

# Background Check Policy

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## I. PURPOSE

The purpose of this policy is to describe the terms and conditions under which background checks of applicants for employment and volunteers are conducted.

## II. SCOPE

This policy applies to college employees, volunteers, student employees, non-employees who reside in residential halls, and independent contractors in Goucher-sponsored summer camps.

## III. TYPE OF BACKGROUND CHECKS CONDUCTED

### A. Standard Pre-Employment Screening

#### 1. Employment Application/Interview

All applicants for employment will complete a formal application and participate in an interview process. Deliberate falsification of information on an employment application or during the hiring process will normally result in denial or forfeiture of college employment.

Goucher will comply with Maryland's "Ban the Box" law, Md. Code Ann., Labor and Employment, Section 3-1401-1405 (2020). Pursuant to that law, Goucher will not, at any time before a conditional offer of employment has been extended, require an applicant to disclose whether they have a "criminal record" or have had criminal accusations brought against them.

Criminal record means:

- An arrest
- A plea or verdict of guilty
- A plea of nolo contendere
- A disposition of probation before judgment
- The marking of a charge "stet" on the docket
- A disposition of not criminally responsible

The Office of Human Resources will be responsible for all inquiries relating to an applicant's criminal record. Candidates may not be asked to reveal information about any convictions that have been expunged or sealed by a court. Hiring supervisors and search committee members should NOT inquire about any reported convictions or arrests during the interview. The Office of Human Resources will investigate and take appropriate action regarding information about a criminal record, in consultation with Legal Counsel. A criminal record disclosed during the employment process does not automatically disqualify an applicant but will be considered in the selection decision if that record is determined to be related to the job.

## 2. Reference Checks

Hiring managers shall check references before a verbal offer of employment is extended. For Goucher-sponsored summer camps, the Office of Events and Conference Services will perform the reference checks.

## B. Position-Specific Background Checks

The following classes of applicants are subject to additional pre-employment background checks. These background checks include a social security trace (all current and reported addresses for the last seven (7) years on a specific individual based on their social security number, to include reports of other names and aliases), national criminal felony and misdemeanor search (all counties within seven (7) years, based on a social security trace), verification of highest level of education, professional license check, national sex offender registry search, driver record check, and other background checks as appropriate, including but not limited to a fingerprint criminal background check for those employees who have access to and/or live in residence halls. In addition, international checks may be performed for foreign nationals in the categories below. These searches are conducted by an outside credit reporting agency, in accordance with the provisions of the Fair Credit Reporting Act.

1. Volunteers in Goucher-sponsored programs (including Goucher-sponsored summer camps) – County criminal felony and misdemeanor search with social security trace, and sexual offender registry search. Additional checks:
  - i. Fingerprint criminal background check – Those traveling with Athletics teams and interacting with minors (including summer camps).
  - ii. Child Protective Services (CPS) background clearance – Volunteers in Goucher-sponsored summer camps.
2. Goucher College employees (faculty and staff) – County criminal felony and misdemeanor search with social security trace, sexual offender registry search, employment history verification (seven (7) year history, up to three (3) employers), and education verification (verification of highest degree earned). In addition, the following categories require additional checks as outlined:
  - iii. Fingerprint criminal background check – Athletics coaches, graduate assistants and staff members traveling with Athletics teams, athletic trainers, Pilates instructors, lifeguards, employees with master key (physical or card key) access, residence life staff, Facilities Management Services (FMS) staff with access to residential halls, employees accompanying students on overnight travel, health center staff, student wellness staff, campus safety, staff regularly working with minors (including summer camps), and employees residing in residence halls.
  - iv. Professional licensure and/or certification check – Employee groups including but not limited to health center personnel, legal counsel, Pilates instructors, and lifeguards who require professional licensure and/or certification from the appropriate agency to perform their job duties.
  - v. Driver's license check – Employees who require a valid driver's license, as outlined in the respective job description.

- vi. Credit history check – Employees who have access to sensitive financial or technical information, including but not limited to the Vice President for Finance & Administration/Chief Financial Officer, the Office of the Controller, and the Office of Information Technology staff.
- vii. Child Protective Services (CPS) background clearance – Employees in Goucher-sponsored summer camps.

### C. Additional Background Checks

The College reserves the right to conduct investigations when an employee is charged with or convicted of any crime that reflects on their suitability for continued employment, during the course of an administrative investigation, or when the employee is transferred or hired into a new position that requires a criminal or other type of background check.

The College also reserves the right to require background checks of additional categories of applicants, at its discretion.

The College will generally not conduct background checks on student employees unless that individual's primary purpose at Goucher is to work as a regular employee. The Office of Community Based Learning oversees background checks of students who work in public schools.

