



Regulation of the Chancellor

Number: **C-115**

Subject: **REQUIRED BACKGROUND INVESTIGATION**

Category: **PERSONNEL**

Issued: **September 5, 2000**

SUMMARY OF CHANGES

This regulation supersedes C-115 - dated 12/11/84.

It details the background investigation that all personnel assigned to titles listed in the regulation must undergo.

Changes:

- The regulation was revised to update the background investigation procedures required for all personnel assigned to titles covered by the Board of Education's resolution of June 20, 1984.
- In addition, the minimum salary to determine who is covered was increased to the current city level.



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TABLE OF CONTENTS

| Section | Topic | Page(s) |
|---------|---|---------|
| 1. | Applicability and Scope of Regulation | 3-5 |
| 2. | Completion of Questionnaire | 5 |
| 3. | Submission of Questionnaire | 6 |
| 4. | Confidentiality | 6 |
| 5. | Failure to Comply | 6 |
| 6. | Form of Questionnaire | 7 |
| 7. | Inquiries | 7 |



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ABSTRACT

This regulation supersedes Regulation C-115 dated 12/11/84. Background investigations were authorized by resolution of the Board of Education, adopted June 20, 1984. This regulation governs the background investigation, which all personnel assigned to the titles listed, including both pedagogical and administrative employees, must undergo. Failure to submit the background questionnaire and authorizations required by this regulation, or to receive clearance by the Board of Education, shall constitute grounds for denial of appointment, assignment or promotion to an affected position or, if employment in the position has already commenced, shall constitute grounds for termination of service.

1. APPLICABILITY AND SCOPE OF REGULATION

- a. Each individual who is assigned to one of the titles listed below must file a Background Investigation Questionnaire in the form prescribed for this purpose by the New York City Department of Investigation and undergo a background investigation conducted by that department.

Member, Board of Education (Central)
Secretary, Board of Education (Central)
Counsel to the Board of Education
(Central) Legislative Representative

Assistant Secretary, Board of Education (Central)
Special Assistant, Board of Education (Central)

Chancellor
Deputy
Chancellor Chief
Executive

Assistant to the Chancellor
Assistant to the Deputy
Chancellor Assistant to the
Chief Executive

Executive Director
Community
Superintendent

Superintendent – High Schools
Assistant Superintendent
Superintendent of Citywide
Programs Deputy Executive
Director

Deputy Superintendent

Deputy Assistant
Superintendent Administrative
Assistant Superintendent
Director (Non-Pedagogical)

Deputy Director

Executive Assistant and/or Secretary to Community School Board

Managerial Employees *

Civil Service Provisional Employees *

*Remunerated at or above \$55,000 (to be adjusted from time to time in accordance with city policy).

- b. In addition, other individuals assigned to sensitive and confidential positions, as designated by the Board of Education, the Chancellor, or a Deputy Chancellor, shall be required to file a Background Investigation Questionnaire and to undergo a background investigation by the New York City Department of Investigation.
- c. Although permanent managerial employees are **not automatically** required to undergo background investigations, they may be directed to submit a Background Investigation Questionnaire and to undergo a background investigation if they are serving in titles specified in subdivision a., above, or occupy positions deemed to be sensitive and confidential, as provided in subdivision b., above.
- d. If requested, the applicant or nominee shall make himself or herself available for fingerprinting. The individual shall complete the form, Authorization for Background Investigation, and shall also execute forms authorizing the disclosure to the Department of Investigation of information, files and records of former employers, educational institutions, professional associations, governmental bodies and disciplinary or grievance bodies, authorizing credit checks; authorizing verification of the timely filing of federal or state income tax returns for the three-year period preceding the investigation; and authorizing the release of information, if any, from the offices of the United States Attorneys for the Southern and Eastern Districts.

- e. It should be understood by all applicants or nominees that clause 5 of the Authorization for the Background Investigation form, holding the City harmless with respect to claims which may arise out of this procedure, does not apply to prevent any cause of action arising out of the confidentiality provisions of clause 4 on the same form. (See Section 4 of this regulation.) For example, an employee who believes that confidential information has been released may bring a lawsuit and the “hold harmless” clause cannot be asserted as a defense.

Further, it is the intent of the Board of Education, as expressed in this regulation, that clause 5 of the Authorization for Background Investigation form does not abridge the obligations and/or rights of any persons with respect to resulting personnel actions.

2. COMPLETION OF QUESTIONNAIRE FOR APPLICANTS AND NOMINEES FOR NEW ASSIGNMENTS

- a. Except as provided immediately below, persons who apply for or are nominated for any position for which a background investigation is required by this Regulation must submit the prescribed Background Investigation Questionnaire to the Division of Human Resources, Bureau of Certification and Appointments, 65 Court Street (Room 504).
- b. Persons who apply for or are nominated for any position for which a background investigation is required by this Regulation need not submit a new Questionnaire provided:
 - The applicant or nominee submitted a Background Investigation Questionnaire for the same or another position within two years of the date of the current application or nomination; and
 - No event has occurred since completion of the previous Questionnaire that may materially affect the discharge of the applicant’s or nominee’s duties.

3. SUBMISSION OF QUESTIONNAIRE

- a. Applicants and nominees for new assignments shall be provided a copy of the Background Questionnaire. The questionnaire must be completed, signed and returned in a sealed envelope, to preserve the confidentiality of the data, within forty- five (45) days of appointment to the Division of Human Resources, Certification and Appointments, 65 Court Street, Room 504, Brooklyn, New York 11201. The Division of Human Resources will forward the documents to the Department of Investigation. Either the Division of Human Resources or the Department of Investigation will contact the applicant/nominee to schedule an appointment.
- b. It is the responsibility of an applicant or nominee who is required to undergo a background investigation to ensure that the questionnaire is submitted in accordance with this Regulation.

4. CONFIDENTIALITY

- a. All information including documents provided, received or obtained in connection with a background investigation shall constitute part of the investigation files of the Department of Investigation; accordingly, all such information is strictly confidential and may be released only to the President of the Board and/or the Chancellor, or their designees, and is not open to public inspection. Such information may only be used by the Department of Investigation for the specific purpose intended, that is, to complete the background investigation for the applicant's or nominee's particular position with the Board of Education, except that the Department of Investigation shall, where required under law, also forward a copy of its report to the appropriate prosecuting attorneys and/or the Conflicts of Interests Board, where appropriate.
- b. Such information may be used by the President of the Board of Education and/or the Chancellor for the specific purpose intended, that is, to complete the background investigation for the employee's applicant's or nominee's particular position with the Board of Education, and to take appropriate action as required.

5. FAILURE TO COMPLY

Failure to submit the background questionnaire and authorizations required by this regulation, or to receive clearance by the Board of Education, shall constitute grounds for denial of appointment, assignment or promotion to an affected position or, if employment in the position has already commenced, shall constitute grounds for termination of services.

Any misrepresentation of material fact on the questionnaire or on any other documents submitted may have an adverse affect upon employment.

6. FORM OF QUESTIONNAIRE

Copies of the Background Investigation Questionnaire may be obtained from the Bureau of Certification and Appointments within the Division of Human Resources. Photocopies may be used. However, only the original of a completed questionnaire may be submitted; answers or signatures which are reproduced are not acceptable.

7. INQUIRIES

Inquiries concerning this regulation should be directed to:

Bureau of Certification and Appointments

N.Y.C. Department of Education

65 Court Street - Room 504

Brooklyn, NY 11201

Telephone: 718-935-2297