



Policy No: 2029

Title of Policy: Background Investigation Policy

Policy (check one): New  Revised  Reformatted

Applies to (check all that apply):

Faculty  Staff  Students   Volunteers

Division/Department  College

**Topic/Issue:**

Background investigations are a vital part of the employment hiring process. Information gathered is useful for determining the suitability of potential employees and volunteers.

**Background to Issue/Rationale for Policy:**

Conducting background checks is a common screening process that helps institutions evaluate whether or not employees and volunteers are individuals of the highest caliber. For the protection of all parties involved, a policy and procedure supported by a legal and consistent process for background investigations is recommended.

**State/Federal Regulatory Requirements (cite if applicable):**

Fair Credit Reporting Act (FCRA)  
Code of Federal Regulations – 32 CFR 86, Appendix A to Part 86 – Criminal History Background Check Procedures  
Police Officers – Maryland Police Training Commission, Annotated Code of Maryland, Title 3, Subtitle 2  
Termination with Prejudice\* and under the Annotated Code of Maryland Article on State Personnel and Pensions Chapter 381 2-801, Termination from State Service with Prejudice)  
EEOC – New Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions  
Executive Order 01.01.2007.01 (P)  
COMAR §12.15.01.17 and Applicable Articles of the Annotated Code of MD (Working with Children)

### **Policy Language:**

It is the policy of Baltimore City Community College to hire and retain employees in a consistent and non-discriminatory manner. Background investigations confirm the candidate's qualifications, credentials and suitability relative to the requirements of the position for which he or she is being considered. It is the College's intent to hire employees who do not pose a threat to others and nor have a negative impact on the assets or operations of the institution. BCCC is committed to taking actions to protect its finances, property, and other assets. To that end, Baltimore City Community College shall require pre-employment background check which may entail checking any or all parts of the candidates employment references and employment histories, employment credit check, fingerprinting, review of Department of Motor Vehicle records and credential verifications. The nature and scope of the background check will be determined by BCCC and will be appropriate to the position.

Background checks will be required of current BCCC staff members if they have not undergone the additional background checks required by a new position. A current employee who has already undergone a background check in the two (2) years preceding his/her application for transfer or promotion, will not be required to undergo a new background check unless he/she is applying for a position with substantially different responsibilities and the position requires additional background checks, such as a license or credit check. A background check will not be required for changes in shift or other interdepartmental lateral transfers.

Employees have an ongoing responsibility, during their employment, to make BCCC aware of any felony or misdemeanor convictions or pleas which are acknowledgements of responsibility. Any convictions or pleas should be reported to the Office of Human Resources.

Pending charges and reported criminal offense convictions will not necessarily disqualify an applicant/employee from employment with the College. Before a final decision is reached, Human Resources and college counsel will evaluate the time frame, nature, gravity, and relevancy of the conviction or charge offense as it relates to the job duties and consistency with Baltimore City Community College policy.

**Implementation Date:** Upon Board Approval

**Proposed by:** **Sheryl Nelson Interim Executive Director, Human Resources**  
**Vice President/Senior Staff Member**

**Approved by the Board of Trustees:** February 25, 2014

**Originator/Division:** **Sheryl Nelson/Office of the President**

***\*This policy once approved by the Board of Trustees supersedes all other policies.***