

**TALLAHASSEE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES
P O L I C Y**

TITLE: Background Screening	NUMBER: 04-49
AUTHORITY: Florida Statute: 435, 110.1127 Fair Credit Reporting Act	SEE ALSO: <ul style="list-style-type: none"> • DBOT Policy: 04-08 Recruitment, Eligibility, and Selection • DBOT Policy: 04-09 Inprocessing of New Employees
DATE ADOPTED: 10/16/17	

A. POLICY STATEMENT

The safety of our students, faculty and staff is of paramount importance to Tallahassee Community College. Consistent with this concern for student safety, in compliance with Florida law, and as delineated below, the College requires background screening of:

- all job applicants who are being considered for employment;
- current employees offered a transfer or reclassification in employment to a safety sensitive position , or a position of special trust or responsibility;
- employees who hold positions of special trust or responsibility as a condition of continued employment; and
- volunteers.

B. DEFINITIONS

Background screenings – the review of prior employment records and completion of employment reference check.

Job Applicant - an individual who has acknowledged formal interest in an advertised position submitted through an official employment application and the official application process of the College.

Employee – any person employed by the College, full or part-time; including, but is not limited to, other personal services (OPS), federal work study, adjunct, grant or contracted staff.

Volunteer - any person who performs or renders services to or on behalf of the College without compensation, except reimbursement for actual expenses.

Level 1 background screening - in accordance with Florida Statutes 435.01, includes, but is not limited to, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

Level 2 background screening - in accordance with Florida Statutes 435.02, includes, but is not limited to, fingerprinting for statewide criminal history records checks through the FDLE, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

Positions of Special Trust or Responsibility –

- positions involved with the financial responsibilities and obligations of the college;
- positions providing care to children, the developmentally disabled or vulnerable adults for fifteen hours or more per week;
- positions with access to sensitive information such as social security numbers or other personally identifiable information.

Safety Sensitive Position – any position including a supervisory or management position, in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires that the employee carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position in which a momentary lapse in attention could result in injury or death to another person.

Behavioral Intervention Team (BIT) – A College committee composed of the Chief of Police for TCC, the Human Resources Director, and representatives of student affairs, student services and other College departments.

Moral Turpitude – conduct that is contrary to justice, honesty or morality. Moral turpitude means, in general, a departure from ordinary standards of honesty, good morals, justice or ethics.

C. RESPONSIBILITIES AND EXPECTATIONS

1. Cost

The cost of the background screening as a condition of employment, continued employment or required for volunteers, will be borne by the College.

2. Refusal to Cooperate/ False Information

Any person who is required to undergo a background screening and who refuses to cooperate or submit fingerprints shall be disqualified for employment in such position or, if employed, may be dismissed. Volunteers are subject to the same exclusion or separation provided by this procedure.

Failure to adhere to the time schedule established for submission of documents may be cause for non-consideration of employment, or if a current employee, disciplinary action.

False or misleading statements or answers or omissions made by a person in connection with seeking employment may disqualify a person from employment with the College or, if discovered after employment, may result in disciplinary action, including termination. Each case shall be considered on its own merits. Volunteers are subject to the same exclusion or separation provided by this procedure.

A background screening may be conducted on current employees if the College has reason to believe an employee falsified his/her employment application and/or other personnel related documents; if the employee occupies a position of special trust or responsibility or a position located in safety sensitive areas and a background screening was not conducted at the time of hire; or for other justifiable reasons.

3. Confidential Information

The information contained in reports received from the FDLE or the FBI shall be handled in accordance with applicable agreements between the College and these agencies. The College shall ensure that screenings are conducted in compliance with applicable laws and regulations. Records relating to criminal history checks, if retained after review, shall be securely maintained by Human Resources for the applicable retention period as appropriate.

4. Required Notification

Current employees and volunteers shall notify their immediate supervisor and Human Resources, within three (3) business days, of any arrest for a felony or first degree misdemeanor.

5. Credit Check

A Credit Check must be performed for an individual in any position that handles money, sensitive banking information, or has access to student and/or college financial records.

6. Drivers' License Check

A Drivers' License check is required to verify that a candidate possesses a valid driver's license and to verify the candidate's driving history for any position whose duties include, but are not limited to, operating licensed motor vehicles (including golf carts) owned/rented by the College or for business of the College. A Drivers' license/driving record may be checked annually at the discretion of College management.

If unfavorable information is detected, the Director of Human Resources, after discussion with the responsible Vice President, will produce a final decision.

