

AP 7126 Applicant Background Checks

References:

U.S. Code Sections 1681 et seq. (Fair Credit Reporting Act)
ORS 659A.360

In a continuing effort to further ensure the safety and welfare of students and staff, Clatsop Community College requires criminal records check and reference checks for the following:

- All newly hired full-time and part-time employees, including faculty, student, and temporary employees;
- All employees rehired after a break in service of 12 months or more;
- All employees moving into a new position; and
- Volunteers assigned to positions involving handling of money, access to confidential/sensitive information, or working without ongoing, direct supervision.

Final candidates are required to complete a criminal background check after a contingent offer of employment is made and prior to being issued an official offer of employment. Final candidates for positions with substantial financial access and authority may also be required to complete a credit check after a contingent offer of employment is made and prior to being issued an official offer of employment. Candidates must sign a release form or online certification and release as part of the online application process, authorizing the College to conduct a background check.

The College will use the information from the criminal background report in conjunction with the following factors to determine an applicant's eligibility for employment:

1. The passage of time since the commission of the crime(s);
2. Nature of crime(s);
3. Relationship between the job to be performed and the crime(s) committed;
4. Number of convictions; and
5. Rehabilitation efforts

Factors to be considered in reviewing the relationship between the job to be performed and the crime committed include, but are not limited to, the following:

- Handling money;
- Authorization to use college purchasing/credit cards;
- Direct unsupervised contact with minors under the age of 18 or persons with developmental disabilities;
- Working with data-sensitive information;

- Working in security-sensitive positions, such as information technology positions or any position issued master keys to College facilities; and
 - Working in safety-sensitive positions, such as operating dangerous equipment or machinery.
1. Direct unsupervised contact means contact with children (under age 18) or developmentally disabled persons that provides the employee opportunity and probability for personal communication or touch.
 2. Data-sensitive information means employees' or students' social security numbers, dates of birth, driver's license numbers, medical information, personal financial information, or criminal background information.
 3. Safety-sensitive means a hazardous or dangerous position, such as a position requiring the operation of equipment or machinery.

Approval of candidates with criminal records shall be made by the Human Resources Director. Approval of candidates with criminal records involving sexual misconduct or crimes related to minors shall require additional approval from the President.

Generally, the applicant may not begin work or be unconditionally hired before completion and approval of the criminal background check. The opportunity to become employed or transfer into a qualified position will terminate immediately for all prospective employees considered ineligible according to the criteria set forth above.

If an applicant is determined to be preliminarily disqualified based on the above guidelines, the College will provide written notice to the applicant of the disqualifying information in compliance with the FCRA and will provide the applicant five days from delivery, or attempted delivery of such notice, to dispute the information contained in the report or submit information regarding mitigating circumstances that should be considered before a final decision is made.

Any false statements made by an applicant during the interview process, or at any other time during the application process, or refusal to submit or consent to a criminal background check will disqualify the applicant from any employment consideration. In such cases, applicants are eligible to reapply and be reconsidered after one year. Similarly, a current employee must report criminal convictions (other than minor traffic infractions) immediately to the employee's supervisor and/or the Director of Human Resources.

The decision of the Director of Human Resources to disqualify a prospective or current employee from employment may be appealed to the College President.

END OF PROCEDURE

Cabinet Approval Date:	January 26, 2021
College Council Approval Date:	January 28, 2021
Last Revised:	January 28, 2021