

# **Boston University Background Check Policy**

## **Policy Statement**

In order to assure a safe, secure and productive environment for all students, faculty, staff, volunteers and visitors working in or utilizing the facilities of Boston University and to screen students for clinical placements, a policy and program of background checks is required. Boston University Background Check Policy is applicable to the verification of prior work history, verification of education and other credentials and, where applicable, criminal history screening of prospective and current employees, subcontractors, volunteers and students placed in clinical settings.

## **I. Conducting Background Checks**

Background checks, where required, are conducted with the full knowledge and acceptance of the individual on which the investigations are being conducted except as otherwise permitted by law. Boston University has engaged the services of Creative Services, Inc. (CSI), a Consumer Reporting Agency. CSI will assist in the collection and interpretation of background check results. Those subject to verification and/or criminal searches will be required to sign the appropriate documents to acknowledge/authorize the collection of required information, including those obtained from the Massachusetts Criminal Offender Record Information (CORI) and those authorized by the Department of Criminal Justice Information System (DCJIS - iCORI) and Massachusetts General Law (MGL) c. 6 §. 172.

Specifics on those subject to background checks and the procedures for conducting such investigations are detailed in the *Background Checks Procedures (BCP) for Designated Positions (BCP)* and other related documents available in Human Resources (HR).

## **II. Access to Background Check Results**

All information obtained through the background check process, including criminal history, is highly confidential and access to such information is limited to those individuals who have a direct "need to know." This may include but is not limited to hiring personnel, those processing employment applications and those submitting requests to CSI. Boston University HR will maintain a current list, updated in six (6) month intervals, of those authorized to have access to and/or view background check results, including CORI.

## **III. Procedure Training**

All University employees authorized to review or access background check results, including CORI, at Boston University must review and be thoroughly familiar with the *BCP for Designated Positions* and the *BCP for Hiring Departments* manuals. Additionally, individuals should be familiar with manuals that address specific populations for which they may be responsible.

Where Boston University is required by MGL c. 6, s. 171A to maintain a background check policy, all employees authorized to conduct criminal background checks and/or review criminal background check and CORI results will be fully familiar with educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

#### **IV. Use of Criminal History in Background Screening**

Criminal background checks, including CORI, used for employment purposes shall only be conducted for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, an employment candidate with a criminal record will not automatically be disqualified. Determination of suitability based on the background check will be made consistent with this policy, applicable laws and regulations, as well as following the Non-Conforming Results Procedure as identified on pages ten (10) through twelve (12) of the *BCP for Designated Positions* manual.

#### **V. Applicant Identity Verification**

Boston University must make reasonable effort to ensure the background information received, regardless of the source, is for the applicant under consideration. The records received must be compared with the signed authorization and release documents and other identifying information provided by the candidate. In the case of CORI, the criminal report received from DCJIS through CSI should be compared with the CORI Request form.

If the information in the background check report does not match the identification or other information provided by the applicant, this discrepancy will be reviewed by the appropriate authority in HR.

#### **VI. Clarification of Background Check Report Information**

Prior to questioning an individual under consideration about his or her background check report, the candidate must first be provided a copy of the background check report, including criminal history, regardless of its source. Except as permitted by law, the source of the report is to be divulged to the applicant.

#### **VII. Determining Suitability**

Should it be determined, based on the verification of the applicants identity as provided in Section V of this policy, that the background check records, including criminal history, belong to the subject and the subject does not dispute the record's accuracy, the process may then move forward to determine the suitability of the subject for the position for which he or she applied.

Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to the following:

- a. The relevance of the crime to the position sought;
- b. The nature of the work to be performed;
- c. The length of time since the conviction;
- d. The age of the candidate at the time of the offense;
- e. The seriousness and specific circumstances of the offense;
- f. The number of offenses;
- g. Whether the applicant has pending charges;
- h. Whether there is any relevant evidence of rehabilitation or lack thereof;
- i. Whether there is any other relevant information, including information submitted by the candidate or requested by the University;
- j. The truthfulness and accuracy of information on the application and other material provided in support of the application.

### **VIII. Adverse Action Based on Background Check Information**

Should Boston University be considering an adverse decision on the applicant based on background check information, the applicant must:

- Be notified of the potential adverse decision based on the criminal offender record information (if applicable)
- Be informed immediately of the source of the background check report; and
- Be provided a copy of:
  - Background Check Report – to include the criminal offender record information if applicable; and
  - Fair Credit Reporting Act – A Summary of Rights;

If the source of the information is the criminal report received from DCJIS through CSI, the applicant must also:

- Be informed immediately of the specific item from the report that may result in adverse action
- Be provided a copy of:
  - The Boston University Background Check Policy; and
  - Information Concerning the Process for Correcting a Criminal Record.

The subject will be provided the opportunity to dispute the accuracy of the background check information.

The applicant will be notified of the final decision and the basis for it in a timely manner.

The order and manner in which Boston University HR personnel will proceed with this process is detailed in the *Non-Conforming Results Procedure* as identified on pages ten (10) through twelve (12) of the *BCP for Designated Positions* manual.

### **IX. Secondary Dissemination Log**

Boston University will not divulge information obtained through background checks to outside organizations except where required to do so by clinical placement agencies. Said agencies must make such requests to HR in writing. A centralized secondary dissemination log shall be maintained in HR to record any dissemination of background check information outside of Boston University, including dissemination at the request of the subject.

The dissemination log must include:

- The subject's name;
- The subject's date of birth;
- The date of each dissemination;
- The name of the person to whom the information was disseminated; and
- The purpose of the dissemination.

#### **X. Storage and Destruction of Criminal History Information**

Boston University will store hard copies in a separate, locked and secure location with limited access. Electronically-stored CORI will be password protected and encrypted with limited password access with no public cloud storage

CORI records will be destroyed 7 years after (1) a former employee's last date of employment; or 2) a final decision with respect to an applicant or employee. Specific requirements for the method of destruction are stated in the Retention and Security Requirements section (pages 12-13) of the *BCP for Designated Positions* manual.