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**TITLE: PRE-EMPLOYMENT BACKGROUND CHECKS**

**EFFECTIVE DATE:** January 20, 2014

**LAST REVISION:** October 1, 2014

Policy No. 206

**PURPOSE**

Baton Rouge Community College (BRCC or College) is committed to the providing the safest possible environment for its students, faculty, staff, and visitors, as well as preserving college assets, reputation, and resources. Therefore, the purpose of this policy is to provide procedures and guidelines for the implementation of background checks, to include criminal history, for all classified and unclassified staff and faculty hired by Baton Rouge Community College. The results of the pre-employment background checks must meet a predetermined set of criteria, consistent with Equal Employment Opportunity Commission Enforcement Guidance #915.002, for the candidate to be hired.

**POLICY**

BRCC will require pre-employment background checks to be conducted prior to employing full-time and part-time faculty, unclassified staff, and classified staff regardless of whether or not a competitive recruitment process is utilized.

**STATEMENT ABOUT BACKGROUND CHECKS AND DISCRIMINATION**

Information discovered through the background check process will be used solely for the purpose of evaluating a finalist's suitability for employment. It will not be used to discriminate against a finalist on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, gender identity/expression, national origin, genetic information, marital/familial status, disability, military, or veteran status.

**REQUIRED SERVICES**

- A criminal records search is required on all classified, unclassified and temporary positions. HR will cause the background check to be conducted on the candidate selected for the position. The background check must be complete before an unconditional job offer is extended. The background check will include a Parish/County Criminal History Search, a National Crime Index Search, SSN Verification and an address search. There may be other components of the search, which would be disclosed to the candidate in advance, using the Pre-Employment Background Check Authorization Form.
  - Exception: Background Checks conducted by the US Department of Homeland Security for international, non-citizen job candidates as part of the visa process may be considered adequate for the purposes of this policy if the candidate has not previously resided in the United States.
  - Background Checks for chosen candidates for security positions, police officer positions or other law enforcement positions may be handled in a more-stringent



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manner and through a different policy and process outlined herein, but must be in keeping with the BRCC Police Department policy, standard operating procedures other standards promulgated by the law enforcement community regarding best practices.

- Finalists who are returning to work for BRCC and have been employed at BRCC within the previous twelve months immediately preceding the date on which the conditional offer of employment is made, shall not be required to obtain a new criminal background check.
- A temporary employee may not begin work prior to the completion of the background check.

NOTE: Any additional background checks beyond the required services (such as a consumer credit report) is at the department's discretion. Any department having a fiduciary responsibility may request a consumer credit report of a finalist applicant who may routinely handle cash. This additional background check should be requested before the vacant position is posted for hiring.

## **PROCEDURES**

### **1. Notification**

Written notification of the requirement to successfully pass a pre-employment background check will be given during advertisement and/or at time of application.

### **2. Initiation of Check**

Finalists will be asked to complete a Pre-Employment Background Check Authorization Form during the hiring process, which may be an electronic form or a paper form. Background Checks will be initiated only by Human Resources. Background checks will only be conducted once Human Resources receives a completed and signed Pre-Employment Background Check Authorization Form. Any final applicant who refuses to provide a signed authorization form will be ineligible for consideration for the position sought.

### **3. Background Checks**

Background Checks will include, at a minimum, a multi-state criminal background check including felonies and misdemeanors, a social security trace, and a National Sexual Offender Registry check. Background Checks may also include a credit check (conducted in compliance with the Fair Credit Reporting Act), driver history check, and credentials verification for applicants as requested by the hiring department.

Background Check investigations takes three to five working days on average from receipt of the completed form.



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#### 4. Results of Background Check

After the background check report has been provided to Human Resources, the hiring authority will be notified of the results. If the results are favorable, the hiring department will be notified of the results and an unconditional job offer may be made by Human Resources.

Results from a Background Check will be considered in the following manner:

If the Background Check reveals criminal records or other serious misconduct (other than minor traffic violations), the Human Resources Director may make initial determination as to whether the Background Check results should disqualify the candidate for the position. If the Human Resources Director determines that a group's consideration would be necessary for a fair assessment of the results' impact on qualification, the HR Director may consult with Legal Counsel and/or the BRCC Police Chief and/or the Hiring Manager or his/her superior for a group determination on the matter.

