

# Background Checks

## Policy/Procedure

### A. Purpose

To provide guidelines for conducting background checks for employees and trustees.

### B. General Policy

**1. Scope.** A college background check is required for all new full-time, part-time and casual employees. A College, State, Financial and/or Securities and Exchange Commission (SEC) background check also may be required for new or current employees who move to another position by promotion<sup>1</sup>, transfer, or demotion; employees who serve in positions where a background check is required by legal or regulatory requirements, or to better evaluate whether an employee can safely and effectively perform new job duties; or designated employees and trustees with oversight responsibilities for college investments and electronic information<sup>2</sup>. The background check shall be completed after a conditional offer of employment has been conveyed and accepted by the applicant

**2. College Background Check.** The College Background Check shall include the following information:

- National Sex Offender Registry check
- Employment verification
- Academic credential verification
- Social Security Number verification, and
- Social Security Number trace

The College Background Check may also include credit history, motor vehicle records, Federal Motor Carrier Safety Association Clearinghouse, professional license and/or certification verification or other job-related information. If a background check is not completed before a new hire begins work, the employee shall commence conditional employment and remain as a conditional employee until the College Background Check is completed.

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<sup>1</sup> For purposes of this policy, “promotion” is not intended to include promotions within the faculty ranks of assistant, associate and full professor.

<sup>2</sup> Chair and Vice Chair of the Board; Chair and Vice Chair of the Committee on Investments; Chair and Vice Chair of the Committee on Finance, Budget and Audit; Treasurer and Assistant Treasurer of the Board; College Assistant Treasurer

**3. State Background Check.** A Commonwealth of Pennsylvania mandated background check (the “State Background Check”) is required for all current and prospective employees who are responsible for the welfare of a child or who have direct contact, including routine interaction with, children. Employees are exempt from the Commonwealth of Pennsylvania background check requirement if an employee’s direct contact with children, in the course of employment, is limited to either (a) prospective students visiting a campus operated by the institution of higher education; or (b) matriculated students who are enrolled with the College and are not also enrolled in a secondary school. Current and future employees who have direct contact with children, other than those exempt pursuant to this paragraph 3, are required to have a State Background Check. The State Background Check shall consist of the following information:

- Pennsylvania Criminal History Record Information Check
- Pennsylvania Child Abuse Certification
- Federal Criminal History Record Information Check

The employee or prospective employee must submit the information to the College’s Office of Human Resources, where it will be maintained, as required by law.

The State Background Check shall be completed every 60 months. If the State Background Check for a prospective employee is not completed prior to the start of employment, the prospective employee shall be permitted to begin provisional employment upon executing a sworn statement confirming that the employee has applied for the State Background Check and that s/he is not disqualified from employment under the provisions of the Pennsylvania Child Protective Services Law. A provisional employee may not work alone with children, but instead must work in the immediate vicinity of a non-provisional employee. Provisional employment may not continue beyond 90 days.

The holder of a nonimmigrant visa, such as a J-1, is not required to submit information for a background check if:

- The individual is applying for or holds a paid position for a period not to exceed a total of 90 days in a calendar year.
- The individual has not been employed previously in any US state or Puerto Rico.
- The individual affirms in writing that he or she is not disqualified from employment under the provisions of the Pennsylvania Child Protective Services Law or has not been convicted of an offense similar in nature to the crimes listed in the CPSL under the laws or former laws of the Pennsylvania, the United States, any of its states, or any other territory, US possession or foreign nation.

**4. Financial Background Check.** A Financial Background Check shall include a credit check. A Financial Background Check is required for employees serving as senior officers, employees of the Business Office of the Division of Finance and Administration, and employees of the Office of Advancement.

- 5. Securities and Exchange Commission Check (SEC).** The SEC background check is required for key employees of the college that have responsibility for the oversight of college investments and electronic information and for those individuals holding certain designated positions on the Board of Trustees (see FN2 above).

**Use of Criminal Background Information.** The existence of a criminal conviction or a pending criminal charge does not preclude employment in all cases. However, certain criminal convictions and child abuse reports, by law, disqualify a person from employment in positions involving direct contact with children or responsibility for the welfare of children.<sup>3</sup> Dickinson will consider the relevance of the criminal history of the individual being hired to the position being filled and the requirements of Pennsylvania law in determining whether employment should be prohibited based upon criminal history information. The nature and seriousness of the offense, the circumstances surrounding it, the nature of the position, and the length of time since the conviction will be considered on a case-by-case basis. When a background check yields unsatisfactory results, hiring or continued employment must be approved in writing by the Provost or Human Resource Services.

If a current employee's background check information precludes the employee from being hired into a new position, the employee typically will remain in his/her former position. However, if the employee's background check information reveals that the employee is not qualified or casts doubt on his/her ability to safely perform the former job duties, the employee may be precluded from returning to his/her former position and may apply for a vacant position for which he/she is qualified.

Information obtained in a background check will be compared with information provided by the applicant. An applicant who provides false, incomplete, or misleading information on a profile, resume, application form or in an interview will be immediately eliminated from further consideration for employment. An employee who provides false, incomplete, or misleading information during the application or interview process may be subject to corrective action up to and including termination of employment.

An applicant denied employment based on unsatisfactory results of the background check report, who believes his or her background information is incorrect as reported by the agency, may contact the agency or other entities to provide correct information. The applicant is ineligible for hire to the position unless the official records confirm the correction to the information.

