

## SAFETY AND SECURITY

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2018

Supersedes:

Facilities Division  
“Criminal Background  
Checks: Policy for  
Contractors/Vendors”

Related Policies:

Policy on Programs  
Involving Minors  
Policy on Background  
Checks and Credential  
Verifications

Responsible  
Office/Department:  
Facilities  
Procurement Services

Keywords: Background  
checks; contractors;  
vendors; construction  
services; property  
management

# Policy on Background Checks for Contractors and Vendors

## I. Purpose and Scope

The university is committed to fostering a safe and healthful learning, teaching, working, and research environment for faculty, staff and students, and to promoting the safety not only of our students and employees, but also of the young people who come onto the campus to participate in programs.

Given the nature of the university’s programs and residential facilities, and to further the protection of children, students, and staff on campus and in university facilities, this policy applies to all contractors that provide unescorted services to or conduct work at the university, on any of its campuses, in residence halls, athletic facilities and/or the University Health & Counseling Services.

## II. Definitions

For purposes of this Policy,

**Contractor/Vendor** refers to any company or business hired to perform work or services on university buildings, property or facilities. Businesses covered by this policy include but are not limited to those providing facilities and Information Technology services, including cleaning, painting, computer cabling, HVAC, electrical and plumbing, as well other construction services, property management, and security.

**Covered University Facilities** means the University Health & Counseling Services center, residence halls and athletic facilities with locker rooms and/or showers, and other university facilities where programs for minors are located.

**CORI** refers to the Massachusetts Criminal Offender Record Information, which is a person's criminal history, and to a CORI-equivalent check in other jurisdictions where an employee or candidate has lived in the last 7 years.

**SORI** refers to a person's Sex Offender Registry Information, which in Massachusetts is a record of convictions for specified sexual offenses committed as an adult or juvenile. SORI or SORI-equivalent check will be required whenever a criminal background check is required.

### **III. Policy**

#### **A. University Certification Requirements**

1. Contractors and vendors hired to perform work on any campus are required to certify that their employees, subcontractors, agents and anyone working for them or on their behalf who will be performing work under a contract with the university and who will be assigned to work in Covered University Facilities have undergone criminal background checks, including sex offender record information (SORI). The criminal background check must include all jurisdictions where the employee/applicant has resided within the past seven years. As detailed below, in consideration of the essential public safety concerns at issue, the University requires that contractors and vendors not place or assign any employee, subcontractor or agent with certain types of criminal convictions to work in any Covered University Facilities.
2. Contractors and vendors are required to sign a certification [link], attesting to their understanding and compliance with this policy. The certification by the contractor shall state that all personnel assigned or engaged to work in any Covered University Facilities have had a current criminal background check and that the contractor has reviewed the results with regard to the concerns described in this policy, and made a determination of suitability. A criminal background check will be considered current if it was conducted within the twelve months prior to the contractor/vendor's employee being assigned to campus.
3. The contractor/vendor shall also certify that before seeking to assign any newly hired employees to work at the university in a Covered University Facility it will require a criminal background check and will conduct a review of the results consistent with this policy.

4. Contractors and vendors are required to maintain and keep current an accurate list of the names of individuals assigned or engaged by the contractor to perform work on campus, and to promptly provide the list to the University upon request. The university's Internal Audit Department may from time to time audit compliance with this and other university policies.

5. Contractors/vendors shall sign the required certification under penalties of perjury, verifying compliance with the policy when they sign or renew a contract with the university.

#### **IV. Additional Information**

Failure to comply with this policy will constitute breach of the contractor/vendor's contract with the university, and may result in sanctions against the contractor/vendor up to and including termination as a university contractor/vendor.

#### **V. Contact Information**

**Facilities Customer Service Center:** 617-373-2700

**Facilities Procurement & Contracts Manager:** 617-373-2700

**Procurement Services:** 617-373- 2135

## CONTRACTOR'S CERTIFICATION

I have reviewed Northeastern University's Policy on Background Checks for Contractors and Vendors (the Policy) and acknowledge the obligation as a contractor/vendor of Northeastern University to conduct criminal background checks as outlined in the Policy. I certify that only appropriately cleared employees, subcontractors or agents will be assigned by me to work in Covered University Facilities. I further certify that before assigning any employee, subcontractor or agent hired after the date of my signature below to work in any Covered University Facility, I will require a criminal background check and will conduct a review of the results consistent with the standards below. I understand that failure to comply with the university's policy and this certification will constitute a breach of my contract with the university and may result in termination of the contract and loss of opportunity to be considered for future contracts.

By signing this Certification, I certify that I have adhered to the following standards and procedures:

I. The contractor has performed or had performed a CORI or other criminal background check for applicants, employees, subcontractors or agents to be assigned to work at or in any Covered University Facilities, as defined by the Policy, under the contract with the University.

II. The contractor has performed further review of any applicants, employees, subcontractors or agents to be assigned to work at or in any Covered University Facilities who is discovered to have a criminal history. Suitability for assignment to work in Covered University Facilities was assessed and determined based on the following:

a. Any felony conviction or pending charge for any offense listed in 110 C.M.R. § 18.16 at Table A (attached), or for the highlighted offenses on Table B, within ten years following the disposition thereof, including termination of any period of incarceration or custody, will disqualify an employee of the contractor from working in a Covered University Facility;

b. Any felony conviction for any violations listed in 110 C.M.R. § 18.16 at Table B (attached), other than those highlighted and referred to in II.a. above, within ten years following disposition thereof, has been subjected to further review;

c. Any repeat felony convictions for any violations listed in 110 C.M.R. § 18.16 at Table C (attached), within ten years following the disposition thereof, have been subjected to further review.

III. The contractor will re-assign from work on campus any employee, subcontractor or agent who is arrested for a felony offense during the pendency of the contract.

IV. In reviewing the information of the employee, subcontractor or agent and determining whether repeat felony convictions other than those for violent acts, violent sex offenses or theft (e.g., drug use, possession, or sale; non-violent sex offenses) will prevent an individual from being assigned to work in a Covered University Facility, the contractor will ultimately determine suitability by considering factors that include, but are not limited to, the following:

- a. Age at time of conviction(s);
- b. Number of convictions;
- c. Nature of conviction(s);
- d. Severity of conviction(s);
- e. Length of time since conviction;
- f. Behavior since conviction
- g. Any other potential risk factors to be weighed in terms of the type of job responsibilities which fall under the position of the employee.

Signed under the pains and penalties of perjury,

\_\_\_\_\_ Date: \_\_\_\_\_

Authorized Signature

Please clearly identify, by name, your firm/business entity below.

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