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Approved:	J.J. Sygielski
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Background Screening Policy

1.0 Purpose

Lord Fairfax Community College (LFCC) believes that hiring qualified individuals to fill positions contributes to the overall strategic success of LFCC. Background checks serve as an important part of our selection process. This type of information is collected as a means of promoting a safe and productive work environment for current and future employees. Background checks help LFCC obtain additional applicant related information that helps determine the applicant’s overall employability, ensuring the protection of the current employees, students, property, and information of the organization.

2.0 Revision History

Original Policy: March 2006
1st Revision: October, 2007
2nd Revision: February 2017

3.0 Applicability

This policy applies to all prospective employees (full-time, adjuncts, wage and nursing wage employees, student and work study employees) once a conditional offer of employment has been extended and accepted. Employees rehired within 18 months of their last assignment at LFCC are not required to undergo another background check if a screening had been previously completed.

4.0 Policy

- A. Prospective employees and rehires are required to submit to a background screening once a conditional offer of employment has been extended and accepted.
- B. Prospective employees must sign an authorization form authorizing Lord Fairfax Community College and the contract background screening firm to obtain a background or investigative background report as part of the screening process for employment. This authorization form is in compliance with the Fair Credit Reporting Act (FCRA) legislation.
- C. The minimum investigation will always include the following:

1. State and nation-wide and federal criminal history
 2. Sexual offender registry check
 3. Motor Vehicle history
- D. Additional background checks requirements: Some positions will required additional background investigations based upon the nature or importance of the position to the college and the community. Reasons for additional checks include, but are not limited to, positions that handle financial transactions, security sensitive positions, executive positions and other positions afforded a degree of special trust and confidence. Such checks include the following:

Sensitive positions: In accordance with DHRM policy and Virginia Code, VA Code § 2.2-1201.1., each agency must designate positions which are directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures. These positions are required to have a Virginia criminal history and Federal Bureau of Investigation database check conducted through the Department of State Police, and this check must also include fingerprinting.

Credit check: Positions that require a credit check are those that have access to material levels of cash or negotiable securities; have responsibility or authority for the execution, approval or commitment of financial resources or transactions; responsibility for creating, collecting, or accounting for material levels of accounts receivables ; have significant inventory control responsibilities, including the receipt and release of inventory; have access to, or responsibility for the payroll/personnel or purchasing systems, or privileged access to sensitive data or critical data processing systems; have unsupervised access to college, employee, or student property or master key access to facilities or have access to pharmaceuticals or other controlled drugs.

Fingerprint Checks: Fingerprint checks are required for all designated "sensitive" positions, security positions, and information technology positions designated as security sensitive, consistent with the requirements of Code of Virginia § 2.2-1201.

Medical/Physical Evaluation: A pre-employment, post-offer, or return-to-work physical may be required for positions that require a certain degree of physical exertion based upon the essential functions of the position in question, or medical qualification requirements (if applicable). Such requirements exist to ensure applicants can perform the essential functions of the job with or without reasonable accommodation, or that they possess the minimum abilities necessary for safe and efficient performance of the duties that characterize the position.

- E. It is required that current employees report to their immediate supervisor and office of human resources within five (5) days:
1. any drug convictions they receive, whether they are felonies or misdemeanors

2. convictions related to child molestation, indecency with a minor, or other sexual offenses
 3. convictions for alcohol related and serious motor vehicle violations, including but not limited to DUI/DWI, reckless driving, evading arrest, hit-and-run, and similar offenses if their duties involve the operation of college heavy machinery/equipment or motor vehicles, life safety, or security.
 4. any convictions involving financial impropriety or similar matters for employees who work in positions with fiduciary responsibilities
- F. LFCC reserves the right to conduct a criminal background check when circumstances are identified that warrant further investigation for job-related convictions. Results of the background check will not normally affect opportunities for continued employment unless information obtained regarding prior or current convictions leads to a conclusion that the safety of students, clients, and/or co-workers may be compromised. The individual may be reassigned or his/her employment may be terminated.
- G. The discovery of a conviction may result in denial of employment. A previous conviction does not automatically disqualify an applicant from consideration at LFCC. In making the determination of job-relatedness of convictions, consideration will be given to the 1) nature, 2) recency, 3) frequency, 4) severity of the crime(s), and 5) the age of the individual at the time the crimes were committed.

Other factors that will impact the decision include the nature of the position for which selected; the relationship that a conviction has to the duties and responsibilities of the position; whether the circumstances arose out of an employment situation; whether the conviction led to the harm of others, such as assault, rape, murder, domestic violence, etc.; the nature and scope of the position's fiduciary responsibilities; the nature and scope of the position's student, public or other interpersonal contact; the nature and scope of the position's autonomy and discretionary authority; the sensitive nature and scope of the data or records maintained or to which the position has access; the potential opportunity presented for the commission of offenses; the extent to which acceptable job performance requires the trust and confidence of the college or public; and other factors as deemed appropriate.

If an applicant fails to disclose any previous job-related conviction, he/she will likely be disqualified from employment in that or any other position within LFCC for falsification of an application.

Final decision: A decision not to hire, or rescind a previous offer will be made by the human resource officer and the appropriate vice president. The prospective employee will be provided contact information for the contract background screening firm to request a copy of their background report.

H. The contract background screening firm ensures that all background checks are held in compliance with all federal and state statutes, such as the Fair Credit Reporting Act. Any information derived from background checks shall be maintained in the strictest confidence possible. Only essential personnel involved in the hiring process shall be informed, on a need-to-know basis. All expenses related to the background check will be incurred by LFCC.

5.0 Definitions

A. **Background Screening** – An evaluation for employment producing a background report concerning prior criminal background, sexual offender, and driving record.

B. **Contract Background Screening Firm** - A contracted vendor that provides comprehensive nationwide pre-employment screening and strictly adheres to the provisions of the Fair Credit Reporting Act.

6.0 Responsibilities

Divisions are responsible for providing prospective adjunct and/or wage employees with a copy of the policy and following the guidelines for obtaining required documentation from the prospective employees.

Human Resources is responsible for providing prospective full-time employees with a copy of the policy and following the guidelines for obtaining required documentation from the prospective employees. Human Resources is also responsible for working directly with the contract background screening firm to ensure that all background checks are held in compliance with all federal and state statutes.

7.0 Procedures

A copy of the background screening policy and memo to prospective employees will be provided to all prospective employees.

The Divisions and Human Resources will follow the established background screening guidelines located on the LFCC Intranet.

8.0 Sanctions

All records and information concerning personnel actions related to this policy shall remain confidential. The contract background screening firm will retain all records pertaining to a prospective employee's background report for a period of three (3) years. Failure to adhere to this policy could result in disciplinary action.

9.0 Interpretation

The authority for interpretation of this policy rests with the associate vice president, human resources.

10.0 Authority/Reference

The initial policy was developed by the associate vice president, human resources and the content was reviewed/approved by the Department of Human Resource Management and legal counsel from the Commonwealth Attorney General's office.

The revised policy is in accordance with VCCS policy 3.3.3 Reference and Background Check Policy.