

POLICY ON BACKGROUND CHECKS & CREDENTIAL VERIFICATIONS including information on Criminal Offender Record Information (CORI) January 30, 2015

I. PURPOSE OF POLICY

Simmons College is committed to promoting a safe learning, working and residential environment for all students, faculty and staff. We also recognize the importance of protecting Simmons property and assets and safeguarding our resources. In all hiring decisions, Simmons seeks to select well-qualified individuals of the highest ethical standards. To assist Simmons in meeting these commitments, we have established this policy for credential verification and other background information checks that will be conducted as a condition of employment.

II. SCOPE OF POLICY

This policy **applies** to:

- All Candidates (faculty and non-faculty) for employment;
- Current Simmons employees seeking promotion or job specific transfers;
- Current Simmons employees being assigned new duties, including on an interim basis, that require a criminal background check;
- Anyone who is hired to drive a Simmons-owned vehicle;
- Employees who supervise, coach, teach or otherwise interact with minors in connection with a program for minors on the Simmons campus;
- Employees who have access to buildings serving as residences for Simmons students;
- Temporary workers who will be on an assignment with Simmons for more than one month (30 calendar) days;
- Adjunct faculty who have taught for Simmons before and a background check was not conducted at time of initial hire and/or their break in service is longer than 12 months.

This policy **does not** apply to:

- Current employees – who are not reflected above;
- Employees of vendors or companies that contract with Simmons where those individuals are covered by a written agreement which includes background check requirements.

Simmons reserves the right to require a Credential Verification or Criminal Background Check for any position or in any situation where it is deemed appropriate to protect the interests of Simmons College.

III. DEFINITIONS

A ***Candidate*** is an individual who has applied for employment with Simmons or who is already employed but is applying for promotion or transfer to certain positions.

A ***Selected Candidate*** is the finalist for a position who will be or has been offered the position contingent upon the verification and reviews required by this policy.

Hiring Unit refers to the office or department that will interview and select the candidate for the position.

Credential and Education Verification refers to the process of checking and verifying a candidate's references, education, and employment history and other relevant information.

Criminal background check refers to obtaining and reviewing the results of a candidate's criminal history.

CORI refers to the Massachusetts Criminal Offender Record Information which is a person's criminal history and may also refer to a CORI-equivalent check in other jurisdictions where an employee or selected candidate has lived in the last seven years.

SORI (National) refers to a person's Sex Offender Registry Information which is a record of convictions for specified sexual offenses committed as an adult or juvenile.

IV. POLICY

A. Reference Verification

Prior to extending a conditional job offer, the Hiring Unit is responsible for:

- Consulting with THCS to determine whether a CORI check is required for the position.
- Verifying a minimum of three (3) professional references for each candidate.
 - ✓ Two of these three professional references must come from prior managers who have direct knowledge of the candidate and who can speak to the candidate's work experience, personal demeanor and accomplishments.

The Hiring Unit should promptly consult with Talent and Human Capital Strategy (THCS) if the verification of references and employment history raises questions or concerns.

In all cases, the Hiring Unit is responsible for providing THCS with the name, date, title, employer, and comprehensive summary of the reference given for each person contacted to give a reference. The Hiring Unit should provide the *Simmons College Employment Reference Check Form* in conjunction with notifying THCS that there is or is not a desire to proceed with making a conditional offer.

If the Hiring Unit desires to proceed with hiring the Selected Candidate, after the verification of references, it notifies THCS. A conditional offer of employment will thereafter be extended by either the Hiring Unit or THCS, as agreed between them.

If the Hiring Unit decides it will no longer pursue the Selected Candidate as a result of the reference check (or for any other reason), the Hiring Unit will notify THCS and proper notification will be made to the Candidate.

B. Employment History, Education, and Criminal Background Check

Upon acceptance of the conditional offer, the Selected Candidate will complete and return a *Simmons College Disclosure and Authorization Form* prior to his/her anticipated start date. This form will be used by THCS to initiate a background investigation through a designated independent third-party vendor. A Selected Candidate or employee who declines to sign an authorization form will no longer be considered as a Candidate for the position.

The standard Simmons education and criminal background check will include:

- Verification of the highest level of educational credentials for those positions that specify an educational and/or degree requirement ;
- Verification of up to two (2) employers;
- Verification of current professional certification, licensure or registration for positions that require such credentials;
- Social Security Number trace and address verification;
- Criminal check of felony and misdemeanor records;
- Sexual Offender Registry verification (SORI - National).

