



## **Rowan College of South Jersey**

Administrative Procedure: 7401

### **BACKGROUND CHECKS AND SELF-DISCLOSURE OF CRIMINAL ARRESTS AND/OR CONVICTIONS**

#### **Purpose**

This administrative procedure establishes a process for ensuring background checks are completed for any individuals, age 18 and over, (paid or unpaid) who are engaged by the College in any work capacity effective on or after the date of policy 7401. This includes all full-time, part-time, and temporary employees, volunteers, work-study students, third-party consultants and/or contractors or other similar positions. In addition, it establishes a process requiring all individuals employed by the College, including those engaged prior to, as of, or after, the effective date of the policy 7401, to self-disclose criminal arrest and/or convictions of crimes as listed on the attached form, within a 72-hour period of their occurrence.

Background checks will be used solely to evaluate candidates' eligibility for employment by the College and will not be used to discriminate on the basis of a person's protected class, characteristic or trait prohibited by law (see Administrative Procedure *7001 Affirmative Action and Equal Employment Opportunity*).

Criminal convictions will be reviewed with respect to the nature and gravity of the offense(s), time since conviction, and the nature of the appointment sought. When a finding adversely impacts eligibility to be engaged by the College in a specific position; e.g., DUI and loss of license for position requiring driver's license, the individual will be notified of the decision by Human Resources (HR).

#### **Individuals Covered**

The following individuals engaged by the College in any work capacity will require background checks:

- Staff
- Faculty (including Adjunct Faculty)
- Temporary Employees (on payroll)
- Administrators
- Executives

Administrative Procedure: 7401 Background Checks and Self- Disclosure of Criminal Arrests and/or Convictions

- Volunteers
- Work study students
- Interns (paid or unpaid)
- Third-party employees such as consultants and contractors
- Any individual not previously described who is employed and paid directly by the College

### **Background Checks**

Verification of credentials and other information about an employee or other individual (paid or unpaid) may include any or all of the following:

*Standard Background Check:*

- Criminal History Check
- Sex and Violent Offender Registry Check
- Employment Verifications
- Personal References

*Additional Background Checks as required for specific positions based on job-related need:*

- Education Verification (required for all degreed positions)
- Motor Vehicle Record (required for positions where it can be regularly anticipated that a responsibility of the position will be to drive a College-owned vehicle, and/or requiring the transport of minors)
- License Verification
- Credit Report (required for positions dealing with cash, financial aid, or College funds)
- Other verifications, as needed, based on job requirements

### **Background Check Process**

A successful background check must be completed prior to the first day of work with the College in the position identified. Any exceptions will need to be approved by HR.

Candidates will be informed that the offered appointment is contingent on a satisfactory background check that will be conducted by a consumer reporting agency for review by the College. The candidate will be required to complete a Pre-Employment Inquiry Release form to complete the background check process. This form will be provided by HR.

Candidates for appointment who fail to participate fully or who provide inaccurate background check information will be eliminated from consideration for the position. Candidates may decline to authorize a background check. In such cases, no background check will be performed, but the candidate will not be considered further.

Administrative Procedure: 7401 Background Checks and Self- Disclosure of Criminal Arrests and/or Convictions

The College will provide individuals access to a copy of their background check reports upon request, regardless of outcome and without charge. In cases in which information in a background check showing criminal convictions will affect the individual's ability to perform the specific job in question and will result in an adverse consideration, the College will provide all required notifications in compliance with applicable law(s).

### **Breaks in Service**

- For an individual with a break in service (voluntarily or involuntarily), a new background check is required. HR will process the paperwork.

**Note:** Regardless of the length of the break in service, all individuals intending to return to the College are reminded that the self-disclosure requirement to report arrests and/or convictions within 72 hours of their occurrence is still in force.

### **Periodic Updates or Additional Background Checks**

The College retains the right to conduct relevant background checks of current individuals as listed in the section, *Individuals Covered*, when it has reasonable grounds to do so; e.g., no prior check was performed, a workplace incident has occurred, upon self-disclosure of criminal activity, or upon change of assignment.

Further, all individuals engaged by the College (whether paid or unpaid) are required to notify HR of any criminal activities with which they are charged, as well as upon final conviction of crimes, within 72 hours of knowledge of the arrest or conviction. Failure to report such incidents may result in disciplinary action, up to and including termination.

Information will be used only if appointment-related and will not necessarily affect employment. HR will notify the employee's department of an arrest or conviction only if it is determined that the arrest and/or conviction is pertinent to the employee's ability to carry out the duties or functions of his/her position. If reported to the employee's department, such arrests and/or convictions, depending on the facts and the employee's involvement in the events leading to arrest and/or conviction, may subject the employee to discipline up to and including termination.

All full-time and part-time employees must pass a motor vehicle records check for positions requiring regular driving of a College-owned vehicle and/or requiring the transportation of minors. Motor vehicle checks will be updated every two years for relevant positions. The department and supervisor are responsible to initiate the process. Any individuals engaged in any work (paid or unpaid) capacity must notify HR of any arrests or convictions for driving while under the influence or the loss of the individual's driver's license due to traffic violations or other similar charges/convictions. This disclosure must be made within 72 hours of occurrence. Such convictions may subject the individual to discipline up to and including termination.

State or Federal law or regulations, professional associations, licensing entities, or contracting partners may impose background screening check requirements upon certain individuals. In these cases, the affected individual and department should coordinate the need for such a check with HR. Under no circumstances should employees conduct, or seek to conduct, a background check without first consulting with and receiving approval from HR.

### **Recruitment Notices**

All job postings (paid or unpaid) as listed in the section titled, *Individuals Covered*, that require more verifications than the standard background check will include such requirements in the posting. All offers of new appointments will be made contingent upon the results of the background check as outlined in this procedure. If a currently employed individual applies for a position that requires a non-standard background check, the offer for the new position will be contingent upon the results of the background check. All unpaid positions will be contingent upon the results of the background check.

### **Confidentiality**

All background check records/information will be maintained in HR.

The records related to the background check will include:

- Authorization, Consent, and Release forms;
- Information collected from the check;
- Analysis and decision, if criminal activity substantially relates to the position; and,
- Correspondence related to the criminal background check

Alternatively, these records may be maintained in a secure database. Any records related to a candidate or an employee must be returned to HR and will be maintained in accordance with the College's records retention schedule.

Area: Human Resources

Approved: 07/01/19

Reaffirmed: 03/08/22

President's Authorization: \_\_\_\_\_



References:

Rowan College of South Jersey Board of Trustees Policy Manual, *7401 Background Checks and Self-Disclosure of Criminal Convictions*

Administrative Procedure: 7401 Background Checks and Self- Disclosure of Criminal Arrests and/or Convictions