

# **GOUCHER COLLEGE BACKGROUND CHECK POLICY**

## **I. Purpose**

The purpose of this policy is to describe the terms and conditions under which background checks of applicants for employment are conducted.

## **II. Type of Background Checks Conducted**

### **A. Standard Pre-Employment Screening**

#### **1. Employment Application/Interview**

All employees shall complete an employment application that requires an applicant to describe any criminal convictions and to certify the accuracy of information provided on the application. Falsification of information on an employment application or in the hiring process will normally result in denial or forfeiture of college employment.

It is acceptable and appropriate to inquire during the interview process about convictions, but not arrests. Hiring supervisors should review the conviction statements on the employment application and should inquire about any reported convictions during the interview, however candidates may not be asked to reveal information about any convictions that have been expunged or sealed by a court. Any information about reported convictions, as well as any information about falsification of information, should be communicated to the Department of Human Resources for further investigation and appropriate action, in consultation with legal counsel. Convictions disclosed on the application or during the employment process do not automatically disqualify an applicant but will be considered in the selection decision if they are determined to be related to the job.

#### **2. Reference check**

The Department of Human Resources or a designee shall check references and verify the employment history and past performance of a finalist before a final offer of employment is extended.

### **B. Position-Specific Criminal and Credit Background Checks**

The following classes of applicants are subject to additional pre-employment background checks. These checks include a social security trace (all current and reported addresses for the last seven years on a specific individual based on his or her social security number, to include reports of other names and aliases), national criminal felony and misdemeanor search, verification of highest level of education, professional license check, national sex offender search, driver record check, and

other background checks as appropriate, including a fingerprint background check for those employees who have access to and/or live in residence halls. In addition, international checks will be performed for foreign nationals in the categories below. These searches are conducted by an outside credit reporting agency, in accordance with the provisions of the Fair Credit Reporting Act.

Faculty (full-time and half-time) – Standard package to include county criminal felony and misdemeanor with social trace (includes all counties within 7 years, based upon social trace), sexual offender search, employment (7 year history, up to 3 employers), education (verification of highest degree earned).

Department directors and above – Standard package to include county criminal felony and misdemeanor with social trace (includes all counties within 7 years, based upon social trace), employment (7 year history, up to 3 employers), education (verification of highest degree earned).

Athletic coaches (including part-time assistant coaches who travel with a team) - Criminal based on social with sex offender package to include: county criminal felony and misdemeanor with social trace (includes all counties within 7 years, based upon social trace), sexual offender search. In addition we will perform an education check (verification of highest degree earned) and a driver record check. Volunteer coaches will be subject to criminal background checks conducted by Goucher staff, rather than an outside consumer credit agency. These checks will include a fingerprint check and on-line criminal and sexual offender searches.

Employees who reside in or have access to residence halls (including community living, student activities, computing services) - Criminal based on social with sex offender package to include: county criminal felony and misdemeanor with social trace (includes all counties within 7 years, based upon social trace), sexual offender search. In addition we will perform an education check (verification of highest degree earned) and a fingerprint criminal background check. Spouses or domestic partners of employees who reside in residence halls will be subject to criminal background checks conducted by Goucher staff, rather than an outside consumer credit agency. These checks will include a fingerprint check and on-line criminal and sexual offender searches.

Employees who have access to sensitive financial or technical information (including controller's office staff, payroll staff, administrative computing staff) - Standard package to include county criminal felony and misdemeanor with social trace (includes all counties within 7 years, based upon social trace), employment (7 year history, up to 3 employers), education (verification of highest degree earned). In addition, we will perform an employee credit history and a national criminal database search.

Union and security employees who have access to residence halls - Criminal based on social with sex offender package to include: county criminal felony and

misdemeanor with social trace (includes all counties within 7 years, based upon social trace), sexual offender search, and fingerprint criminal background check. In addition, employees whose job descriptions require them to have a valid driver's license will also be subject to a driver record check.

Employees that require state licensure to perform their job duties (including health center personnel, legal counsel) – Professional license check

Employees whose job descriptions require a valid driver's license (including admissions counselors/representatives) – Driver record check.

### C. Additional Background Checks

The college reserves the right to conduct investigations when an employee is charged with or convicted of any crime that reflects on his/her suitability for continued employment, during the course of an administrative investigation, or when the employee is transferred or hired into a new position that requires a criminal background check. The college also reserves the right to require background checks of additional categories of applicants, at its discretion. The college will generally not conduct background checks on student employees unless that individual's primary purpose at Goucher is to work as a regular employee.

Every employee must inform his/her supervisor within five business days if he/she is convicted of a crime (not including minor traffic infractions). Reporting of convictions is applicable to all employees, whether or not their positions are subject to an original background check. The college may conduct a background check of an existing employee who reports a conviction pursuant to the procedures below.

## **III. Procedure**

All offers of employment will be contingent on satisfactory results of the background search. The college will ensure that all background checks are conducted in compliance with applicable federal and state statutes, including the Fair Credit Reporting Act.

### A. Information Collection

A signed authorization from the finalist and an Application for Employment is required before criminal record information or background information may be requested from the outside credit reporting agency.

### B. Results of Background Checks

1. Results of background checks are sent directly to the Office of Human Resources.

2. If the background check is favorable, human resources will notify the hiring supervisor that the candidate is approved to begin employment.
3. If the background check is unfavorable, human resources will review the information in consultation with legal counsel. Other individuals that may be consulted, at the discretion of human resources, include the hiring supervisor, the appropriate vice president, the office of the provost (for faculty hires) and the office of the president. A decision to hire an applicant with a job-related conviction requires the approval of the appropriate Vice President or President.
4. If the unfavorable information is included in the report provided by the credit reporting agency, human resources must send the applicant a Pre-Adverse action letter. If the decision is made not to hire the applicant because of information included in a report, a Final Adverse Action letter shall be sent to the applicant informing the applicant of his/her rights under the Fair Credit Reporting Act. If unfavorable information is uncovered about the spouses or domestic partners of employees subject to background checks under this policy, the results of such search will be provided only to the spouse/partner, and not to the applicant. No pre-adverse action or adverse action letter will be sent to such individuals.
5. In making the determination of job-relatedness, the hiring department will consider how recently the unfavorable incident occurred; the frequency and severity of the incident(s); the age of the individual at the time of the incident; the accuracy of information provided on the application and during the interview process; evidence of rehabilitation; and the safety and security of the campus, college assets, and the members of the campus community, which will be the most important consideration. These factors will also be considered when determining whether a spouse/partner will be permitted to reside in a residence hall.

### **III. Confidentiality**

Only the department of human resources may initiate a background check and receive results. Results of all background checks will be kept confidential and will not be disclosed to any person except to the extent necessary to administer and enforce this policy, or as required by law or appropriate legal process. Criminal background investigation records will be maintained as part of a confidential file (to the degree possible) in the department of human resources, separate from employee personnel files. Violation of the confidentiality requirement is grounds for discipline, up to and including termination of employment.

APPROVED BY GOUCHER PRESIDENT SANFORD J. UNGAR

MAY, 2008

UPDATED, AUGUST 2009