

Policy: **Background & Reference Checks**

Policy Number: **I-3**

Responsible for Policy: Human Resources

Approval Date: May 2010

Most recent review: Fall 2012

Date of most recent revision (*if applicable*): N/A

Policy Statement

In compliance with applicable state and federal regulations, Finger Lakes Community College will conduct background and reference checks on all final candidates being considered for permanent positions regardless of position title. Candidates who are subject to background and reference checks will be notified in advance that the checks will occur. The rights of individuals as outlined in the Fair Credit Reporting Act (FCRA) will be respected throughout the process.

Reason for Policy

Background and reference checks are critically important methods of obtaining employment-related information that bears directly on an applicant's candidacy and serve an important role in the employee selection process by assisting with the selection of the most qualified applicants.

Applicability of the Policy

All College employees should be familiar with this policy.

Definitions

Fair Credit Reporting Act (FCRA): The requirements of the FCRA apply to consumer reports which are defined as "any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, which is used for . . . employment purposes."

Related Documents

- Fair Credit Reporting Act ("FCRA"), 15 U.S.C.A. §§ 1681
- New York Correction Law Article 23-A, Sections 750-755

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Procedures

Background and reference checks will be conducted by one of the College's authorized third party vendors, who will be charged with ensuring that the 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 interviewed will be required to sign the Disclosure & Authorization 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: If, after reviewing the background and reference check information, the College is inclined not to hire an applicant because of the information contained in the report, it must provide the individual with a copy of the report and a written statement of the individual's rights under the FCRA before the decision is made.

Step Four: If the College proceeds with its decision not to hire the applicant, it must again provide the individual with a copy of the consumer report and another written summary of his or her consumer rights (the same form used in Step Three can be used in Step Four) The College must inform the individual that information contained in the consumer report was the basis for the employment decision and provide the name, address and telephone number of the third-party vendor which issued the report. This notification must also include a statement that the third party vendor did not make the decision and will not be able to explain the specifics of the College's decision. Finally, the College's notice must inform the affected individual that he or she may dispute the accuracy or completeness of the information in the report with the third party vendor.

Forms/Online Processes

- *Step One:* Applicant Authorization of Disclosure and Release of Claims
- FCRA Summary of Rights(for the most current version of the FCRA notice go to www.ftc.gov/credit)
- *Step Two:* Certification to Third-Party Vendor
- *Step Three:* Reference Checking Services
- *Step Four:* Post-Decision Notice & FCRA Summary of Rights

Appendix

- None