If Dickinson decides to take an adverse employment action because of information in the background report received from the agency, the college will provide the employee with an adverse action letter informing the employee of his/her rights as required by law.

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<sup>3</sup> Under the Child Protective Services Law, 23 Pa. C.S. § 6301 et seq., a person may be disqualified from employment in a position that is responsible for the welfare of a child or involves direct contact with children, if the person: (a) is identified as a perpetrator on a founded child abuse report that is dated within the last five years; (b) has been convicted, at any time, of certain crimes, including but not limited to homicide, assault, stalking, kidnapping, rape, endangering the welfare of a child, corruption of minors, sexual abuse of a child, prostitution, and indecent exposure; or (c) has been convicted of a felony offense of The Controlled Substance, Drug, Device, and Cosmetic Act within the last five years. The full text of the Child Protective Services Law is available online.

7. **Protection of Information.** Upon completion of the background check, the agency conducting the investigation will provide Human Resource Services with a complete report. To ensure confidentiality of information, HRS will communicate with the **Provost or appropriate hiring supervisor (or the board committee on trustees)** and confirm whether the applicant is eligible for employment in the position. Data and information collected as part of the background check report shall be used for the purpose of evaluation of the applicant for employment unless otherwise permitted or required by law. HRS shall maintain data collected as part of the process in separate confidential files. Any employee who is responsible for an unauthorized disclosure of information collected under this policy shall be subject to corrective action up to and including termination of employment.
8. **Assistance with Completing Background Checks.** The College's Office of Human Resource Services will assist employees and prospective employees in obtaining the required background checks, but each employee and prospective employee shall bear ultimate responsibility for obtaining all required checks. The College will bear the costs of any background checks that it requires, either by paying the fees required to obtain the checks or by reimbursing the employee or prospective employee for the fees paid to obtain the checks.

#### C. Definitions

1. "Academic credential verification" is a verification of the institutions attended and degrees conferred.
2. "Credit Check" is a check of a person's consumer credit history and typically includes the credit score, current level of indebtedness, previous credit performance and payment history, and types of credit available. This information may be obtained from Public Records, Collections, Trade Accounts, Satisfactory/Unsatisfactory Accounts and inquiries. (Federal laws prohibit discrimination against an applicant or employee as a result of bankruptcy.)
3. "Direct contact with children" means the care, supervision, guidance or control of persons under the age of 18 or routine interaction with persons under the age of 18. This definition does not apply to employees of Dickinson College whose routine interaction with children is limited to (a) prospective students visiting a campus operated by the institution of higher education; or (b) matriculated students who are enrolled with the College and are not also enrolled in a secondary school
4. "Educational Verification" Verifying educational credentials to include high school diploma, GED's degrees, credentials, major area of study, institution and dates received cited by the candidate that qualify the individual for the position sought.
5. "Employment Verification" Verifying/confirming the applicant or employee's work history immediately preceding application at Dickinson College. This verification should include dates of employment, verification of last position held and when permitted salary.
6. "Federal Criminal History Record Information Check" is a check of federal criminal history information obtained by the submission of a full set of

fingerprints to the State Police or its authorized agent.

7. "Motor Vehicle Report (MVR)" Checks motor vehicle records and reveals violations, suspensions and revocations as well as the type of license and restrictions that have been issued.
8. "Federal Motor Carrier Safety Administration Clearinghouse" Checks the national clearinghouse database and reveals records of drug and alcohol prohibition violations including positive drug or alcohol test results and test refusals for CDL drivers who operate commercial motor vehicles on public roads.
9. "National Sex Offender Registry Check" Accesses the US Department of Justice's sex offender database verifying the selected applicant or employee does not have undisclosed convictions of certain sex and violent crimes.
10. "Pennsylvania Child Abuse Certification" is a check that includes a certification from the Department of Human Services as to whether the applicant is named in the statewide database as an alleged perpetrator in a pending, indicated, or founded child abuse investigation in Pennsylvania.
11. "Pennsylvania Criminal History Record Information Check" is a check of criminal history information obtained from the Pennsylvania State Police that is maintained in the Pennsylvania State Police Central Repository.
12. "Routine interaction with children" means regular and repeated contact that is integral to a person's job responsibilities. This definition does not apply to employees of Dickinson College whose routine interaction with children is limited to (a) prospective students visiting a campus operated by the institution of higher education; or (b) matriculated students who are enrolled with the College and are not also enrolled in a secondary school.
13. "Securities and Exchange Commission Check (SEC)" is required for key employees of the college who have responsibility for the oversight of college investments and electronic information and for individuals holding designated positions on the Board of Trustees. This check accesses the SEC database to verify that there are no records of fraudulent accounting activities or inappropriate electronic recordkeeping.
14. "Social Security Number Trace" - returns an applicant's history of addresses. This information is typically used to assist with criminal searches.
15. "Social Security Number Verification" identifies whether the name and social security number provided match the records of the Social Security Administration.

## **Related Information**

Certificate of Compliance With Background Check Requirements  
Background Checks for Volunteers

## **History/Revision Dates**

**Effective: July 27, 2013**  
**Amended: January 11, 2022**  
**Next Review: January 11, 2025**

**Also Found In: Campus Wide Policies and HR**