Background Check Policy

Gordon College (the “College”) is committed to maintaining a safe and secure campus for its students, employees, volunteers and visitors, as well as safeguarding the finances and assets of the College. As such, the College conducts background checks on all prospective employees to whom the College has made an offer of employment, all prospective volunteers, and current employees whose position involves sensitive duties or information.

This policy is applicable to the background history screening of prospective and current employees and prospective volunteers.

The College conducts background checks through a consumer reporting agency. Background checks may include, but not be limited to, state and federal criminal history check (including Criminal Offender Record Information (“CORI”)), verification of social security number, nationwide sex offender search, motor vehicle record, credit history check (if a position involves fiscal responsibility), and other checks as determined by the College in its sole discretion. Please note that the College does not obtain CORI directly from the Massachusetts Department of Criminal Justice Information Services (“DCJIS”).

Human Resources will determine the scope and extent of the background investigation based on the position, job responsibilities or services, and/or activities the individual will perform as an employee or volunteer. At the discretion of the supervisor or Human Resources, background checks may be required of current employees if the employee is transferred to a position involving sensitive duties or information.

Individuals who leave employment at the College and are rehired within twelve (12) months may not be required to have a background check if a previous check was completed by the College. A background check will be required if the gap in service is more than twelve (12) months, except for adjunct faculty members who may teach in alternate years.

Where criminal history checks may be part of a general background check for employment or volunteer work, the following practices and procedures will be followed:

Conducting Screening

Criminal background checks will only be conducted as authorized by applicable federal and state law.

Access To Records

Human Resources will retain results of all background investigations separate from employee personnel files. All criminal background records are confidential, and access to the information is limited to those individuals who have a “need to know.” This may include, but not be limited to, hiring managers, staff submitting the criminal background
check requests, and staff charged with processing job applications. The College will maintain and keep a current list of each individual authorized to have access to, or view, the background check information. This list must be updated every six months.

Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access criminal background records will review and be familiar with applicable federal and state requirements.

Use Of Criminal History In Background Screening

Criminal background records used for employment purposes shall only be accessed for individuals who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an individual. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

Verifying An Individual’s Identity

If a criminal background check reveals a criminal record, the criminal record information will be closely compared with the identifying information provided by the individual to ensure the record belongs to the individual.

If the information in the criminal background record does not exactly match the identification information provided by the individual, a determination is to be made by an individual authorized to make such determinations based on a comparison of the criminal background record and documents provided by the individual.

Inquiring About Criminal History

In connection with any decision regarding employment, the individual will be provided with a copy of the criminal background record, prior to questioning the individual about his or her criminal history. The source(s) of the criminal background record will also be disclosed to the individual.

Determining Suitability

If a determination is made that the criminal record belongs to the individual, and the individual does not dispute the record’s accuracy, then the determination of suitability for the position will be made. In determining whether an individual’s criminal background record is acceptable, the College considers any applicable law and regulations and the nature of the conviction and/or pending charge information. Specifically, unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:
(a) Relevance of the record to the position sought;
(b) The nature of the work to be performed;
(c) Time since the conviction or completion of any resulting sentence;
(d) Age of the individual at the time of the offense;
(e) Nature, seriousness and specific circumstances of the offense;
(f) The number of offenses;
(g) Whether the individual has pending charges;
(h) Any relevant evidence of rehabilitation or lack thereof;
(i) The degree of satisfaction of any parole or probation conditions;
(j) The length and consistency of employment before and after the offense;
(k) Employment or character references and any other information regarding fitness for the particular position (as distinguished from the reference check conducted prior to making an offer for employment);
(l) Whether the individual presents evidence that he or she is bonded under a federal, state, or local bonding program; and
(m) Any other relevant information, including information submitted by the individual or requested by the College.

**Adverse Decisions Based On Criminal Records**

If the College is inclined to make an adverse decision based on the results of a criminal background check, the individual will be notified immediately. The individual shall be provided with a copy of the College's Background Check Policy and a copy of the criminal background record. The source(s) of the criminal background record will also be revealed. The individual will then be provided with an opportunity to dispute the accuracy of the criminal background record. Individuals shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record, and a copy of A Summary of Your Rights Under the Fair Credit Reporting Act. If the College decides to go forward and make the adverse decision, the individual will be notified in accordance with the Fair Credit Reporting Act and any applicable state laws.

**Self-Reporting**

Current employees have an ongoing responsibility to notify their supervisor of any criminal complaint information, indictment, no contest plea, guilty plea, or criminal conviction, excluding (a) misdemeanor offenses punishable only by fine; (b) an arrest, detention, or disposition regarding any violation of law in which no conviction resulted; (c) a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace; or (d) any conviction of a misdemeanor where the date of such conviction or the completion of any period of incarceration resulting therefrom, whichever date is later, occurred five or more years prior to today’s date, unless the employee has been convicted of any offense within five years immediately preceding today’s date. The supervisor will consult with Human Resources or the Provost to review the nature of the crime and make a determination on what, if any, action should be taken. Failure to report being charged with such a crime may result in disciplinary action, up to and including termination of employment.