



Brandeis University

Background Checks

Policy Statement

In order to help maintain a safe environment for the Brandeis community, Brandeis University may require criminal history background checks (CORI) and Sex Offender Registry Information (SORI) of applicants for employment, volunteers, trainees, and other individuals who serve within the Brandeis community when, in the judgment of the University, such inquiry is warranted or legally required.

Criminal history and SORI inquiries may be made to the full extent allowed by law. Background checks may be repeated during the course of an individual's relationship with the University if appropriate.

The University also recognizes that an individual may be legally entitled to authorization, disclosure, confidentiality and other protections. In order to balance the University's policy and obligations requiring inquiries and background checks and an individual's legal protections, Brandeis University sets forth the following procedures.

Applicability

This policy applies to external and internal applicants with conditional offers of employment in positions designated by the University and authorized by the Massachusetts Department of Criminal Justice Information Services (DCJIS). This applies in the case of new hires, transfers, promotions, voluntary and trainee positions within the University, and in any other circumstances that the University deems necessary.

Guidelines

Applicants and Background Checks

Applicants for employment must provide the University with accurate responses to any inquiries made by the University regarding criminal background. Failure to do so fully and truthfully may disqualify an applicant, or if the relationship already has commenced may lead to action up to and including termination of the relationship. Where the University requires background checks, the individual must complete three forms: *1) Notice and Consent for Procurement of Criminal Offender and Sexual Offender Records; 2) Release and Authorization for a third-party agency of the University's choosing to conduct a criminal history background check; 3) CORI Request Form*. Failure to complete these forms and/or provide the requisite identification may result in the individual not being permitted to commence or continue his or her relationship with Brandeis University.

CORI Authorization

CORI checks will be conducted only as authorized by DCJIS. Applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.

An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be familiar with the educational materials made available by DCJIS.

If a criminal record is received from DCJIS, the authorized individual will closely compare the record provided by DCJIS with the information on the CORI request form and any other identifying information provided by the applicant or conditional new hire to ensure the record relates to the individual.

Employee Notification: Potential Adverse Decision/Opportunity to Challenge

If the University is inclined to make an adverse decision based on the results of the CORI or SORI check, the applicant will be notified immediately. The applicant/conditional new hire shall be provided with a copy of the criminal record and the University's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position, and given an opportunity to dispute the accuracy and relevance of the CORI record before a final employment decision is made. Individuals should contact the Vice President for Human Resources to initiate a dispute.

Applicants/conditional new hires challenging the accuracy of the record shall be provided a copy of the DCJIS Information Concerning the Process in Correcting a Criminal Record. If the CORI record provided does not match the identification information provided by the applicant, Brandeis will make a determination based on a comparison of the CORI record and documents provided by the applicant.

The University may contact DCJIS to request a detailed search consistent with DCJIS policy.

Employment Decisions

If the University reasonably believes the record belongs to the individual and that it is accurate, a determination will be made regarding the individual's suitability for the position. Where a background check reveals information of concern to the University and specific action is required, the University will consider the following factors:

- whether the individual has any outstanding warrants for an offense
- the amount of time that has passed since the charge or offense
- the individual's age at time of the charge or offense
- the seriousness and specific circumstances of the charge or offense
- the relationship of the charge or offense to the work to be performed for the University
- the number of charges or offenses
- relevant evidence of rehabilitation, or lack thereof, including any information submitted by the individual or requested by the University
- conclusions from criminal justice officials or qualified mental health professionals as to whether the individual poses a risk of harm
- other legitimate, non-discriminatory factors on a case-by-case basis

Brandeis University will notify the individual of the decision and the basis of the decision in a timely manner.

Record Keeping Requirements

Access to criminal history background (CORI) and SORI reports is limited to authorized personnel who have signed an Agreement of Non-Disclosure form and who are approved by the DCJIS. CORI and SORI reports are kept separate from any other personnel files in a secured location in the Office of Human Resources. Individuals who have questions regarding this policy should contact the Office of Human Resources.

This policy is for general guidance only. It does not create an employment contract or any right to continued employment at Brandeis University. Brandeis University reserves the right to modify, revoke, suspend, terminate and/or change any and all policies and procedures at any time, with or without notice.

*Office of Human Resources
01/2018*