

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7190.0

FOR POLICY NUMBER: N/A

CRIMINAL BACKGROUND CHECK

1. PROCEDURE SUMMARY STATEMENT

- 1.1** Northeast Community College is committed to protecting the safety and wellbeing of its employees, students and visitors and the security of its properties. In accordance with this commitment, criminal background checks will be conducted for all eligible employees and eligible volunteers. Background checks will be required at the time of hire (or assignment in the case of volunteers), post-offer and pre-employment/assignment, beginning January 1, 2018. All offers of employment and volunteer assignments at the College are contingent upon favorable results of a thorough criminal background check.

2. DEFINITIONS

- 2.1** Eligible Employees – For the purpose of this procedure, eligible employees include all full and part-time employees of Northeast Community College to include Administrative Staff, Professional Managerial Staff, Classified Staff, Faculty, Adjunct Faculty for credit and non-credit courses, designated temporary eligible employees and student employees.
- 2.2** Eligible Volunteers – For the purpose of this procedure, eligible volunteers include all paid volunteers and unpaid volunteers that have regular and on-going contact with Northeast Community College students where they exercise real or perceived authority over the students and who are occasionally unsupervised with students or who travel with students.

3. PROCEDURE

- 3.1** Prior to January 1, 2018 eligible employees and eligible volunteers that are actively employed/assigned will be grandfathered from necessitating a criminal background check to be conducted unless the background check is:
 - 3.1.1** Required for the position for legal compliance;
 - 3.1.2** Required for the position to satisfy regulatory compliance standards.
- 3.2** The following positions, based on access, will not be eligible for grandfather status and will be subjected to a criminal background check regardless of hire date:
 - 3.2.1** President's Cabinet
 - 3.2.2** Coaches and Volunteer Coaches
 - 3.2.3** Residence Life Staff

- 3.2.4** Student Activities Staff
- 3.2.5** Technology Services Staff
- 3.2.6** Human Resources Staff

- 3.3** All employees hired prior to January 1, 2018, regardless of position or tenure, will submit to a criminal background check prior to being approved to participate in overnight travel which involves students.
- 3.4** Eligible employees and eligible volunteers that are hired/assigned on or after January 1, 2018 will be required to have a criminal background check conducted for employment/assignment. A statement notifying applicants/prospective eligible volunteers of this requirement will be included in the job offer letter/volunteer agreement. Prior to conducting the criminal background check, the applicant, employee or prospective eligible volunteers must consent by completing a disclosure and authorization form designated by the background check vendor.
- 3.4.1** Eligible employees that are promoted, undergo a significant transfer in a department or position change, or who exercise real or perceived authority over students after January 1, 2018, regardless of original hire date, may warrant a new criminal background check dependent upon the new position/duties. New background screens for position changes will be at the discretion of the Associate Vice President of Human Resources. Eligible volunteers who become eligible employees will require a new criminal background check.
- 3.4.2** International student employees who have resided in the United States for less than six months will not be subject to a criminal background check at the time of initial hire given that there will be no history available. The employee will submit to a background screen once six months of residency has been realized. Eligible employees understand that employment may end immediately if unsatisfactory results are received.
- The Human Resources Department will order the background check from an employment screening vendor, which will require a receipt of a signed disclosure and authorization form. A designated HR representative will review all results for the pending hire.
- 3.4.3** An applicant or prospective volunteer's refusal to consent to a criminal background shall result in withdrawal of the employment offer or volunteer assignment.
- 3.4.4** Faculty/instructors that are not eligible employees of Northeast Community College and who do not regularly instruct on Northeast Community College property are not subject to criminal background checks. This includes, but is not limited to, dual credit faculty.

- 3.5** Eligible employees and eligible volunteers may not begin working before the criminal background check report has been received. Any exceptions to this rule must be pre-approved by the Associate Vice President of Human Resources. Eligible employees/eligible volunteers who begin work/assignment under this exception understand that employment/assignment may end immediately if unsatisfactory results are received.
- 3.6** The HR representative will notify the hiring manager regarding the status of the criminal background check. In instances where negative or incomplete information is obtained, the Associate Vice President of Human Resources will assess the potential risks and liabilities related to the job's requirements with the appropriate hiring division's Vice President or Associate Vice President to determine whether the individual should be hired.
- 3.6.1** Convictions are evaluated on a case by case basis. The following criteria shall be used in reviewing criminal background information as a disqualifier from employment:
- 3.6.1.1 Nature and gravity of offense
 - 3.6.1.2 Time elapsed since the offense, conduct, and/or completion of the sentence
 - 3.6.1.3 Nature of the job held or sought
- Driving records checks and drug screening will be conducted in conjunction with the standard criminal background check for positions/assignments that require driving as a part of their job/assignment duties or essential functions. Alcohol or drug related driving offenses within the last three years will disqualify an applicant/volunteer for the positions that require driving as a part of their job/assignment duties or essential functions.
- 3.6.2** The Nebraska State Adult and Child Abuse Registry check and drug screening shall be used when required by the program area or division.
- 3.6.3** The background check will be considered without regard to race, national origin, gender, disability, religion or age.
- 3.6.4** Eligible employees and prospective eligible volunteers may dispute and/or appeal the results of a criminal background check by contacting the background check vendor.
- 3.7** Criminal background check information will be maintained in a file separate from employees' personnel files or the volunteers' records. Upon request from the Human Resources Department, the employee/volunteer shall receive a copy of the background check report once it is completed.
- 3.8** The costs of the criminal background checks shall be funded by the College and not by the applicant, employee or volunteer.

4. APPLICABILITY

N/A

ISSUE DATE: 01/24/2018

EFFECTIVE DATE: 01/24/2018

REVISION DATE(S): 09/27/2017; 01/24/2018

PRIOR POLICY/PROCEDURE NUMBER: None

SCHEDULE FOR REVIEW: 2023

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Human Resources

SPONSORING DIVISION/DEPARTMENT: Human Resources

RELATED PROCEDURES/ REFERENCE: AP-3237.0

PROCEDURE KEY WORDS: Criminal, Background, Check, Record