Administrative Services Operational Guidelines
Background Checks

Introduction:
Employers conducting background checks on employees and applicants must comply with federal laws, under the Fair Credit Reporting Act (FCRA), as well as any applicable state laws. The FCRA requires that employers using consumer reports (background checks) for employment purposes must provide employees and applicants with a written disclosure and obtain their written consent before obtaining their reports.

Criminal history includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:

- The nature of the crime and its relationship to the position
- The time since conviction
- The number and gravity of convictions
- Applicant’s age at the time the convicted crime(s) was committed
- Length of NIC service and performance (for promotions and transfers)
- Employment record subsequent to the conviction
- Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to NIC, its employees, its students, customers or vendors

Process:
A. Each recruitment for a benefit eligible position will have a notice that successful completion of a background check will be required. Background checks will be conducted on all final candidates. Note: Head Start and the Children's Center follow the State of Idaho and City of Coeur d’Alene guidelines for childcare licensing on background checks for full-time and part-time positions prior to employment. These departments handle/coordinate the background checks with the respective agencies.

B. Other part time positions that may require a background check are coaches, either paid or volunteer, and those working in Security, Residence Hall, Student Health, clinical faculty, and others as needed. Other exceptions may apply.

C. All employees and applicants who disclose a felony conviction will require a background check.

D. All current employees who are hired, promoted, or transferred into a new position or who have a significant change in job duties will complete a background check unless a prior background investigation appropriate for the position was performed within the last twelve (12) months.
E. An applicant who has already been hired or promoted and is subsequently found to have provided false or misleading information related to the background investigation may be subject to disciplinary action, up to and including termination.

F. Notification of Criminal Charges Requirements
   • As a condition of continued employment, every employee and volunteer must inform his/her manager and Human Resources within five (5) business days if he/she is charged with any crime other than a minor traffic violation. This includes circumstances where an employee is charged with a crime while off contract, such as faculty and staff during the summer months.
   • Employee must follow-up with Human Resources and his/her manager within five (5) business days as to whether the charge led to a conviction.

G. Motor Vehicle Record (MVR) Checks
   Motor vehicle record checks will be conducted on candidates and volunteers in positions that:
   • Are responsible for regularly operating a college owned or controlled vehicle;
   • Are responsible for transporting students, clients, or others in a private vehicle on a routine basis;
   • Require a Commercial Driver’s License; or
   • Are responsible for transporting minors under the age of eighteen (18) at any time.

   Notification of Loss of Driver’s License Requirements
   • As a condition of continued employment, every employee and volunteer holding a position that requires an initial MVR check as listed above, must inform his/her manager and Human Resources within five (5) business days if he/she is charged with any crime other than a minor traffic violation and/or has a suspended or revoked drivers’ license. This includes circumstances where an employee is charged with a crime while off contract, such as faculty and staff during the summer months.
   • Employee must follow-up with Human Resources and his/her manager within five (5) business days as to whether the charge led to a conviction.

H. The Employment Recruiter will submit the employee’s/candidate’s information to a third party consumer-reporting agency to conduct the background check. This check may include:
   • First Check SSN Validation/Search
   • Smart Scan (address history verification PLUS Criminal Multi-Jurisdictional Database Search)
   • County Criminal History Reports for Up to 10 Counties of residence in the past 7 years
   • Federal Criminal History Reports for One District of residence in the past 7 years
   • Multi-State Sex Offender Registry

I. The Employment Recruiter reviews the results and, if acceptable, notifies hiring manager that the candidate is eligible for employment.
In accordance with the FCRA requirements and prior to completion of background check the college will:

- Inform the applicant or employee that we may use background information from a consumer reporting agency for decisions about their employment.
- Treat everyone equally. Everyone will use the same authorization form and the screening will include information according to the position requirements, such as driving record and criminal history.
- Provide the candidate with a summary of their rights under the FCRA.
- Obtain written or electronic permission to perform a background check.
- Inform the candidate that if the report contains information not disclosed by the candidate, the college may take adverse action.

Adverse Action Decision
Once the accuracy of adverse information has been verified with the reporting source, the Executive Director of Human Resources, the appropriate President’s Cabinet member, and the President, or their designated representatives, will make a determination, which may include legal consultation, whether the candidate is eligible for employment based on all facts and circumstances, including:

- Relevance of adverse information to specific position responsibilities;
- Falsification of application materials pertaining to the adverse information; and
- Circumstances relating to the adverse information.

Due to potential conflicts of interest and confidentiality concerns, information gathered in the course of any background investigation will not be disclosed to search committees or employees assigned to the department, college, or unit conducting the search. Human Resources, in consultation with the respective President’s Cabinet member, will only inform the hiring managers whether, based on the results of the background investigation, an offer of employment may be finalized with the candidate.

Notification of Intent to Take Adverse Action.
If there is a basis for an adverse action, a copy of the report will be provided to the candidate. The candidate will be notified of:

- The name, address, and telephone number of the consumer reporting agency that provided the information, and a statement that the consumer reporting agency did not make the adverse decision and is not able to explain why the decision was made.
- His/her right to obtain a free copy of his/her file from the consumer reporting agency within sixty (60) days; and
- His/her right to dispute the accuracy or completeness of any information with the consumer reporting agency.

The candidate will then have five (5) business days to contest the accuracy of the information contained in the report. If the candidate fails to disprove the accuracy of the information to the reasonable satisfaction of the college, the college may then take adverse action.
References:
Fair Credit Reporting Act, 15 U.S.C §1681
EEOC Background Checks