shall also apply to the following student worker positions, beginning with hiring for the fall 2015 semester:

- Resident Assistants;
- Students assigned to the Public Safety Department;
- Students handling financial transactions; or
- Students deemed by the institution’s chief human resources officer to be in safety- or security-sensitive positions.

It is understood that there is movement in the CSCU workforce between institutions (including the System Office) due to transfer and promotional opportunities, as well as dual employment situations. This policy applies to these situations as detailed below:

The following CSCU employees shall be covered by this policy:

- CSCU employees who *apply for and are offered a transfer or promotional opportunity to a different CSCU institution and have not already undergone a background investigation.*
- CSCU employees who are candidates for *transfer or promotion to a management position at the level of dean or above* and who have not previously undergone a CSCU background investigation.

## Pre-employment Background Verification Policy at the Connecticut State Colleges & Universities

The following CSCU employees shall not be covered by this policy:

- CSCU employees who *apply for transfer or promotion within the same institution.*
- CSCU employees who *transfer to or become dually employed at a different CSCU institution and have already had a background investigation done at the former CSCU institution.*
- Former CSCU employees who are *rehired at the same or different CSCU institution after a break in service of less than one year and have already undergone a background investigation.*

### **Policy:**

No external employment candidate may begin work for an institution or the System Office until the appropriate screenings have been completed. The background investigation may reveal certain information that may disqualify the candidate from further consideration for the position. Special circumstances may, on occasion, require an applicant to start work before all pre-employment background checks are completed. Such exceptions may occur only with prior approval by the chief human resources officer at the institution, or the Vice President for Human Resources at the System Office. Written notification will be sent to the applicant that continued employment is contingent upon completion of a pre-employment background investigation acceptable to the institution or the System Office.

Elimination of a candidate from consideration for hiring on the basis of information revealed by the background investigation must be reviewed and approved by the chief human resources officer at the institution, or by the Vice President for Human Resources at the System Office. Access to the background investigation report shall be handled with the strictest confidence and be limited to the President and the chief human resources officer or their designees at the institution or the President of the Board of Regents for Higher Education or Vice President for Human Resources at the System Office or their designees.

### **Procedure:**

The CSCU System has selected and contracted with an approved background investigation vendor. All institutions and the System Office must utilize this background investigation vendor for pre-employment background investigations and shall comply with this procedure.

#### *1. Notification & Authorization*

Candidates will be informed during the pre-employment process that selection is subject to completion of a background investigation acceptable to the institution or the System Office. Applicants who have been designated as finalists for positions will be provided a disclosure and will be required to consent to a background investigation. Applicants will

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be required to provide information for use by the approved background investigations vendor. The institution's or System Office's chief human resources officer or designee will initiate all background investigations.

### 2. *Collecting Background Information*

Before awarding the position, the institution or System Office will conduct the following Level I pre-employment background check of all candidates (for non-student worker positions):

#### **Level I Screening**

- Social Security Trace;
- Prior Employment Verification (prior 7-10 years);
- Education Verification (highest degree attained or highest education level if no degree attained);
- Professional Reference Checks;
- County/Statewide Criminal Search (where lived, worked, attended school – as obtained from disclosure form or Social Security Trace);
- Federal Criminal Search (where lived, worked, attended school – as obtained from disclosure form or Social Security Trace); and
- Multi-Jurisdictional Criminal Search (includes National Sex Offender).

Before awarding the position, the institution or System Office will conduct the following Level II pre-employment background check on all candidates for executive-level positions (Dean and above) and at the option of the institution or System Office other positions that direct a substantial operational unit as designated by the institution's or System Office's chief human resources officer or president:

#### **Level II Screening for Executive-Level Positions**

- Includes all elements of the Level I Screening; AND
- Motor Vehicle Record;
- State/Federal Civil Litigation;
- Credit Verification (in accordance with state and federal laws); and
- Media Search.

