



All individuals who are required to have a Background Check must complete this process prior to the start of their employment, or in the case of volunteers, students and independent contractors, their service activity. It is the responsibility of the supervisor to ensure that an individual (whether student, faculty, staff, independent contractor, or volunteer) who is required to have a Background Check in accordance with this policy does not engage in work/service activities until the Background Check has been completed.

All offers of employment at Clark are contingent upon the satisfactory completion of a thorough Background Check. Clark also reserves the right to conduct a Background Check any time after the individual begins work or service at the University. 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 or student status, with Clark.

B. Consent to Conduct Background Checks and Confidentiality

Finalists for all paid positions will be informed during the pre-employment process that any offer of employment is contingent upon completion of a background check with results acceptable under this policy (see below). Prior to conducting the background check, a signed, written consent will be obtained from the finalist through the new employee on-boarding process. Refusal to authorize the background check will make the finalist ineligible for employment.

The information obtained through background checks is confidential and will be shared only with individuals with an essential business need to know. Records of the background check will be maintained in the Office of Human Resources separately from the employee personnel files.

Generally, employment in the position should not begin until Clark has received and reviewed the results of the background check. Exceptions may be made at the hiring department's request with the approval of the Office of Human Resources or, in the case of faculty hiring, with the approval of the Provost, in consultation with the Office of Human Resources.

C. Access to Background Checks

All Background Checks 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, the Office of Human Resources, and the Office of the General Counsel.

D. 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 this policy and the relevant training materials made

available by the Massachusetts Department of Criminal Justice Information Service (DCJIS).

E. 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. Background Checks are conducted after the individual accepts the offer of employment and, as stated above, all offers of employment at Clark are contingent upon the satisfactory completion of a Background Check. 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 or volunteer service. Rather, determinations of suitability based on Background Checks will be made consistent with this policy and any applicable law or regulations.

F. Questioning a Subject About Their Criminal History

In connection with any decision regarding employment or volunteer opportunities, the individual shall be provided with a copy of the Background Check report, whether obtained from the DCJIS or from any other source, prior to questioning the individual about it. The source(s) of the Background Check report are also to be disclosed to the individual.

G. 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 accuracy contained in the report, 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 length of time since the offense occurred;
- The age of the individual at the time of the offense;
- The seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the individual has pending charges;
- 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.
- The truthfulness and accuracy of information on the application and other material provided in support of the application.
- Whether hiring would pose an unreasonable risk to Clark or its community.

Office of the General Counsel, as necessary.

Questions regarding this policy should be directed to the Office of Human Resources at HR@clarku.edu

Related Policies and Regulations

Minors on Campus Policy

History/Revision Information

Responsible Office/Division: Office of Human Resources

Effective Date: 3/1/2022

Last Amended Date:

Next Review Date: 3/1/2023