

# BACKGROUND CHECK POLICY

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## I. PURPOSE

The purpose of this policy is to describe the terms and conditions under which background checks of applicants for employment and volunteers 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. Goucher generally does not require Goucher students to complete formal employment applications for on-campus positions, however, an individual department or office within the college may require students to complete formal employment applications, according to the special nature and requirements of their employment. In all cases, hiring supervisors should request of students, at a minimum, a formal resume, and should also conduct the required background and reference checks, as described in this policy.

#### 2. Employment Application/Interview

The Department of Human Resources or a designee shall check references and verify the employment history and past performance of an applicant before an

offer of employment is extended. For summer camp hiring, the Office of Events, Conferences, & Summer Programs will perform the references check.

#### B. Volunteer Interviews and Reference Checks

Supervisors who approve volunteers for service in Goucher-sponsored programs, including summer camps, should inquire about the existence of any 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 or about arrests. Any information about reported convictions should be communicated to the Office of Legal Counsel for further investigation and appropriate action. Convictions disclosed during the interview process do not automatically disqualify an applicant but will be considered in the selection decision if they are determined to be related to the volunteer position.

#### C. 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 7 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 (all counties within 7 years, based on a social security trace), verification of highest level of education, professional license check, national sex offender registry 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 and instructional staff (full-time and half-time) – County criminal felony and misdemeanor search with social security trace, sexual offender registry search, employment history verification (7-year history, up to 3 employers), and education verification (verification of highest degree earned).

Department directors and above – County criminal felony and misdemeanor search with social security trace, employment history verification (7-year history, up to 3 employers), and education verification (verification of highest degree earned).

Athletic coaches (including graduate assistants and staff members who travel with a team) - County criminal felony and misdemeanor search with social security trace, and sexual offender registry search. In addition, we will perform a fingerprint check, an education verification (verification of highest degree earned), and a driver record check.

Pilates instructors and lifeguards (except Goucher students) – County criminal felony and misdemeanor search with social security trace, and sexual offender registry search; education verification for Pilates instructors.

Employees who reside in or have access to residence halls (including the Offices of Community Living, Student Engagement, and Information Technology) - County criminal felony and misdemeanor search, and sexual offender registry search. In addition we will perform an education verification (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 credit reporting agency. These checks will include a fingerprint check and on-line criminal and sexual offender registry searches.

Employees who have access to sensitive financial or technical information (including the Office of the Controller and the Office of Information Technology) - County criminal felony and misdemeanor search, employment verification (7 year history, up to 3 employers), and education verification (verification of highest degree earned). In addition, we will perform an employee credit history and a national federal criminal database search.

FMS and public safety employees who have access to residence halls - County criminal felony and misdemeanor search, 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 and legal counsel) – Professional license check.

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

Employees in Goucher-sponsored summer camps (subject to Maryland Department of Health and Mental Hygiene (DHMH) regulations) – Employees who work in these programs and have access to minors will be subject to a fingerprint criminal background check. If such employees also have access to residence halls and/or have overnight duties supervising minors, such individuals will also be subject to an on-line criminal background check, which will be conducted by an outside credit reporting agency (to include County criminal felony and misdemeanor search with social security trace, and sexual offender registry search). This process will be managed by the Office of Events, Conferences, & Summer Programs.

Employees in short-term Goucher-sponsored summer camps (that are not subject to Maryland Department of Health and Mental Hygiene (DHMH) regulations) – Employees who work in these programs and have access to minors will be subject to an on-line criminal background check, which will be conducted by an outside credit reporting agency (to include County criminal felony and misdemeanor 4 search with social security trace, and sexual offender registry search). If such employees also have access to residence halls and/or have overnight duties supervising minors, such individuals will also be subject to a fingerprint criminal background check. This process will be managed by the Office of Events, Conferences, & Summer Programs.

Independent contractors in Goucher-sponsored summer camps – Independent contractors who work in these programs and have access to minors will be subject to on-line criminal background checks conducted by an outside credit reporting agency. This process will be managed by the Office of Events, Conferences, & Summer Programs.

Volunteers – Volunteers who perform job duties of any of the above positions who require a background check will undergo the same background check, which will be conducted by the Office of Human Resources or the Office of Events, Conferences, & Summer Programs, as appropriate. For example, volunteer coaches will undergo the same criminal and sex offender background checks as those required of applicants for a Goucher athletic coach position. Volunteers who work in camps or for events sponsored by Goucher College will be required to undergo fingerprint and background checks if they have access to minors, as provided in Goucher's Child Protection Policy. These checks will be conducted by the Office of Events, Conferences, & Summer Programs.

#### D. Additional Background Checks 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 check. The college will ensure that all background checks are conducted in compliance with applicable federal and state statutes, including the Fair Credit Reporting Act. Note 5 that background checks conducted by Goucher staff, including fingerprinting of summer camp employees, are not subject to 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 or to the Office of Events, Conferences, & Summer Programs (see paragraph 6 below).
2. If the background check is favorable, the Office of Human Resources will notify the hiring supervisor that the candidate is approved to begin employment.
3. If the background check is unfavorable, the Office of Human Resources will review the information in consultation with the Office of Legal Counsel. Other individuals that may be consulted, at the discretion of the Office 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, the Office of Human Resources must send the applicant a preadverse 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. If unfavorable information is uncovered about employees and volunteers subject to background checks conducted by Goucher staff, no preadverse 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.

6. The above policies and procedures will be followed by the Office of Events, Conferences, & Summer Programs with respect to employees, independent contractors and volunteers in Goucher-sponsored programs.

#### **IV. Confidentiality**

Only the Office of Human Resources or the Office of Events, Conferences, & Summer Programs 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 Office of Human Resources, separate from employee personnel files, or in the Office of Events, Conferences, & Summer Programs (for employees and volunteers in Goucher-sponsored programs). The Office of Public Safety also maintains a confidential file of the results of fingerprint checks. Violation of the confidentiality requirement is grounds for discipline, up to and including termination of employment.

APPROVED BY GOUCHER PRESIDENT SANFORD J. UNGAR  
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