



**Jamestown Community College  
Policies and Procedures**

<b>Policy Title</b>	<b>Criminal Background Check</b>	<b>Policy Number</b>	<b>141</b>
<b>Section</b>	<b>Human Resources</b>	<b>Approval Date</b>	<b>1/25/2011</b>
<b>Subsection</b>	<b>Conditions of Employment</b>	<b>Effective Date</b>	<b>1/25/2011</b>
<b>Responsible Office</b>	<b>Human Resources</b>	<b>Review Date</b>	

### **1.0 Purpose**

**1.1** To reflect Jamestown Community College's (JCC) commitment to maintaining a safe environment for its faculty, staff, students, volunteers and all others who utilize JCC facilities.

### **2.0 Policy**

**2.1** As a condition of hire or volunteer placement, post-offer, pre-employment background checks will be conducted on all candidates assigned to any JCC campus or extension center location.

**2.2** Inconsistency, omission, or falsity of information provided by the candidate/volunteer versus that obtained by the background investigation may disqualify the applicant/volunteer from further consideration in the search process.

**2.3** Those applicants/volunteers who are discovered to have past criminal convictions will be evaluated for employment or volunteer assignment. If there is a direct relationship between the criminal offense and employment or volunteer assignment, whereby the granting of employment or volunteer status would involve an unreasonable risk to property, safety, welfare of specific individuals or the general public, the applicant may be denied employment/volunteer status. Factors that will be considered in determining employment/volunteer assignment consideration include:

- Specific duties and responsibilities related to employment or volunteer assignment.
- The bearing, if any, the criminal convictions will have on ability to perform job duties or volunteer assignment.
- The time that has elapsed since the criminal offense.
- The age of the applicant at the time of the criminal offense.
- The seriousness of the offense.
- The legitimate interest in protecting property.
- The safety and welfare of individuals and the general public.
- Any information produced by the applicant, or produced on their behalf, in regard to their rehabilitation and good conduct.

- Overall public policy of New York State to encourage the employment of persons previously convicted of one or more criminal offenses.

### **3.0 Procedures**

**3.1** Human resources will have the responsibility for ensuring all applicants for employment are aware of the college's policy for background investigations. Immediate supervisors for volunteer assignments are responsible for ensuring that volunteer applicants are aware of the college's policy for background investigations.

**3.2** The requirement to conduct criminal background investigations will be communicated via the online employment system (Clear Company) and employment advertisements. Employment position advertisement will contain notification to applicants that, "All applicants are subject to a pre-employment criminal background investigation." Immediate supervisors of volunteer assignments are responsible for communicating a notification to volunteer applicants that they will be subject to a criminal background investigation.

**3.3** The human resources office is responsible for ensuring background investigations are completed within the guidelines of this policy and federal and state regulations.

**3.4** Final applicants will be required to sign an authorization form, allowing JCC to conduct a background investigation which may include: criminal conviction verification, sexual offender registry status, driving records, and employment background.

**3.5** Any offer of employment will be made contingent on the positive outcome of the background investigation considering the factors as described in the policy. No external employment candidate or volunteer may begin work or assignment for the college until the appropriate screenings have been completed. A copy of Article 23-A of the New York Correction Law will be provided to candidates/volunteers required to complete a background investigation at the time employment or volunteer assignment is offered.

**3.6** The human resources office will be responsible for determining if there is a direct relationship between one or more of the previous criminal convictions to the job duties to be performed (employment or volunteer) and other safety factors as indicated in the policy. In consultation with legal counsel, a decision will be made if the candidate needs to be disqualified based on the results of the information contained in the background investigation.

**3.7** Applicants/volunteers will be formally notified in writing that JCC has received disqualifying information from the background report. The applicant/volunteer will be presented with the information obtained in the background check and will be provided an opportunity to respond to the facts of the situation.

**3.8** After five (5) business days, barring the receipt of any new information that changes or clarifies and eliminates any discrepancies, JCC shall send the applicant/volunteer a second letter rejecting his/her candidacy/volunteer status based on the disqualifying information generated by the background report.

**3.9** All information received in the background investigation process will be maintained in the human resources office in confidential, secure files, separate from employee personnel files.

#### **4.0 Definitions**

#### **5.0 References**

##### **5.1 New York State Correction Law Article 23-A**