Before awarding the position, the institution or System Office will conduct the following Level III pre-employment background check on all candidates for the following student worker positions (including graduate assistant or graduate intern positions): (1) Resident Assistants; (2) Those in the Public Safety Department; (3) Those that handle financial transactions; or (4) other positions that are deemed by the institution's chief human resources officer to be safety- or security-sensitive positions:

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**Level III Screening  
for Student Workers**

- Social Security Trace;
- County/Statewide Criminal Search (where lived, worked, attended school - as obtained from disclosure form or Social Security Trace);
- Federal Criminal Search (where lived, worked, attended school – as obtained from disclosure form or Social Security Trace); and
- Multi-Jurisdictional Criminal Search (includes National Sex Offender )

In addition, candidates for designated positions may also be subject to the following types of screenings, depending on the requirements of the position:

**Position-Specific Screening**

- Motor Vehicle Record (for any positions that require driving as part of the job or when the incumbent of the position will have frequent use of a state or institution-owned vehicle);
- Credit Verification (for positions that have a fiduciary responsibility, handle cash or credit transactions, or have a primary responsibility related to finance or budgets, in accordance with state and federal laws);
- Professional Licensing Check (for any positions that require a professional license); and
- International Screening – criminal search and credential verification, as needed.

Prior employment verification, education verification, professional reference checks and media searches may be conducted by the background investigations vendor or the institution/System Office at the option of the institution/System Office.

3. *Use of Background Investigation Results*

Listed below are examples of factors that may disqualify an applicant for employment. This list is not an all-inclusive list, but is provided merely as examples):

- Inconsistency of information provided by the candidate versus that obtained by the background investigation. (Examples might include, but not be limited to, significant differences in prior employment dates, education obtained, or licenses held.)
- Omissions of significant information by the candidate. (Examples might include, but not be limited to, failure to disclose being dismissed for cause or loss of certifications qualifying the applicant for the position.)
- Unsatisfactory information uncovered by the background investigation. (Examples might include, but not be limited to the following: Recent felony or misdemeanor convictions related to the position applied for; unsatisfactory job

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performance on a prior job; poor attendance or disciplinary problems on a prior job; record of moving violations (for a job requiring driving an institution or state vehicle); credit history that would indicate an inability to manage finances or which would create undue personal financial pressure (for jobs handling management of significant financial resources).

#### 4. *Fair Credit Reporting Act (“FCRA”) Compliance:*

The FCRA and the regulations promulgated thereunder are intended to give a candidate for employment the opportunity to correct any factual errors in his or her consumer report, as defined in the FCRA, before an adverse employment action is taken. The candidate must be provided notice of any disqualifying information revealed by the consumer report, including, but not limited to, credit history information, and a reasonable period of time to correct discrepancies.

When the institution or System Office receives information in a consumer report that will potentially disqualify a candidate from consideration, the institution or System Office will comply with the following FCRA protocol:

- The candidate shall be sent a letter notifying him/her that the institution or System Office has received disqualifying information from the consumer report.
- To the letter shall be attached a copy of the report and a summary of the candidate’s rights under FCRA and any relevant state required forms.
- The notification shall be sent to the candidate before any adverse employment action may be taken based on the consumer report.
- After five (5) business days, barring the receipt of any new information that changes or clarifies the consumer report and eliminates any discrepancies, the institution or System Office shall send the candidate a second letter rejecting his/her candidacy based on the disqualifying information generated by the consumer report.

Services of the approved background investigation vendor may be utilized to produce the adverse action notifications, or the institution or the System Office, may produce the notifications themselves.

#### 5. *Record Retention:*

All information obtained, as part of a background investigation, shall be held in strictest confidence. Documentation of a successfully completed background investigation shall be retained for the appropriate retention period for employment records promulgated by the State of Connecticut and by institution or System Office personnel search policies and procedures. The detailed background investigation report shall be retained by the approved background investigation vendor in compliance with state and federal retention requirements and shall not be included in an employee’s personnel file. Unauthorized

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disclosure of information gathered through the background investigation will not be tolerated and may subject the discloser to disciplinary action.

