



Tufts University Background Check Procedure

Required Background Checks

In order to ensure the safety of the university community, Human Resources may conduct background checks on prospective and current faculty, staff, students, volunteers and contractors.

The background check to be conducted is dependent on the position being sought and may include, but not be limited to, Massachusetts criminal and sex offender records¹, a national criminal and sex offender search, and a motor vehicle driving record search.

Conducting Background Checks

Background checks will only be conducted as authorized by law and only after an authorization form has been completed. A background check begins with a supervisor or authorized person's submission of a completed Request for Background Check Form. All individuals who are required to have a background check must complete this process prior to the start of their employment or service activity. It is the responsibility of the head of each school, division or center (Dean, EAD, VP, Director) to ensure that an individual (whether faculty, staff or student) who is required to have a background check in accordance with this procedure does not commence his/her employment or service activity until the background check has been completed by Human Resources.

Tufts University reserves the right to conduct background screening any time after employment or volunteer service has begun. If a new background check is to be conducted on an individual within a year of his/her signing of the Acknowledgement Form, the individual shall be given prior notice that a new background check will be conducted. All individuals subject to the requirements of this procedure, and who enter into employment or service with the University, will undergo periodic background checks. Any misrepresentations, falsifications, or material omissions in the information provided by the individual, whenever discovered, may result in disqualification from, or termination of employment or volunteer service, with the University.

Access to Background Checks

All background checks obtained are confidential, and access to the information is limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, Human Resources, staff submitting the background check requests, staff processing applications,

¹ Criminal Offender Record Information (CORI) and Sex Offender Registry Information (SORI)

the Tufts University Police Department (TUPD) and the Office of University Counsel. Human Resources will keep a current list of individuals authorized to have access to, or view, the results of background checks.

Training

An informed review of a background check that includes criminal records requires training. Accordingly, all personnel authorized to conduct background checks that include criminal history information and/or who are authorized to review criminal history information, will be familiar with the relevant training materials made available by the Massachusetts Department of Criminal Justice Information Service (DCJIS).

Verifying an Individual's Identity

Once the supervisor/manager has completed the Background Check form, Human Resources will initiate the background check process through our third party vendor.

Use of Background Checks

Background checks used for employment purposes shall only be conducted for applicants who are otherwise qualified for the position for which they have applied.

The nature of the screening and evaluation process depends upon the requirements, responsibilities, and activities of each position. Unless otherwise provided by law, a criminal record will not automatically disqualify an individual from employment. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

Determining Suitability

If a determination is made, as provided above, that the background check belongs to the individual, and the individual does not dispute the record's accuracy, then a determination of suitability for the position will be made. Factors considered in determining suitability may include, but not be limited to, the following:

- The relevance of the criminal offense to the nature of the employment or volunteer service being sought;
- The nature of the work to be performed;
- The seriousness and specific circumstances of the offense;
- The age of the individual at the time of the offense;
- The number of offenses;
- The length of time since the offense occurred;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the individual or

requested by the hiring authority.

Human Resources will make these decisions in consultation with the Office of University Counsel, as needed.

In connection with any decision regarding employment or volunteer opportunities, the individual shall be provided with a copy of the background check prior to questioning him/her about the information in the report.

Human Resources will notify the individual of the decision and the basis for it in a timely manner.

Adverse Decisions Based on Background Checks

If Human Resources intends to make an adverse decision based on the results of a background check, the individual will be notified. The individual shall be provided with a copy of this policy and a copy of the background check. The source(s) of the background check will also be revealed. The individual will then be provided with an opportunity to dispute the accuracy of the information in the background check. Individuals shall also be provided a copy of the following: "Information Concerning the Process for Correcting a Criminal Record" and "A Summary of Your Rights Under the Fair Credit Reporting Act."

Appeals

If an individual wishes to dispute and/or explain the information contained in the background check report, the individual must do so in writing. The written explanation, and any other documents the individual wishes to submit, must be received by the Human Resources within fourteen (14) days of receipt of the above notice that Human Resources intends to make an adverse decision. The appeal submission should include a written explanation of why the individual should continue in his/her employment or service activity. The individual is not permitted to be employed or serve during this appeal process. Such information shall be reviewed by the Vice President of Human Resources in consultation with the Office of General Counsel.

Secondary Dissemination Logs

All background check reports that include criminal history information can only be disseminated as authorized by law. A central secondary dissemination log must be used to record *any* dissemination of such information outside of Tufts University, including dissemination at the request of the individual who is the subject of the background check.