

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Background Checks (also known as Pre-Employment Screening Procedures)

DATE: July 26, 2021

PURPOSE: To describe the terms and conditions under which pre-employment criminal background checks are conducted.

SCOPE: This procedures memorandum applies to all internal and external candidates for employment in regular and temporary positions at Metropolitan Community College with the following exceptions. For bargaining unit employees making a lateral move from one shift/location to another shift/location, via the bid process, a background check will not be required.

The College may, at its sole discretion, waive the pre-employment criminal background check requirement for individuals hired as on-campus work-study students, in conjunction with an academic program for which work experience is a requirement or an integral part of the educational program and individuals temporarily employed by or who may work at the College as part of a program of vocational rehabilitation or as part of a federal, state or local governmentally sponsored or funded Workforce Development or other similar program.

1. General Principles

To promote a safe and secure environment for its faculty, staff, students, volunteers, and visitors, and to ensure that the College remains a good steward of public funds, Metropolitan Community College will take reasonable steps to ensure that hiring decisions effectively contribute to reducing unnecessary risk. The College has established a background check procedure to accomplish this purpose.

As is the case with other College policies and procedures, background checks and related actions will be conducted in accordance with all applicable laws. Further, background checks will not be conducted until the designated hiring official determines that the applicant meets the minimum employment qualifications. The College retains the right to unilaterally change or modify this procedures memorandum, and nothing herein or related to this procedures memorandum shall create an expectation of employment generally or for a definite term.

## 2. Responsibilities

- A. Office of Human Resources - responsible for the administration of the background check process. For positions within the College's Police/Public Safety department, background checks are handled by the Chief of Police and retained in-house. Background checks for all other regular and temporary positions are initiated by the Office of Human Resources, and said materials are maintained therein and disposed of in accordance with the College's and State's records retention policies.
- B. Hiring Supervisors/Screening Committee Chairs - responsible for communicating the background check requirement to individuals selected for employment interviews and for overall compliance with the background check policy in their respective departments. At no time should a candidate begin work at the College in a position for which a background check is required until Human Resources notifies the hiring supervisor that the background check has been successfully completed/approved.
- C. Current Employees - Faculty and staff who are convicted of a crime (not including traffic-related infractions) are responsible for informing their supervisor or department head within five business days of the date of conviction. The supervisor/department head will then immediately submit the information to the Vice President of Human Resources. Rather than notifying their supervisor/department head, employees may choose to contact the Office of Human Resources directly.

As a result of receiving this information, the College reserves the right to conduct appropriate background checks but will do so only if the Vice President of Human Resources, the College's General Counsel, and other senior management determine that the circumstances warrant doing so. If information discovered during this process is negative, the Vice President of Human Resources, the College's General Counsel, and other appropriate management personnel will determine if any employment action is necessary; e.g., termination of employment, restriction of certain duties, reassigning the individual to a different position, or conducting an investigation. The College will consider all factors, including the safety of its constituents, in determining appropriate action. Failure to disclose convictions may result in disciplinary action being taken, up to and including termination of employment.

## 3. Types of Searches/Verifications

The items that may be investigated on background checks include the following:

- A. Identification Confirmation Search
  - 1) Social Security Number Trace (also verified through the E-Verify system)
  - 2) Motor Vehicle Records
- B. Criminal Background Search
  - 1) Countywide/statewide Felony/Misdemeanor Record Search by identified names

- 2) Federal Felony/Misdemeanor Record Search by identified names
- 3) Felony/Misdemeanor Record Search of additional counties/states in which the individual formerly resided by identified names

C. Dru Sjodin National Sex Offender Public Registry (NSOPW)

Individuals who are re-hired on an intermittent basis; e.g., adjunct instructors and part-time/on-call staff, will not necessarily be required to complete a background check each time they are re-hired, but they may be required to periodically complete a background check if the completed background check on file is more than one year old.

Current employees being considered for a lateral transfer, promotion, or demotion may be required to complete a background check if there is a completed background check on file, but it is more than one year old when the employment status changes. Current employees may also be asked to complete a background check if they are hired into a Public Safety Officer position, since they may be authorized to carry a gun.

4. Verification of Background Checks

- A. The Office of Human Resources will order the appropriate background checks for the position from a licensed investigation firm, and the results of the various checks will be reviewed by a designated Human Resources representative.
- B. In instances where negative or incomplete information is obtained, the Vice President of Human Resources and the College's General Counsel will review the materials to determine appropriate action, including, but not limited to, assessing the applicability and potential liability of the findings. The College reserves the right to consult with the hiring supervisor or any other pertinent individual, if necessary, prior to making a hiring decision.
- C. If the background check is favorable, the Office of Human Resources will notify the hiring supervisor that the candidate is approved to begin employment.

5. Adverse Action Notifications

If a background check is returned with unfavorable results and the candidate is determined to be disqualified, the Office of Human Resources will notify the hiring supervisor of the decision. In accordance with federal law, the candidate will receive the appropriate written notifications (pre-adverse action disclosure and post-adverse action notification), along with a copy of the relevant background check report and a summary of the candidate's rights under the Fair Credit Reporting Act, as amended.

6. Confidentiality

The College is committed to the protection of private and confidential information. Results of all background checks will be kept confidential and will not be disclosed except to the extent

necessary to administer and enforce this procedures memorandum, as provided by law, or pursuant to appropriate legal process. Any violations of confidentiality of information will subject that individual to disciplinary action, up to and including termination.

Adopted 7/15/10; 7/11/14; 7/26/21 (title changes only)