



**Procedures No: 2029**

**Title of Procedures:** Background Investigation Procedures

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**Procedures (check one):** New   X   Revised        Reformatted       

**Applies to (check all that apply):**  
Faculty   X   Staff   X   Students   X  

Volunteers   X   Division/Department        College   X  

**Topic/Issue:**

Background investigations provide important information for determining a potential employee's (PIN, contract, agency temporary staff or volunteer) suitability for employment and the continued employment of current employees.

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

Baltimore City Community College will conduct background checks in accordance with the established guidelines outlined in this document. Immediately upon Board of Trustees approval, these procedures will apply to faculty, staff, volunteers and temporary staff. Drafted in accordance with Federal and State regulations, these procedures are intended to protect the College, faculty, staff, students, customers and the rights of potential employees. Responsible parties and departments involved in the process and established criteria are included in a report. The appropriate background checks requested will be position specific and centered on job-relatedness.

**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 Ch 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)

## **Procedures**

### **Notification to Applicants**

1. Depending upon the position, vacancy announcements will specify the type of background check that will be applicable to potential hires.
2. The Search Committee Chair will provide all necessary forms and releases to potential candidates. A signed authorization for release of personal information will be required from potential candidates if selected for a second interview. The Search Committee Chair will inform all candidates, that an offer of employment may be contingent upon receipt of a successful criminal background screening, credential verification, sex offender search, or DMV report review as appropriate for the position. **A Background Check Authorization** form authorizing Baltimore City Community College to conduct the investigation will be issued to the potential candidate.
3. All applicants (PIN and Contractual) for employment shall complete a BCCC employment application. Falsification of information on the application or during the hiring process may result in denial or termination of employment. An “Individualized Assessment” will be conducted by the Executive director of Human Resources in consultation with the College’s legal counsel.
4. Any knowledge about falsification of information will be communicated to the Executive Director of Human Resources for investigation. In consultation with the College’s legal counsel, the appropriate course of action will be determined.
5. The Talent Acquisition Coordinator will issue a **Fair Credit Reporting Act Disclosure and Authorization Form** and a Summary of Rights under the federal Fair Credit Reporting Act (FCRA) to the finalist candidate.
6. Potential candidates will sign and return the FCRA Disclosure and Authorization Form to Human Resources. Refusal or failure to sign the

authorizations forms by the finalist will result in the candidate being withdrawn from further consideration.

**Position Specific Investigations Chart**

The chart contains the classes of positions that are subject to pre-employment background checks. These checks include national criminal felony and misdemeanor searches, verification of highest level of education, professional licenses check, national sex-offender search, credit check, State pre-offer check and driving record check. With the exception of the reference check, all background and credit checks will be conducted by an external screening agency and credit reporting agency, respectively.

Position	Criminal and Background Checks	Fingerprint/ Sexual offender Search	Credential Verification (Degree, license, or Certification)	Credit Check	DMV Driving Record Check	State Pre-Offer Check
<b>Faculty</b>	Yes	Yes	Yes	No	No	Yes
<b>Adjunct Faculty</b>	Yes	Yes	Yes	No	No	Yes
<b>PIN Positions</b>	Yes	Yes	Yes	WA	WA	Yes
<b>Contract Positions</b>	Yes	Yes	WA	WA	WA	Yes
<b>Athletic Coaches</b>	Yes	Yes	No	No	Yes	Yes
<b>Volunteer Coaches</b>	Yes	Yes	No	No	Yes	Yes
<b>ALL Daycare Staff</b>	Yes	Yes	Yes	No	No	Yes
<b>Public Safety</b>	Yes	Yes	Yes	No	Yes	Yes
<b>Finance</b>	Yes	NO	Yes	Yes	No	Yes

- Criminal and Background Checks –include State criminal felony and misdemeanor ( 7 years)
- Sexual offender search- includes local and national registry
- Credentials/Education - verification of highest degree earned and licensure /certifications required for position
- Credit checks will be conducted for all Finance positions with authority for approving, processing, record-keeping and handling of funds
- WA=When applicable for the position, and/or related to essential job functions
- In some instances, investigations may be conducted for positions not listed in the chart

## **Human Resources Procedures**

1. Once the finalist has been selected, the search committee chair will notify the Talent Acquisition Coordinator. After the Personnel Action Requisition (PAR) has been fully executed, the Talent Acquisition Coordinator who will extend the contingent offer of employment to the candidate.
2. The Executive Director of Human Resources will authorize the background investigation.
3. Human Resources will facilitate requests to conduct confidential investigations with external agencies. If, based on the results of the investigation, the Executive Director makes a decision to rescind the contingent offer of employment, he/she will notify the search committee chair, the hiring department manager and the finalist. (See pages 5-6 Results)

## **Reference Checks**

1. The hiring manager or designee shall conduct three (3) professional reference checks to verify employment history and past performance. At least one (1) of the references must include the applicant's prior supervisor.
2. For all PIN positions, the Office of Human Resources will verify that at least three (3) complete references are received before the hiring documentation is presented for approval to the College President.
3. Internal candidates may substitute performance evaluations for the last two (2) years as reference materials. Candidates applying for positions on the Presidents' Staff will have reference checks conducted by a member of the President's Staff or his/her designee.

## **State of Maryland Pre-Offer Check**

House Bill 525 prohibits any State agency from hiring an individual who has been previously terminated with prejudice from State service. All State agencies are required to check the Pre-Offer Check (POC) **prior** to extending an offer for employment, ensuring that the candidate is eligible for State employment. The Office of Human Resources will verify with the candidate any information found on the site regarding the candidate's history of termination with prejudice.

