

# LUTHER COLLEGE

## POLICIES AND PROCEDURES

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Department:	Office of Human Resources
Subject:	Background Checks
Date Issued	June 2013
Updated and Reviewed By:	Finance & Administration Team – April 29, 2021
Approved By:	Reviewed by Cabinet, Approved by President, July 7, 2021

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### I. Policy/Procedure

This policy sets forth the guidelines for performing background checks at Luther College

### II. Purpose

The purpose of this policy is to ensure background checks are conducted in a fair and consistent manner in order to help mitigate risks and the potential for a detrimental hire.

### III. Scope

This policy applies to the following people associated with Luther College:

- New Staff and Faculty – Background checks are conducted prior to a new employee beginning their employment, or if the employee returns to the College after a break in service of greater than one year.
- Volunteers – Volunteers who will be providing services to our students or will be volunteering through a Luther recognized camp or activity involving minor children will be required to complete a background check prior to their first day of volunteer service.
- Volunteer Corps staff – As a condition of their contract with the College, supporting organizations such as AmeriCorps or Lutheran Volunteer Corps, will conduct and pay for all background checks on their employees assigned to the College.
- Contracted Services Staff – As a condition of their contract with Luther College, contracted services employees, such as Sodexo, Ricoh, and health care providers, will conduct and pay for all background checks on their employees assigned to Luther.
- Students – Students who have one-on-one contact with minor children or who have access to keys for residential rooms, will require a background check each year.
- Drivers – Any staff, faculty, student, or volunteer who will be expected to drive as part of their duties will need to have a Motor Vehicle Record Review completed by the Facilities Services Office. Please refer to the Vehicle Use Handbook.
- Employees who deal with money – Peer credit reports must be conducted prior to employment for Cabinet members, Office of Financial Services, Bookshop, Box Office, and Development records staff

### IV. Terms and Definitions

- Criminal Background Check – Includes a criminal check of the county court records where the applicant lived, a national criminal check, a verification trace on the applicant’s Social Security number, and a check against the Sex offender National Registry.
- Motor Vehicle Review (MVR) – Review of driving records for the past three years in order to determine an applicant’s ability to drive a Luther vehicle.
- Fair Credit Reporting Act (FCRA) – Federal legislative act that regulates the use and dissemination of consumer credit information administered by the Federal Trade Commission.
- Pre-Adverse Action – Notification to applicant that a record of concern was found in his or her background check, outlining action the applicant might take to correct the file if in error.
- Adverse Action – An action taken to the detriment of the applicant for employment based on information received through the background check.
- Final Adverse Action – Detrimental action taken towards an applicant when a concern is found on their background check report that would eliminate them from employment consideration. The action becomes final when the concern has not been disclosed as inaccurate or the explanation for the concern has not resolved a negative hiring consequence.
- Appropriate Office – The Dean’s office processes faculty background checks. Human Resources processes staff and summer employee background checks

## **V. Procedures and Guidelines**

- A. An applicant’s profile will be confirmed through reference checks to verify the individual’s previous employment and qualifications for the position before an offer of employment is made.
- B. The final applicant will be provided a link for the background check vendor to authorize a background check. Directions to complete a Motor Vehicle Review will be supplied if required for position. The prospective employee will be told that the offer of employment is contingent upon satisfactory results.
- C. The Appropriate Office will order the background check once the applicant has completed the application.
- D. Results of the Criminal Background Check will be received by the appropriate office and kept in a confidential file in the appropriate office. If further review of the results is warranted before an employment offer is confirmed, the Office of Human Resources or the Dean’s Office will review the findings with the hiring manager, Vice President for Finance and Administration, and if necessary, the President.
- E. Results of the MVR will be received and kept on file by the Facilities Services Office. If further review of the results is warranted before an employment offer is confirmed, the Office of Human Resources will review the findings with the hiring manger, Vice President for Finance and Administration, and if necessary, the President.
- F. The existence of a criminal record will not automatically disqualify an individual from employment. The nature and number of convictions, the amount of time that has passed since the last date of conviction and (if applicable) the last date of incarceration. Additionally, the applicant’s conduct and rehabilitation efforts since the conviction will all be taken into consideration.

- G. If the background or MVR findings influence the decision not to hire an applicant, the Office of Human Resources will insure that the applicant receives a Pre-Adverse Action Notice along with a copy of the report and a notice of their rights under the FCRA.
- H. If the applicant believes the background or MVR report given to the College is inaccurate, the College will give the applicant a reasonable period of time to refute the information with the agency that conducted the background check. If the applicant does not dispute the accuracy of the report or if the matter is not adequately resolved with the vendor in a timely manner, the applicant will be mailed a Final Adverse Action Notice and notice of their rights under FCRA. The hiring manager may proceed with hiring a different applicant.

## **VI. Confidentiality and Record**

Information received through Criminal Background Checks will be maintained in confidential files. Staff information in the Office of Human Resources and faculty information in the Dean's Office, and may be accessed only by those who have a bona fide right to know. Information received through an MVR will be maintained by the Facilities Services Office.