Note: Where the need to fill a position is urgent, and with prior approval of THCS and the Vice President or Dean of the School/Function, the Selected Candidate may be permitted to start in the position, conditioned upon the completion of the verification of references.

C. Additional Verifications for Drivers of Simmons Vehicles

A Selected Candidate who will be driving Simmons vehicles (other than a Simmons police vehicle) shall provide THCS with a copy of a current, valid driver's license and must report any suspension or revocation immediately to THCS and their Hiring Unit. For Selected Candidates in Public Safety, driving records will be reviewed and evaluated by the Chief of Public Safety or his/her designee. All other Selected Candidates' driving records will be evaluated by THCS.

D. Additional Verifications for College Officers and Deans

Given the broad range of responsibilities that Officers of Simmons College and the Deans of each Simmons School have, Simmons requires a full background check to include:

- Verification of all educational credentials (up to 3 institutions);
- Verification of actual employment dates of all post-undergraduate employment;

- A minimum of three (3) professional references;
- A national-wide criminal history check;
- A Credit History Check.

E. Credit Checks for Some Simmons Positions

Some positions at Simmons warrant a credit check as a condition of employment. Positions where passing a credit check is required as a condition of employment include, but are not limited to:

- Employees who process or have access to cash, checks, or other monetary instruments;
- Employees who write, print or otherwise create checks or other negotiable instruments;
- Employees who have authority to wire-transfer money to anyone or entity;
- Employees with responsibility for paying or arranging salary payments for employees and student workers;
- Employees who negotiate or authorize account arrangements with banks, brokerage firms, investment companies or other financial entities;
- Employees with responsibility for Simmons credit cards, accounts receivable, or accounts payable;
- Employees with responsibilities for federal and state student financial aid funds or awards.

Under the Fair Credit Reporting Act (FCRA), no credit check will be conducted without written consent. THCS is responsible for providing the Selected Candidate or employee with a copy of the *Summary of Rights under the Fair Credit Reporting Act* which can be found at the end of this policy and will obtain the necessary written consent before proceeding with the background check.

F. Additional Requirements for Positions in Public Safety

Positions in Public Safety typically have additional requirements as conditions of employment including a comprehensive pre-employment physical, drug and psychological testing, a Motor Vehicle check, and CORI and SORI checks. Information about these required verifications and checks may be obtained from the Public Safety Department.

V. What Is Covered in a Criminal Background Check?

Background checks are completed by HireRight, a third party vendor at the request of Simmons College, after the completion of the Authorization and Disclosure form. A copy of this form can be found at the end of this Policy. Criminal Background Checks would screen for the following offenses:

- All murder, manslaughter and sex offense convictions;
- Any felony convictions that occurred within the last 10 years from the date or disposition or release from incarceration, whichever is later;
- Any misdemeanor convictions that occurred within the last five years from the date of disposition or release from incarceration, which is later;
- Any criminal charges pending as of the date of the request, including open cases that have been continued without a finding.

VI. Verifying the Candidate's Identity

Simmons will use reasonable efforts to ensure that the background information we receive, regardless of source, is for the Candidate under consideration. The records received will be compared with the signed authorization/release document(s) and other identifying information provided by the Candidate.

VII. Sharing the Report with the Candidate

Prior to questioning a Candidate about his or her background check report, the Candidate must be provided a copy of the background check report including criminal history.

If the Candidate does not dispute the report's accuracy, the process then moves forward to determine the suitability of the Candidate for the position for which she or he applied.

VIII. Evaluating Results from a Background Check

Any Candidate with a criminal history will be subject to further review. A previous conviction does not automatically disqualify a Candidate. In determining whether criminal charges or convictions will preclude a Candidate from being hired, Simmons officials will consider and determine suitability by considering a number of factors. Below are relevant factors, but the list is not exhaustive.

- a. The relevance of the crime to the position sought;
- b. The nature of the work to be performed;
- c. The length of time since conviction;
- d. The age of the candidate at the time of the offense(s);
- e. The severity of the offense(s);
- f. The number of offenses;
- g. Whether the applicant has pending charges;

- h. Whether there is relevant evidence of rehabilitation (or lack thereof) since conviction
- i. Other relevant information submitted by the candidate or requested by Simmons;
- j. The truthfulness and accuracy of information on the application, resume, cv and/or other materials supplied by the candidate in support of his/her application
- k. Any other potential risk factors to be weighed.

