MONTCLAIR STATE UNIVERSITY BACKGROUND CHECK POLICY

1. Purpose

Montclair State University is committed to providing a safe and secure environment for the campus community. Well-informed hiring decisions contribute to this effort. The purpose of the background check policy is to establish the background check requirements and processes for Montclair State University’s prospective employees and per diem employees who work with pre-college age minors.

A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with the University.

2. Covered Individuals

All final candidates for faculty, managerial, non-teaching professional staff, civil service staff, and temporary employees who work or volunteer as part of a University-sponsored program or summer camp that is offered to pre-college-age minors.

Current employees who change jobs due to promotion, lateral transfer, or reassignment and whose new duties require an additional background check.

3. Procedures

Final candidates must provide a signed Search Request and Disclosure and Authorization Form to Human Resources.

Human Resources will obtain the applicable background checks via a third party vendor. All candidates must not commence work until the background check is completed. Only in the event of an emergency hiring situation—such as filling a vacancy to perform critical work or to ensure campus safety, can an employee begin work prior to completion of the background check. In this instance, the offer letter must state that the offer of employment is contingent upon a satisfactory background check.

A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration. If the candidate is a current employee, falsification may also subject the individual to disciplinary action up to and including dismissal as determined by the Review Committee.
Human Resources will communicate one of two outcomes to the hiring manager:

1) A notice of satisfactory results - If the results are satisfactory the hiring manager will receive an email stating the satisfactory results and at that point the manager is free to continue processing the request to hire the candidate.

or

2) A notice that the offer is under review by the Review Committee based on the background check facts as they relate to the position - If the results are not satisfactory, the Review Committee will determine if the results impact the ability to perform the specific roles and responsibilities of the position in question. If a criminal background check reveals criminal convictions or criminal activity, notice will comply with applicable requirements in the Fair Credit Reporting Act. A determination will be made whether to make an offer to the candidate and that decision will be communicated to the hiring manager.

4. Scope and Types of Background Checks

Criminal Background Checks – A comprehensive statewide (or multi-county) search of superior court records of felony and misdemeanor convictions using a statewide repository from the appropriate law enforcement agency, wherever such repository is available. This search will cover an indefinite time period, except in those states, which have laws that pre-empt the Fair Credit Reporting Act. In these instances, convictions of crimes can only be reported for seven years from the last date of conviction.

National Sex Offender search – A comprehensive database search of all 50 states sexual offender registries.

Education Verification – Highest degree earned.

Employment Verification – All employers within prior seven years work history. Includes dates of employment, position held, salary (if available). As instructed, performance information relative to work ethic, strengths, weaknesses, attributes (via a supervisor contact), is specifically excluded.

National DOC search – A database search via the Department of Corrections for each State identifying those individuals who have previously been incarcerated.

OFAC search – A search of the national repository from the Office of Foreign Asset Control which identifies any individual specifically linked to terrorism, supporting acts of terrorism or otherwise provides financial support related to terrorism.

Social Security Search – Verifies all known addresses and protects against fictitious names.

Credit Report – A search for judgments, tax liens, and bankruptcies.

A credit history will be conducted only on the final candidate(s) for any positions with access to, or responsibility for, cash receipts, cash accounts, blank checks, checking accounts, or money market accounts. Credit checks will also be required for positions that initiate accounting/financial transactions, positions that have overriding authority for spending, receipting, HR, or billing transactions. Current employees who assume these types of duties during the course of employment are subject to credit history checks.

5. Exceptions
Current employees are not subject to background checks unless they become a “covered individual” as indicated above.

Students, adjuncts, limited duration staff, and per diem staff are not subject to background checks under this regulation unless requested by the hiring department based on factors such as the nature of the duties (such as working with pre-college-age minors), and access to financial and confidential information.

HR will maintain background check records centrally in accordance with records retention guidelines.