

SIMMONS UNIVERSITY POLICY ON BACKGROUND CHECKS & CREDENTIAL VERIFICATIONS

February 2020

I. PURPOSE OF POLICY

Simmons University 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; see Minors On Campus policy;
- 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;
- Employees who have been rehired after a break in service of 1 year or longer;
- Spouses and Partners of employees who live on campus, as defined by the Live-in Partner Policy Agreement from the Office of Residence Life.

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 University.

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 an individual'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 individual 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 HR 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 Human Resources (HR) if the verification of references and employment history raises questions or concerns.

In all cases, the Hiring Unit is responsible for entering the information gathered from the references into Workday or in certain cases providing the hard copy references to HR. The Hiring Unit should notify HR 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 HR. A conditional offer of employment will thereafter be extended by either the Hiring Unit or HR, 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 HR 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 the *Simmons University Disclosure and Authorization Form in Workday* prior to his/her anticipated start date. Any live-in spouse or partner of an employee that lives on campus, or Simmons employee that is interacting with Minors, per the Minors on Campus policy, should report to the HR office to complete the *Simmons University Disclosure and Authorization Form* prior to their anticipated start date. This form will be used by HR to initiate a background investigation through a designated independent third-party vendor. A Selected Candidate, employee, or live-in partner who declines to sign an authorization form will no longer be considered eligible for the position or program.

The standard Simmons education and criminal background check may include:

- Verification of the highest level of educational credentials;
- 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 HR 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

Any individual who will be driving Simmons vehicles (other than a Simmons police vehicle) shall provide HR with a copy of a current, valid driver's license and must report any suspension or revocation immediately to HR and their Hiring Unit. To be an authorized driver for a Simmons vehicle, all employees must complete a Motor Vehicle Record (MVR) background check as per the Simmons Motor Vehicle Use Policy. 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 individual's driving records will be evaluated by HR.

D. Additional Verifications for College Officers and Deans

Given the broad range of responsibilities that Officers of Simmons University 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 criminal history check;
- CORI

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. HR is responsible for providing the individual 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. Criminal Background Check

Criminal background checks are completed by Creative Services Inc. (CSI), a third party vendor at the request of Simmons University, after the completion of the Authorization and Disclosure form. A copy of this form can be found at the end of this Policy.

VI. Verifying the Individual's Identity

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

VII. Sharing the Report with the Individual

Prior to questioning an individual about his or her background check report, the individual must be provided a copy of the background check report including criminal history. Simmons will follow the procedure as outlined in section IX, Adverse Action Based on the Background Check Report, of this policy.

VIII. Evaluating Results from a Background Check

Any individual with a criminal history will be subject to further review. A criminal history, including any previous conviction, does not automatically disqualify an individual. In determining whether criminal history will preclude an individual 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 or other criminal history;
- d. The age of the individual at the time of the offense(s);
- e. The severity of the offense(s);
- f. The number of offenses;
- g. Whether the individual has pending charges;
- h. Whether there is relevant evidence of rehabilitation (or lack thereof) since conviction;
- i. Other relevant information submitted by the individual or requested by Simmons;
- j. The truthfulness and accuracy of information on the application, resume, cv and/or other materials supplied by the individual 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 any adverse action based on the background information, such as not offering employment to a Candidate, the individual:

- Will be notified by HR of the potential adverse action in writing;
- 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 and relevancy 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 University 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. HR 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 an individual's application, resume, CV or other materials supplied by him or her are subject to verification at the discretion of the Hiring Unit or HR. 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 UNIVERSITY DISCLOSURE AND AUTHORIZATION FORM

Employment, on campus live-in agreements, and participation in a program involving minors as defined by the Simmons University Minors on Campus Policy is contingent upon acceptable results of a background investigation as determined by those designated at Simmons University to interpret such investigations. Simmons University (the " University ") requests background information about you from a consumer reporting agency. This information may be obtained in the form of consumer reports. Creative Services, Inc. (CSI), or another consumer reporting agency, will obtain the reports for the University. CSI is located at 64 Pratt Street, Mansfield, MA 02048, and can be contacted at 800-227-0002. 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 Creative Services, Inc., to the University 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 University.

CSI will be verifying the information you provided to Simmons University 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	5. Employment Report (Up to 3 employers)
2. Education Report (1 Institution- Highest Level)	6. Criminal Offender Registry (CORI) *if applicable
3. Social Security Number Trace	7. Credit History *if applicable
4. National Sexual Offender Registry (SORI)	8. Motor Vehicle Record *if applicable

Please make every effort to accurately provide all of the information requested in the on-line process. A CSI 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, on campus live-in agreement, and participation in a program involving minors as defined by the Simmons University Minors on Campus Policy is contingent upon acceptable results of background investigation(s) as determined by Simmons University. In most cases, the investigation is conducted and interpreted prior to your start date. In the event it is not, continued employment or participation 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, Human Resources

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

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 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 20552.**

- **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 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **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 have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>

5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357