

AP 7126 Applicant Background Checks

References:

U.S. Code Sections 1681 et seq. (Fair Credit Reporting Act)
ORS 659A.360

In a continuing effort to ensure the safety and welfare of students and employees, Rogue Community College requires criminal background checks for the following:

- All newly hired full-time and part-time employees, including student and temporary employees;
- All employees rehired after a break in service of 12 months or more;
- All employees moving into a new position if a background check has not been completed in the preceding 12-month period; and
- Volunteers assigned to positions involving the handling of money, access to confidential and/or sensitive information, safety-sensitive assignments, or working without ongoing, direct supervision.

Final candidates are required to complete a criminal background check after a contingent offer of employment, or assignment is made and prior to being issued an official offer of employment or assignment. Candidates must sign a release form or online certification and release as part of the online application process, authorizing the College to conduct a background check. Per Oregon statute, credit history information will only be obtained through the background check process when this information would be substantially job-related, and only then if the reasons for use of the information are disclosed in writing to the employee or applicant. Reference checks may also be required, depending upon the position.

The College will use the information from the criminal background report in conjunction with the following factors to determine an applicant's eligibility for employment or assignment:

1. The passage of time since the commission of the crime(s);
2. Nature of crime(s);
3. Relationship between the job to be performed and the crime(s) committed;
4. Number of convictions; and
5. Rehabilitation efforts.

Factors to be considered in reviewing the relationship between the job to be performed and the crime committed include, but are not limited to, the following: handling money; authorization to use college purchasing/credit cards; direct unsupervised contact¹ with minors under the age of 18 or persons with developmental disabilities; working with data-sensitive information²; working in security-sensitive positions such as information technology positions or any position issued master keys to College facilities; and working in safety-sensitive³ positions such as operating equipment or machinery.

1. Direct unsupervised contact means contact with children (under age 18) or developmentally disabled persons that provide the employee opportunity and probability for personal communication or touch.



2. Data-sensitive information means employees' or students' social security numbers, dates of birth, driver's license numbers, medical information, personal financial information, or criminal background information.
3. Safety-sensitive means a hazardous or dangerous position, such as a position requiring the operation of equipment or machinery.

Approval of candidates with criminal records shall be made by the Director of Human Resources & Payroll Operations. Approval of candidates with criminal records involving sexual misconduct or crimes related to minors shall require additional approval from the Vice President of People, Culture, & Safety/CHRO.

Generally, candidates may not begin work or be unconditionally hired before the completion and approval of the criminal background check. The opportunity to become employed, assigned, or transfer into a qualified position will terminate immediately for all prospective employees considered ineligible according to the criteria set forth above.

If a candidate is determined to be preliminarily disqualified based on the above guidelines, the College will provide written notice of the disqualifying information in compliance with the FCRA, and will provide the candidate five days from delivery, or attempted delivery of such notice, to dispute the information contained in the report or submit information regarding mitigating circumstances that should be considered before a final decision is made.

Any false statement made by a candidate during the interview process, or at any other time during the application process, or refusal to submit or consent to a criminal background check will disqualify the candidate from any employment consideration. In such cases, candidates are eligible to reapply and be reconsidered after one year.

Similarly, current employees must report any criminal convictions (other than minor traffic infractions) immediately to their supervisor and Human Resources.

The decision of the Director of Human Resources & Payroll Operations to disqualify a prospective or current employee from employment or assignment may be appealed to the Vice President of People, Culture, & Safety/CHRO.

Rescinds Policy Number: V.A.040

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