IX. Adverse Action Based on the Background Check Report

Should Simmons consider not offering employment to a Candidate based on the background information, the Candidate:

- Will be notified by THCS of the potential adverse action;
- Will be provided a copy of the information leading to the adverse action;
- Will be provided with the source of the background check report containing the information be relied upon;
- Will be provided with an opportunity to dispute the accuracy of the background check information ;
- Will be notified of the final decision and the basis for it in a timely manner.

X. Sharing the Report with Others

Information that is obtained during a background check which requires further review will be shared with appropriate College officials, including but not limited to the Head of the Hiring Unit, General Counsel for Simmons, a Dean or Vice President, and the Simmons Chief of Police.

XI. Information about Confidentiality

All criminal background check information is confidential. Access will be limited to those individuals who have a need to know. THCS will maintain confidential files of all criminal history records in a file separate from the personnel file, in accordance with the Simmons records retention policy.

XII. Information Subject to Verification

All information contained in a Candidate's application, resume, CV or other materials supplied by him or her are subject to verification at the discretion of the Hiring Unit or THCS. False, incomplete or misleading information may be grounds for not proceeding with the application, for withdrawing an offer of employment already made, or for terminating employment after hire.

Simmons College Criminal Offender Record Information (CORI) Policy

Information about all checks Simmons conducts on references, work history, educational credentials and criminal history, can be found in the first section of this policy on Background Checks and Credential Verification.

It is the responsibility of the Hiring Manager to contact THCS to discuss if any new positions would require a CORI background check.

Any candidates seeking positions for which a CORI check is required or deemed appropriate must undergo a CORI background check as a condition of hire. These checks must be conducted by a representative of the Hiring Unit that has been CORI-certified. This CORI certification allows the CORI-certified representative to use the Massachusetts Department of Criminal Justice Information Services (DCJIS) on-line process to review the applicant's Criminal Offender Record before a hiring decision is made. Currently certain Simmons employees who are CORI-certified already perform CORI checks for positions in Public Safety, Simmons Athletic Camps, and Nursing, as well as for students in clinical placements that require CORI checks.

Whenever a CORI check is performed by a Simmons employee, the following practices and procedures will be followed.

POLICY REQUIREMENTS

CORI checks will only be conducted as authorized by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and MGL c.6, § 172, and only after a Simmons College CORI Disclosure and Authorization Form ("Authorization Form") has been completed. If a new CORI check is performed within a year of an individual's signing of the Authorization Form, he/she will be given seventy-two (72) hours' notice that a new check will be conducted.

Any personnel of the College authorized to conduct criminal history background checks and/or to access or review CORI information will review and will be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

CORI information used **for employment purposes** shall only be accessed for applicants 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 applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

All offers of employment and/or continued employment for faculty and staff hires are contingent upon acceptable results of a criminal record check as determined by those designated at Simmons College to interpret such investigations.

PROCEDURE:

The College has implemented standardized procedures for the review of criminal and sex offender records.

1. The Department of Talent and Human Capital Strategy (THCS) or other designated CORI-certified administrative units hereafter referred to as College Certified CORI Checkers will initiate a CORI check for current employees or candidates seeking positions for which a CORI check is required or deemed appropriate. All subjects of a CORI check must complete and sign the Authorization Form acknowledging that a CORI Check will be performed, and must provide a valid form of government-issued identification. The College will use the identification to verify the subject's identity.
2. College Certified CORI Checkers will then submit the CORI Request either directly to the DCJIS or another Credit Reporting Agency ("CRA") selected by the College, such as HireRight.
3. If a criminal record is received from the DCJIS, the information will be compared with the information on the Authorization Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, an authorized individual will make a determination based on a comparison of the CORI record and documents provided by the applicant.
4. Once the College Certified CORI Checkers have ensured that the record relates to the individual using the process outlined above, the CORI Checkers will consult with the appropriate Hiring Manager on the relevance of the record to the placement and if it would disqualify the individual.
5. If the record does not disqualify the individual, the appropriate CORI Checker will document the reasons for that decision, and proceed with the application/hiring process. 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;
 - (d) Age of the candidate at the time of the offense;
 - (e) Seriousness and specific circumstances of the offense;
 - (f) The number of offenses;
 - (g) Whether the applicant has pending charges;
 - (h) Any relevant evidence of rehabilitation or lack thereof; and
 - (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

6. An applicant or employee will be notified in a timely manner if the College determines his/her criminal history disqualifies him/her from employment, internship or volunteer work with Simmons and the basis for that determination.

