

**Rochester Institute of Technology (RIT) Background Check Authorization**

**RETURN FORM TO: HUMAN RESOURCES attn. Brittany Zorn 5<sup>th</sup> Floor Eastman Hall Fax: 585-475-7170 Email: [hr@rit.edu](mailto:hr@rit.edu)**

Position Type (check one)			
<input type="checkbox"/> Staff/Faculty/Adjunct	<input type="checkbox"/> Student Worker	<input type="checkbox"/> Volunteer including Student Volunteers	<input type="checkbox"/> Director of Program Involving Minors (Coach, Trainer, etc.)
Department Name:		Title:	
Supervisor Name:		Ext:	

Type of Check(s)		
<input type="checkbox"/> <b>Pre-Employment</b> Criminal Background Check, Sex Offender Registry, Student Conduct for current or previous RIT Students (for all <u>new hire</u> regular staff, faculty and adjunct faculty)	<input type="checkbox"/> <b>Motor Vehicle Record</b> (student workers, staff and faculty employees) <b>only required when driving is an essential function of the job</b>	<input type="checkbox"/> <b>Non-employment</b> (volunteers only) Sex Offender Registry only

<b>Last Name:</b>	<b>First Name:</b>	<b>MI:</b>
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<b>Current Home Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>

The following information is required by law enforcement agencies and other positive identification purposes when checking public records. It is confidential and will not be used for any other purposes.

<b>Previous Home Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>

<b>Driver's License Number:</b>	<b>Name on License:</b>
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<b>Other names you have used:</b>	
<b>*Social Security Number:</b>	<b>**Date of Birth:</b>
<b>Current or Prior RIT Student:</b> <input type="checkbox"/> Yes (Years: _____ ) <input type="checkbox"/> No	

\*Your SS# will only be used to confirm your identity for purposes of completing an accurate background investigation.  
 \*\*The Age Discrimination Employment Act of 1967 prohibits discrimination on the basis of age with respect to individuals who are at least 40 years of age. Your date of birth is required on this form to confirm your identity for purposes of completing an accurate background investigation, and is not provided to the hiring official for any purpose in connection with consideration of your application for employment.

- I understand that an investigative report may be generated on me that may include, but not limited to, information as to my character, work habits, performance and experience, along with reasons for termination of past employment, criminal history records from any criminal justice agency in any or all federal, state, city and county jurisdictions, state Department of Motor Vehicle/Drivers' License Records to include traffic citations and registration, military records from the National Personnel Record Center, education records including transcripts, and requests for records and information from any individual, company, firm corporation, present and/or past employers and public agencies (including the Social Security Administration and the Immigration and Naturalization Service). I fully understand that RIT and/or its agent (First Advantage) may be requesting information from public and private sources about any of the information noted earlier in this paragraph, and I freely give my consent for RIT to do so.
- According to the Fair Credit Reporting Act (FCRA), I am entitled to know if the considerations for which I am applying are denied because of information obtained from a consumer-reporting agency. If so, I will be notified and be given the name of the agency providing the report. Summary of rights can also be found on the Human Resources website at: <http://www.rit.edu/fa/humanresources/content/forms>
- I agree that a photocopy or telephonic facsimile of this authorization shall be valid as the original. This release is valid for most federal, state and county agencies.
- I acknowledge receipt of Article 23-A of the New York Correction Law.

**I hereby authorize, without reservation, any one contacted by RIT and/or their agent First Advantage, to furnish the information described in Section 1.**

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**Signature (original only Electronic Signature is not acceptable) Please print full name** **Date**



NEW YORK CORRECTION LAW ARTICLE 23-A

LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment. 755. Enforcement.

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§750. **Definitions:** For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. **Applicability:** The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. **Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.** No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

**§753. Factors to be considered concerning a previous criminal conviction; presumption.** 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

**§754. Written statement upon denial of license or employment.** At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

**§755. Enforcement.** 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.