If a group is used, the group's consideration shall include, but not be limited to, the following factors:

- a. number of offenses or misconduct and the circumstances of each;
- b. length of time between the offense or misconduct and the application for employment;
- c. other employment history;
- d. evidence of applicant's rehabilitation efforts;
- e. severity of the offense or misconduct; and
- f. the relevance of the offense or misconduct to responsibilities of the position.

To the extent required by the Fair Credit Reporting Act (FCRA), applicants will be informed, in writing, notice of adverse information discovered in the Background Check and given an opportunity to respond. Upon conclusion of the review, written notice will be sent to the candidate regarding the employer's decision of eligibility for the position.

All results of the Background Check will remain confidential, will be maintained by Human Resources, and will be disclosed only to authorized employees who have a need to know in the performance of their job assignments.

Failure to disclose criminal convictions requested during the application process may result in disqualification for employment or termination of employment.

The finalist may be contacted by Human Resources of the unfavorable background check and given a maximum of ten days to refute, explain, or correct the information. If there is no change in status within ten days, the finalist will be withdrawn from the candidate list. The College may refuse to hire a finalist, may withdraw a conditional offer of employment to a finalist, or may terminate a current employee who has made a false representation of material facts or omitted factual information in the employment process.



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Disqualification of any candidate based on information discovered in the Background Check is not subject to grievance or appeal by the candidate, unless otherwise allowable by law.

If the finalist is a current employee of BRCC, his or her suitability for continued employment will be evaluated. Human Resources may work with the third party vendor to conduct a review of the background results for the applicant and will evaluate the value of the current information against the total past employment record and future employment potential.

Only BRCC-designated employees may initiate a background check or receive results. Results of all background checks will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy.

#### 5. Conditional Offer of Employment

An offer of employment should not be made prior to the completion of the background check. In case of an emergency hire, an offer of employment may be made prior to the completion of the background check with the approval of the Chancellor or his/her designee. However, continued employment is contingent upon a satisfactory background report. Hiring authorities should include the statement, "Employment is contingent upon the completion of a background check and may be terminated upon receipt of the results of a background check deemed unsatisfactory," to any contract or offer letter if the background check is not completed. Background checks revealing misrepresentations may be grounds for immediate rejection of the application.

Conditional offers and contingent emergency hires shall be withdrawn if the results of the background check are deemed to disqualify the applicant for the position.

#### 6. Responsibility for Costs

BRCC will be responsible for the costs associated with the Background Check. The investigation will be conducted by a qualified vendor approved by the College or an appropriate state agency to conduct such investigations.

### **DEFINITIONS**

- National Crime Index Search – provides a multi-jurisdictional information from multiple sources including County Records, State Department of Corrections, Sexual Offenders Lists and Administrative Office of Courts.
- County Criminal History Search – provides a criminal history of counties and/or parishes in which the applicant has worked, attended school, and/or resided (if different from the county/parish which he/she worked) within the last seven years. This check is for all felony, misdemeanor convictions, and related activity on record (include open arrest warrants or charges for failure to appear in court).
- Social Security Number Trace – determines all names and addresses that have been used by a given Social Security Number for past seven years. This measure would prevent concealing previous addresses for the purpose of concealing a criminal record.



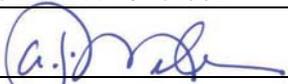
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- Consumer Credit Report – provides information regarding trade accounts (credit cards, phone bills, insurance, mortgage, and charge accounts), accounts that have had negative action on them (write-offs, bad debt, collections, foreclosures, and repossessions), and public records (civil judgments, tax liens, bankruptcy).

Source of Policy: LCTCS

EEOC Enforcement

Related Policy: Guidance #915.002

Approved by: 

Chancellor Andrea Lewis Miller

Responsible Administrator: Human Resources

LCTCS Policy Reference: 6.036

LCTCS Guideline Reference: \_\_\_\_\_

Date: 1/20/2015