### D. Self-Disclosure of Criminal Records

Every employee and volunteer must inform the Office of Human Resources of a Criminal Record within five (5) business days of the entry of the Criminal Record. Employees and volunteers must also report traffic violations if they have driving responsibilities. Self-disclosure of Criminal Records is applicable to all employees and volunteers, regardless of whether or not their positions are subject to an original background check. The College may conduct a background check of an existing employee who reports a Criminal Record pursuant to the procedures below.

### E. Non-employee Background Checks

1. Non-employees who reside in residential halls – (including but not limited to residential employee family members) Additional occupants (regardless of relationship) over the age of 18 living with the employee in the residence will be subject to a criminal background check, fingerprint criminal background check, and sexual offender registry searches. Additional occupants are responsible for associated costs.
2. Independent contractors in Goucher-sponsored summer camps – Independent contractors who work in these programs and have access to minors will be subject to county criminal felony and misdemeanor searches, sexual offender registry search, a fingerprint criminal background check, and CPS background clearance. This process will be managed by the Office of Events and Conference Services.

### F. Community-Based Learning (CBL) Background Checks

The Office of Community-Based Learning (CBL) conducts background checks and requires fingerprinting from all students (paid and volunteer), as well as occasional non-employee volunteers, who will be working with minors in college-sponsored on-campus programs of any kind without supervision

from an approved college supervisor. Approved supervisors include but are not limited to Student Leaders for Civic Action (SLCAs), Futuro Latino Learning Center Program Assistants, and any designated director or coordinator of a program serving minors, all of whom must complete background check and fingerprinting processes prior to beginning work on the relevant program.

If the program occurs in an off-campus location, the CBL office follows the background check policies in place at the partner school or organization. Background checks in these cases are often conducted directly by the Baltimore City or Baltimore County Public School Systems. In cases where a non-profit partner organization requires fingerprinting, the CBL office coordinates with an independent contractor to complete the process and covers the associated costs.

In cases where the external partner has no background check policy in place, but the CBL office anticipates that minors will be involved, students will be fingerprinted through the College. The cost of these checks is covered by the College, not the student and/or volunteer.

## **IV. PROCEDURE**

All offers of employment will be contingent on satisfactory results of the background check. The College will ensure that all background checks are conducted in compliance with applicable federal and state statutes, including the Fair Credit Reporting Act.

### **G. Information Collection**

An Application for Employment and a signed authorization is required before criminal record information or background information may be requested from the outside credit reporting agency.

### **H. Results of Background Checks**

1. Results of background checks are sent directly to the Office of Human Resources.
2. If the background check is favorable, the Office of Human Resources will notify the hiring supervisor that the candidate is approved to begin employment.
3. If the background check is unfavorable, the Office of Human Resources will review the information in consultation with the legal counsel and the Office of Risk Management, as necessary. Other individuals that need to be consulted, include the hiring supervisor, and the divisional vice president. A decision to hire an applicant with a job-related conviction requires the approval of the divisional vice president or president.
4. If the unfavorable information is included in the report provided by the credit reporting agency, the Office of Human Resources will send the applicant a pre-adverse action letter. If the decision is made not to hire the applicant because of information included in a report, a final adverse action letter shall be sent to the applicant informing the applicant of their rights under the Fair Credit Reporting Act.

If unfavorable information is uncovered about the spouses/domestic partners of applicants/employees subject to background checks under this policy, the results of such search will be provided only to the spouse/domestic partner, and not to the applicant/employee. No pre-adverse action or adverse action letter will be sent to such individuals.

5. In making the determination of job-relatedness, the Office of Human Resources will consider how recently the unfavorable incident occurred; the frequency and severity of the incident(s); the age of the individual at the time of the incident; the accuracy of information provided on the application and/or during the interview process; evidence of rehabilitation; and the safety and security of the campus, college assets, and the members of the campus community, which will be the most important consideration. These factors will also be considered when determining whether a spouse/partner will be permitted to reside in a residence hall.
6. The above procedures will be followed by the other offices and departments with respect to independent contractors working for Goucher College, as appropriate.
7. In the case of background checks and fingerprinting conducted by and for the Office of Community-Based Learning, results for student employees and volunteers will be forwarded from the Office of Human Resources to the Office of Community-Based Learning for retention.

## **V. CONFIDENTIALITY**

Only the Office of Human Resources may initiate a criminal background check and receive results for applicants, employees, and volunteers (with the exception of Community Based Learning for students placed in public schools). 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 (as noted above), or as required by law or appropriate legal process. Criminal background investigation records will be maintained as part of a confidential file (to the degree possible) in the Office of Human Resources Services, separate from employee personnel files, or in the Office of Events and Conference or in the Office of Community Based Learning (for students placed in public schools). Violation of the confidentiality requirement is grounds for discipline, up to and including termination of employment.

## **VI. RESPONSIBLE OFFICE**

The Office of Human Resources is responsible for implementing and updating this policy.

## **VII. HISTORY**

Updated: May 2021; February 2024.