7. Level 1 Screening

A Level 1 background screening is required for all external job applicants who are finalists for full and part-time positions and all current employees offered a transfer or reclassification in position.

A Level 1 background screening is required for all volunteers prior to beginning volunteer service.

The Human Resources Department will coordinate the background screening. Results of the background screening will be sent directly to the Director of Human Resources or designee. Upon receipt of results, the Director of Human Resources shall review and evaluate all information.

If the background screening does not result in negative findings, the Director of Human Resources will notify the hiring authority that the candidate has been cleared for hiring, and will proceed with the selection and hiring process.

If the background screening results in negative findings, the College will make an individualized assessment of the particular candidate and the job in question and consider, among other relevant information:

- the nature and seriousness of the offense(s);
- the amount of time that has elapsed since the offense(s);
- the number and type of offenses;
- the accuracy and completeness of the information provided by the finalist;
- the nature of the position in question and the relationship of the offense to the responsibilities of the position; and
- whether employment would pose an unacceptable level of risk to the College.

The Director of Human Resources, after discussion with the responsible Vice President will produce a final decision.

8. Level 2 Screening

A Level 2 Criminal Background Screening and Fingerprinting is required for persons in a position of special trust or responsibility or who are in a safety sensitive position.

The Human Resources Department will coordinate the background screening. Results of the background screening will be sent directly to the Director of Human Resources or designee. Upon receipt of results, the Director of Human Resources shall review and evaluate all information. If the background screening does not result in negative findings, the Director of Human Resources will notify the hiring authority that the candidate has been cleared for hiring, and will proceed with the selection and hiring process.

Any individual who is in a position of special trust or responsibility; or who is located in a safety sensitive area may be disqualified from employment or continued employment with the College by reason of:

- conviction of a first-degree misdemeanor or a felony;
- entering a plea of nolo contendere or, when a jury verdict of guilty is rendered but adjudication of guilt is withheld, with respect to a first-degree misdemeanor or a felony; or
- conviction of a crime involving moral turpitude.

Results that indicate any criminal history will be reviewed based on its implications for the safety and security of the campus community and in accordance with Florida Statute 435.02. The security background investigation must ensure that no one subject to this requirement has been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged, for any offense listed in Florida Statutes 435.04.

The Director of Human Resources, after discussion with the responsible Vice President will produce a final decision.

9. Disqualification

If the College has reasonable cause to believe grounds for the denial of employment or the termination of an employee exist as a result of a background screening, the Director of Human Resources will notify the candidate or employee, in writing, of their rights pursuant to Florida Statute, the Fair Credit Reporting Act and TCC Administrative Procedure. This notification will include direction for contesting the disqualification or requesting an exemption from disqualification.

a. Contesting the Disqualification

If the College determines that denial of employment or termination is warranted, the particular candidate or employee, pursuant to Florida Statute, the Fair Credit Reporting Act and TCC Administrative Procedure, will be provided the opportunity to present supporting documentation or evidence if they feel the information or negative findings from the background screening are in error.

In accordance with Florida Statute 435.06, the only basis for contesting the disqualification is proof of mistaken identity. It shall be the responsibility of the affected job applicant or employee to contest his/her disqualification or to request exemption from disqualification.

b. Requesting an Exemption from Disqualification

In accordance with Florida Statute 435.07, the College may grant an employee or candidate for employment an exemption from disqualification on the following grounds:

- felonies for which at least 3 years have elapsed since the person was lawfully released from confinement, supervision or non-monetary conditions imposed by the Court for the disqualifying felony;
- misdemeanors (or offenses that were felonies when committed, but are now misdemeanors) for which the person has been lawfully released from confinement, supervision, or non-monetary conditions imposed by the Court; and
- findings of delinquency for offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, when at least 3 years have elapsed since the person completed or has been lawfully released from confinement, supervision, or non-monetary conditions imposed by the Court.

In addition, for anyone requesting an exemption from disqualification, if they were ordered by the court to pay any fee, fine, fund lien, civil judgment, application, cost of prosecution, trust, or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor, must provide proof that the court ordered amount has been paid in full.

If a request for an exemption from disqualification is made, it is considered by the College's Behavioral Intervention Team (BIT) for final disposition. The BIT shall consider all results of the background screening, and additional verified facts provided by the individual. It is the responsibility of BIT to apply applicable rule and law. It is the responsibility of BIT to carefully determine the impact of the individual's employment on the College's campus community and the potential risk or threat posed to students, faculty and staff. The BIT will make a recommendation to the president who must issue a final determination.