

Personnel

Board of Trustees Policy

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| SUBJECT: Employment of applicants with criminal convictions | NUMBER: 2.10 |
| | DATE: February 22, 2016 Revised: 09/1/2016 |
| | SUPERSEDES: |

Purpose

In keeping with SUNY Schenectady’s goal of developing a diverse and model workplace and in ensuring a safe working and learning environment, the College will initiate the appropriate actions in determining employment of applicants with criminal convictions.

Policy

Where an individual discloses in any employment application that they have been convicted of a crime, felony or misdemeanor, SUNY Schenectady will forward the application to the College’s Employment Education Committee who will evaluate the individual for employment. The Committee’s investigation and review may include: criminal conviction verification, sexual offender registry status, driving records, reports from the applicant’s parole/probation officer, if applicable, and a personal interview with the candidate.

Inconsistency, omission, or falsity of information provided by the candidate versus that obtained by the investigation may disqualify the applicant from further consideration in the search process.

Procedure

The Employment Education Committee will consist of the Vice President of Academic Affairs, Vice President for Student Affairs, Vice President of Administration, the Director of Security, and the Director of Human Resources.

In its review and investigation, the Employment Education Committee will determine if the candidate is appropriate for employment including: (1) whether there is a direct relationship between the criminal offense and employment; or (2) whether the granting of employment would involve an unreasonable risk to property, or the safety and welfare of specific individuals or the general public. Factors that will be considered in determining employment include:

- Specific duties and responsibilities related to the employment sought;
- The bearing, if any, the criminal convictions will have on the ability to perform job duties;
- The time that has elapsed since the criminal offense;
- The age of the applicant at the time of the criminal offense;
- The seriousness of the offense or offenses;
- The legitimate interest in protecting property, safety and welfare of specific individuals and the general public;
- Any information produced by the applicant, or produced on his behalf, in regard to his rehabilitation and good conduct; and/or,
- Overall public policy of New York State to encourage the employment of persons previously convicted of one or more criminal offenses.

The Committee will make a recommendation to the President as to whether to employ the applicant. The decision of the President will be final.

In performing its investigation, the College will comply with all requirements of the Fair Credit Reporting Act, and Article 23-A of the New York State Corrections Law.

All information received during the course of the Committee's investigation will be maintained in the Human Resource Department in confidence.