POLICY TITLE | Background Check Policy and Procedures
---|---
No. 355 | January 29, 2019

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1. POLICY

The College uses background check information to ensure the safety of the campus community and the financial security of the institution.

Background checks are conducted in accordance with the Fair Credit Reporting Act and other relevant federal and state laws.

Eligibility for the following is contingent on an individual’s successful completion of the background check process:

- Employment as faculty, adjunct faculty, or staff;
- Student employment involving significant contact with minors; and
- Volunteer service involving significant contact with minors.

2. DEFINITIONS

A. Authorized Representatives

The following are authorized to request background check information from applicants, to review background check information obtained from the third-party consumer reporting agency, and to determine whether an applicant has any potentially disqualifying conditions:

- For staff and volunteers, designated staff in the Human Resources department
- For faculty, designated staff in the Provost office
- For student employees, designated staff in the Career Center

Only these representatives will have access to information obtained through a background check.

B. Background check

A background check is a search of public records to determine whether an individual has been convicted of criminal conduct anywhere in the United States in the previous seven years. This includes county criminal history, previous convictions, and sex offender registry status. In addition, the background check process includes a social security number and address history verification.

C. Disqualifying conditions

Failure to submit a background check release within 7 calendar days of the request.
Background check results that includes any of the following:

- the individual’s Social Security number is not validated;
- the individual has been included on the sex offender registry; or
- the individual did not accurately disclose a criminal conviction on the background check release form.

Background check results that include conviction of a felony crime in the previous seven years.

D. Third party consumer reporting agency

A third-party consumer reporting agency conducts background checks for the College to ensure privacy of information and provides information it obtains to the College for use in determining eligibility for employment or volunteer service.

E. Significant contact with minors

A position involves significant contact with minors if there is a reasonable expectation that in the course of the normal, routine responsibilities, the individual would interact with minors on a one-on-one basis.

F. Minor

For the purposes of this policy, a minor is an individual younger than 18 years of age.

G. Adverse action

Adverse action is the denial of employment or volunteer service

### 3. PROCEDURES

A. Background check release

An authorized representative will request that individuals submit a signed background check release after they have received a conditional offer of employment or volunteer service. The College will require a background check of former employees with a break in service of more than 30 days.

Before a background check is conducted, the individual must authorize the release of background check information to the College.
Once a background check release is submitted, a third-party consumer reporting agency will provide background check information to an authorized representative.

B. Review of background check information

An authorized representative will review the background check report to determine whether the individual has any potentially disqualifying conditions.

C. Eligibility Determination

a. If the background check does not reveal any potentially disqualifying conditions, the individual will be notified that they are eligible for employment or volunteer service as follows:

- For staff, the human resources department
- For faculty and adjunct faculty, the provost’s office
- For student employees, the career center
- For volunteers, the volunteer’s supervisor

b. If the background check includes any potentially disqualifying conditions, the Executive Director of Human Resources will review the information to determine if adverse action is warranted.

When assessing whether a felony criminal conviction is disqualifying, the following factors will be considered:

- The nature of the conviction and its relationship to the position.
- Whether hiring or offering service opportunities to the individual would pose an unreasonable safety risk to the campus community or financial security of the institution.

c. Before adverse action is taken, a representative of the human resources department will inform the applicant in writing:
   (1) that adverse action may be taken based on information obtained through the background check process;
   (2) that they have 5 business days to dispute the accuracy of the report with the third party consumer reporting agency; and
   (3) that the third-party consumer reporting agency did not make the decision and cannot give specific reasons for it.

The human resources representative will provide the individual the name, address, and telephone number of the third-party consumer reporting agency that conducted the background check. The human resources department will ensure that applicants have access to a copy of
the background check report and to a written summary of the applicant’s rights under the Fair Credit Reporting Act and any required state notices.

If an individual disputes the accuracy of the report within five business days, the Executive Director of Human Resources will consider whether any corrections to the information in the report, if applicable, makes the applicant eligible for employment, or volunteer service.

The human resources department will provide applicants a final determination on their eligibility for employment or volunteer service. An individual who is deemed ineligible will be notified in writing:

(1) that they were deemed ineligible because of information in the background check report;

(2) the name, address, and phone number of the third party consumer reporting agency;

(3) that the third party consumer reporting agency did not make the decision and cannot give specific reasons for it; and

(4) that they have a right to dispute the accuracy or completeness of the report and to obtain an additional free report from the third party consumer reporting agency within 60 days.

D. Eligibility to reapply

Individuals who are deemed ineligible based on background check information obtained may re-apply for consideration one year from the date of the notice of ineligibility.

E. Obtaining a copy of the background check report

The human resources department will provide an individual access to a copy of their background check report upon request.

4. RECORDS RETENTION

Records related to an applicant’s background check are securely stored with the third-party vendor for a period of 7 years.

5. RESPONSIBLE ADMINISTRATOR

The Responsible Administrator for this policy is the Executive Director of Human Resources.
6. REFERENCES


7. RELATED POLICIES

354 Employment Policy

8. HISTORY

<table>
<thead>
<tr>
<th>Date of Last Action</th>
<th>Action Taken</th>
<th>Authorizing Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 9, 2018</td>
<td>Interim Policy Adopted</td>
<td>Policy Governance Committee</td>
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<tr>
<td>January 29, 2019</td>
<td>Final Policy Adopted</td>
<td>Policy Governance Committee</td>
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</tbody>
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9. SIGNATURE, TITLE, AND DATE OF APPROVAL

Approved: /s/_________________________________________

Bethami A. Dobkin, President