

E-3a PROCEDURE Criminal Background Check

Process

The Human Resources Division of the College will initiate an independent, external CBC process for all positions filled by the College, including the transfer or reassignment of a current employee/volunteer. Criminal Background Check (CBC) including but not limited to the Adult and Child Abuse and Sex Offender Registries, criminal history and may include a personal credit check. More in-depth CBCs may be required dependent on position and their access to restricted areas/materials/information.

Criminal History: Includes review of criminal convictions and probation.

The following factors will be considered for applicants with a criminal history:

- (1) The nature of the crime and its relationship to the position.
- (2) The time since the conviction.
- (3) The number (if more than one) of convictions.
- (4) Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the College, its students, instructional staff, support employees or third parties and/or visitors.

The following additional background searches will be required if applicable to the position:

- Motor Vehicle Records: Provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.
- Credit History: Confirms candidate's credit history. This search will be run for positions that involve management of the College funds and/or handling of cash or credit cards.

The College may under Nebraska statute conduct a criminal history record information check after the public employer has determined that an applicant meets the minimum employment qualifications. Qualified candidates must complete a background check authorization form and return it to Human Resources.

Human Resources will order the background check upon receipt of the signed release form, and either internal HR staff or an employment screening service will conduct the checks. A designated HR representative will review all results.

The HR representative will notify the hiring manager regarding the results of the check. In instances where negative or incomplete information is obtained, the appropriate management and the director of Human Resources will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by Human Resources in conjunction with the employment screening service (if applicable).

PERSONNEL

If a report indicates that an employee or volunteer has been convicted of a criminal offense, the affected employee may be prohibited from participating in specific programs or positions within the College. A candidate or employee's inability to participate in such programs could also lead to the termination of employment. A conviction or arrest may not automatically disqualify an employee from participating in the programs or consideration for hire.

In the event a criminal background check is returned with adverse results, the following criteria will be considered and evaluated by Human Resources, Access Equity and Diversity and the responsible administrator for the position, in determining whether an affected employee will be permitted to participate in the listed programs:

- The date, nature and number of arrests and convictions;
- The relationship which the arrest or conviction bears to the duties and responsibilities of the affected students;
- Successful efforts toward rehabilitation;
- Rules and regulations of the program or position;
- Other criteria which are determined by College administrators to be relevant.

Related Policy: E-3

Admin Team Adopted: 10/21/22

Reviewed: 11/16/10, 08/06/21, 10/29/21, 12/10/21, 10/21/22

Next Review: TBD

Web link:

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