

SECTION 1100.06

EMPLOYEE/VOLUNTEERS CRIMINAL HISTORY BACKGROUND INVESTIGATIONS

1. Lake Region State College is committed to providing a safe and secure environment for all students, faculty, staff, and visitors and to protecting its funds, property, and other assets. Well-informed hiring decisions contribute to this effort. To assist in this endeavor, Lake Region State College will conduct a criminal history check on new hires for faculty, staff, students hired for positions, and volunteers as indicated in this policy.
 - a. New hires include:
 - i. Individuals never before employed by the institution.
 - ii. Rehires, if the individual's break in service exceeds 12 months or unless the new position or newly assigned duties indicate that different checks or verifications are required.
 - iii. Transfers from another NDUS institution.
 - iv. Transfers and promotions within the same institution if an individual has never completed criminal history records check or criminal history check and sex offender registry check.
2. This policy has been adopted to implement SBHE Policy 602.3 and NDUS Procedure 602.3 for job applicants and current employees at Lake Region State College.
 - a. A nationwide FBI criminal history record check is required before the beginning of work for the following positions:
 - i. Police Officer
 - ii. Security Guard
 - iii. College police dispatchers and call center operators
 - b. A criminal history check and sex offender registry check are required before beginning work for the following:
 - i. All benefitted positions; and
 - ii. Non-benefitted positions, including volunteers who:
 1. have access to confidential or proprietary information;
 2. have master keys;
 3. have access to cash, credit, debit or other financial transactions;
 4. are resident hall and/or apartment managers, directors or assistants;
 5. are childcare employees and other employees who have unsupervised contact with minor children;
 6. are responsible for, or with access to, controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances;
 7. are instructional faculty and staff, including graduate teaching assistants; and
 8. are counselors and coaches.
3. Criminal history check and sex offender registration checks are required every 24 months for volunteers and temporary hires for camps and other activities that involve minors.
4. The criminal history check shall, at the minimum include:
 - a. All names/aliases for the past seven (7) years;

- b. All addresses for the past seven (7) years;
 - c. Federal criminal background check using primary source;
 - d. County criminal background check using primary source; and
 - e. Nationwide sex offender registry check.
- 5. The criminal history check and sex offender registry checks must be completed before beginning employment. If there is an urgent documented need to start employment; within seven working days of selection and prior to the completion of the check, the employee may begin work as scheduled, under proper supervision; however, continued employment is subject to successful completion of the checks.
- 6. Procedure:
 - a. Position Announcements: Position announcements for positions requiring a check will include this statement: *"LRSC does require a successful background check for the selected candidate prior to beginning employment."*
 - b. Offer of Employment: An offer to the finalist, for which a criminal history check and sex offender registry check is required or requested, may be made "contingent upon successfully completing a criminal history check and sex offender registry check." Employment will not begin until results of the required or requested checks are received.
 - c. Upon approval for hire, HR will email a criminal history check link to the finalist for processing with a licensed vendor. The fee for the background check will be paid by Lake Region State College.
- 7. Background Check Result Handling:
 - a. After all requested background investigation reports are received and reviewed, the HR Director will notify the supervisor of the results and begin processing the finalist for employment.
 - b. If the record is not clear, a review will be conducted by the HR Director and the division vice president. A previous criminal conviction does not automatically disqualify an applicant for consideration. Candidates' eligibility will depend on a variety of factors, such as the nature, severity, and frequency of the offense or offenses; the time elapsed since conviction and the rehabilitation including the individual's subsequent work history; the truthfulness and completeness of the candidate's disclosure of the conviction(s); whether a criminal conviction has a direct bearing on the individual's ability to fulfill job duties and responsibilities; the risk to the safety and welfare of employees, student, general public, or Lake Region State College property; and any other relevant information.
 - c. A discovery of falsification will disqualify a candidate from employment consideration. If the candidate is a current employee, falsification may also subject the individual to disciplinary action, up to and including termination.
 - d. The criminal history check records will be maintained in accordance with North Dakota open records laws and records retention policies of Lake Region State College.
- 8. Denial of Employment
 - a. If employment is denied or an offer of employment is withdrawn based on the criminal history check, the finalist/employee has no right of appeal. A letter of adverse action will be processed by the licensed vendor that performed the criminal history check. The individual has the right to challenge any of the information on the criminal history record. The challenge must be made directly to the licensed vendor. If the finalist/employee challenges the information on his/her criminal history record, the decision by LRSC to deny or to withdraw an offer of employment is suspended for one

week. If the challenge results in no changes in the background record or changes which do not cause the employment decision to be changed, the LRSC decision on employment for this individual is final.

- b. Anyone denied employment based on the criminal history check made through a licensed vendor is afforded certain rights under the Fair Credit Reporting Act (FCRA). The HR Director will provide the appropriate notification to the finalist/employee.

History

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