## **CJIS Fingerprinting Compliance Guidelines**

1. All potential employees or volunteers working with children, as defined by COMAR §12.15.01.17 and Applicable Articles of the Annotated Code of MD,

Baltimore City Community College are subject to a fingerprint supported criminal background check.

2. The areas and positions that have been identified as areas that may have contact and/or supervision of children. (Clarence Blount Childcare Center and Upward Bound/ Trio/Talent Search)
3. Fingerprinting process
  - a. The job posting will include the following statement:
    - i. A background investigation will be conducted prior to offer of employment. A signed authorization for release of personal information will be required if selected for a second interview.
    - ii. If recommended for the position, the applicant must be fingerprinted for a criminal background investigation and be cleared for working with children.
  - b. Human Resources will conduct the limited background check. A decision will be made whether to continue the applicant in the recruitment/hiring process.
  - c. Employee/Volunteer fingerprinting :
    - i. Upon notification of a contingent job offer, the candidate/volunteer must complete the CJIS Live Scan Pre-registration Application with Human Resources. (A copy of which will be maintained in Human Resources)
    - ii. A department securing volunteers or temporary staff from agencies must submit BCCC employment applications to Human Resources prior to the start date.
    - iii. Candidates/Volunteers take the original to Live Scan Processing selected by the College within 72 hours of the job offer. (6776 Reisterstown Road, Suite 102, Baltimore Maryland 21215).
    - iv. The candidate/volunteer will not be allowed to begin work until Human Resources receives the results.
4. Fingerprinting Results
  - a. Upon receipt of the results, Human Resources will notify the candidate/volunteer that they may begin work or volunteer services.
  - b. If the results are negative, the offer of employment or volunteer services will be rescinded.

## **Results**

1. To comply with Federal Credit Reporting Act (FCRA) regulations, the Executive Director of Human Resources will inform the candidate and if necessary, the College's legal counsel when a report indicates criminal offense (acts punishable by law). The candidate will be provided a copy of the investigative report and given 5 business days to respond.

2. In consultation with legal counsel, the Executive Director of Human Resources shall render all decisions to remove a candidate from consideration based on the background screening results.
3. Convictions disclosed during the hiring or interview process or from information discovered through the background screening process does not automatically disqualify an applicant or result in the termination of an employee.

### **Screening Reports**

1. Human Resources will screen all reports. A determination to take adverse action will be based on EEOC's three (3) factor test:
  - a. The nature and gravity of the offense or conduct;
    - i. with emphasis on the harm caused by the crime
    - ii. the legal elements of the crime
  - b. The time that has passed since the conviction and/or completion of the sentence; and
  - c. The nature of the job held or sought
    - i. Job duties
    - ii. Essential elements of the job
    - iii. Circumstances under which the job is performed
    - iv. Environment in which the job is performed

1. Completed background checks will be processed with a notation letter from the Office of Human Resources indicating favorable acceptance.
2. If the background check is unfavorable, the Executive Director of Human Resources will review the information, in consultation with the Assistant Attorney General. Other individuals who may be consulted will include the appropriate Vice President and the President: Potential candidates who have an unfavorable screening will be given an individual assessment to determine whether or not an adverse action should apply to his/her particular circumstance.

#### 3. Individualized Assessments

BCCC will conduct an "individualized assessment" when an employee or applicant is being screened out due to a criminal record. Before making a final decision, the assessment process provides an opportunity for the individual to respond and the college to consider extenuating circumstances.

4. Individual assessments will not be necessary when:

- a. Job requirements are subject to regulatory requirements that prohibit individuals with certain criminal records from holding particular positions, or occupational licenses.
5. A decision to hire an applicant with a job-related conviction requires the approval of the appropriate Vice President, the Executive Director of Human Resources and the College President. Human Resources will keep a record of each individual assessment to include the following:
  - a. the decision made
  - b. the decision making process, including any consultations and or conferences that were held in relation to the screening.
6. The College will use the following criteria in making a determination of job-relatedness:
  - a. three factors listed above in number (1) of the Screening Section
  - b. accuracy of information provided on the application and during the interview process
  - c. evidence of rehabilitation
  - d. safety and security of the campus, college assets, and the members of the campus community, which will be the most important consideration.

### **Current Employee Background Checks**

1. The College reserves the right to conduct background checks when an employee is transferred or hired into a new position or is charged with or convicted of any crime that may affect his/her suitability for continued employment.
2. Employees are required to inform the Office of Human Resources within five (5) business days of the conviction of a crime. Pending charges and reported criminal offense convictions will not necessarily disqualify an applicant/employee from employment with the college.

### **Records Retention and Confidentiality**

1. Only the Office of Human Resources may initiate a background check and receive the results. Results will be transmitted by mail or secure electronic means, such as encrypted email or dedicated fax line.
2. Results of all background checks will be kept confidential and will not be disclosed to any person except to the extent necessary to administer and enforce this policy, or as required by law or appropriate legal process.
3. The storage and retention of the files will be in compliance with various State and Federal laws and to the Human Resources' retention policy. The viewing and

access of these records will be authorized by the Executive Director of Human Resources upon receiving a request from the appropriate legal entity

4. Criminal background investigation records will be maintained as part of a confidential separate file from the employee personnel files. Violation of the confidentiality requirement is grounds for discipline, up to and including termination of employment.

**Implementation Date: February 25, 2014**

**Proposed by: Ms. Sheryl Nelson, Executive Director Human Resources,  
Dr. Peggy Bradford, Vice President, Academic Affairs and  
Ms. Sue Niehoff, Vice President, Business and Finance  
Vice President/Senior Staff Member**

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