The subject of the CORI check will be provided with a copy of this policy, a copy of the DCJIS' *Information Concerning the Process for Correcting a Criminal Record*, and a copy of his/her criminal history. The College will advise the individual of the part(s) of the record that make him/her unsuitable for the position, disclose the source of the criminal history record, and give him/her an opportunity to dispute the accuracy of the CORI record. All explanations of any discrepancies between the job application and the results of the background check will be reviewed prior to the final determination.

IMPORTANT NOTES

All CORI information obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI information outside the College, including dissemination at the request of the subject.

All College Certified CORI Checkers will have a signed Confidentiality Agreement on file in the Office of Talent and Human Capital Strategy.

All CORI check information will be kept in the strictest of confidence to the extent possible. Access to any information collected will be limited to those individuals who have a "need to know". This may include, but not be limited to: hiring managers, staff submitting the CORI requests, the agency performing the CORI checks and staff charged with processing job applications. The College will update the list of individuals with access to CORI information every six (6) months and it is subject to inspection by the DCJIS at any time.

All CORI check records or other information generated by background checks will be maintained in confidential files at the College for seven (7) years after which time they will be destroyed.

This policy and procedure is subject to change at the discretion of the College, within the scope of the DCJIS regulations as finalized May 25, 2012. Please contact THCS for a copy of the current CORI policy or with questions regarding this policy.

Some individual College Certified CORI Checking units may have more restrictive CORI requirements than contained in this document. It is the responsibility of the unit to be aware of and to comply with the CORI requirements of their respective unit.

SIMMONS COLLEGE DISCLOSURE AND AUTHORIZATION FORM

Employment with Simmons College is contingent upon acceptable results of a background investigation as determined by those designated at Simmons College to interpret such investigations. Simmons College (the "College") requests background information about you from a consumer reporting agency. This information may be obtained in the form of consumer reports. HireRight, Inc., or another consumer reporting agency, will obtain the reports for the College. HireRight, Inc. is located at 5151 California, Irvine, CA 92617, and can be contacted at 800-400-2761. The information contained in the reports will be obtained from private and public record sources.

AUTHORIZATION

I consent to the release of consumer reports prepared by a consumer reporting agency, such as HireRight, Inc., to the College and its designated representatives and agents.

I agree that this Disclosure and Authorization form whether original, faxed, photocopied or electronic (**including electronically signed**) form will be valid for any reports that may be requested by or on behalf of the College.

HireRight, Inc. will be verifying the information you provided to Simmons College during the pre-employment process and researching background information at our request **via email**. Our objective is to complete this process quickly. You should expect an email notification requesting you to provide information in order to complete the background verification. Types of verifications:

1. Criminal Felony & Misdemeanor Report	4. Sexual Offender Registry (SORI- National)
2. Highest level of Education	5. Criminal Offender Registry (CORI) *if applicable
3. Social Security Number Trace	6. Up to two (2) Employers

Please make every effort to accurately provide all of the information requested in the on-line process. A HireRight associate may contact you via email for additional information during the verification process. Please be sure to return the associate's call or email promptly to help ensure that your application is processed as quickly as possible.

Any offer of employment is contingent upon acceptable results of background investigation(s) as determined by Simmons College. In most cases, the investigation is conducted and interpreted prior to your start date. In the event it is not, continued employment is contingent upon a favorable determination of the background investigation.

Mandatory Information Required:

First Name: _____ Middle Name _____ Last
Name _____

Signature: _____

_____ Date _____

Email Address: _____ Phone

Thank you,
Talent and Human Capital Strategy

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20006.

- You must be told if information in your file has been used against you. Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- You have the right to know what is in your file. You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- You have the right to ask for a credit score. Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- You have the right to dispute incomplete or inaccurate information. If you identify information in your file that is incomplete or inaccurate, and report it to the consumer

reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- Consumer reporting agencies may not report outdated negative information. In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- Access to your file is limited. A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- You must give your consent for reports to be provided to employers. A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- You may limit “prescreened” offers of credit and insurance you get based on information in your credit report. Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.
- You may seek damages from violators. If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- Identity theft victims and active duty military personnel