6. *Use/Review Criteria:*

- a. Criminal Convictions: The institutions and the System Office will not knowingly hire applicants who have been convicted of job-related crime within the allowable reportable time period for reporting such offenses. This time period is normally seven (7) years. This also applies to those situations when the date of disposition, release, probation, or parole (whichever is most recent) relating to the crime occurred within the past seven (7) years.

Pursuant to Connecticut General Statutes Sections 46a-79 and 46a-80, in determining whether conviction of a criminal offense will disqualify an applicant for a particular position, the following three factors will be considered:

- The nature of the offense and its relationship to the position;
- The degree to which the applicant has been rehabilitated; and
- The length of time elapsed since conviction.

Notification of rejection of employment will be sent via registered mail and will specifically describe the evidence presented and state the reason(s) for disqualification.

- b. Pending Criminal Charges: If the institution or System Office becomes aware that the applicant has criminal charges that are currently pending, but no court disposition has yet been made, the institution or System Office shall assess the criminal charges on a case-by-case basis to determine if the charges are job-related or would otherwise impact the potential employee's ability to serve in the position.

Pursuant to Connecticut General Statutes Section 46-80(d), no record of arrest that was not followed by conviction, or record of conviction that has been erased, shall be considered in connection with an application for employment.

- c. Accelerated Rehabilitation: The institution or System Office is not prohibited from considering accelerated rehabilitation or other alternative dispositions when evaluating an applicant. The institution or System Office shall consider the accelerated rehabilitation as it would a pending charge.
- d. Motor Vehicle Records Check: Motor vehicle records which evidence a revoked or restricted driver's license, invalid driver's license, or traffic violations (including, but not limited to, alcohol-related violations) shall be



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reviewed as they relate to positions requiring driving duties and in conjunction with all other factors disclosed by the background investigation.

- e. Credit History: An applicant's credit history shall be reviewed as it relates to jobs requiring financial responsibilities. An applicant's credit history shall be considered in conjunction with all other factors disclosed by the background investigation and shall not be a solely determining factor in denying employment.

**Statutory/Administrative Regulation:**

Fair Credit Reporting Act  
Connecticut General Statutes, Sections 31-51i, 46a-79, 46a-80, 46a-80(d), 46b-146,  
54-760, 54-142a

**Responsible Function Area:**

Office of Human Resources

**CT BOARD OF REGENTS FOR HIGHER EDUCATION**

RESOLUTION

concerning

PRE-EMPLOYMENT BACKGROUND VERIFICATION POLICY

AT

THE CONNECTICUT STATE COLLEGES AND UNIVERSITIES

October 16, 2014

- WHEREAS, The Board of Regents for Higher Education, in accord with the Connecticut State Colleges and Universities, comprised of seventeen institutions and a System Office, is committed to providing a safe learning and working environment for its students, faculty and staff, and
- WHEREAS, The Connecticut State Colleges and Universities seek to hire employees of the highest integrity in order to maintain a safe educational community, and
- WHEREAS, The Board of Regents for Higher Education has established a process to create and adopt policy that would supersede policies of the Boards of Trustees of the Connecticut State University System, the Connecticut Community Colleges and the Board for State Academic Awards; now therefore, be it
- RESOLVED, That the Board of Regents for Higher Education rescinds the following policy, “Pre-Employment Background Verification Policy at the Connecticut State University System” adopted pursuant to BR#05-008; and be it further
- RESOLVED, That the Board of Regents for Higher Education formally adopt the attached Pre-Employment Background Verification Policy effective November 10, 2014.

A True Copy:

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Erin A. Fitzgerald, Secretary  
CT Board of Regents for Higher Education