



## ADMINISTRATIVE PROCEDURE

### ADMINISTRATIVE PROCEDURE NO: AP 361.01

### RELATED TO POLICY NO. 361

### TITLE: BACKGROUND INVESTIGATIONS

Background checks (which may include fingerprinting) will be conducted on:

All newly hired full-time and part-time employees, student employees, and volunteers; and

Rehired former employees, student employees, and volunteers who have not worked at UCC for the past twelve (12) months; and

Employees moving into a different job that will be handling money, issued college purchasing/credit cards, having direct, unsupervised contact<sup>1</sup> with minors under the age of 18 or persons with developmental disabilities, working with data-sensitive information<sup>2</sup> and/or working in security-sensitive positions such as information technology positions and any position issued master keys to College facilities.

The final candidate selected to be hired, and employees required to submit to a background investigation, must sign a release form authorizing the college to conduct a background check. Applicants may be required to pay any expenses related to the background investigation.

The College will use the information from the criminal background report in conjunction with the following guidelines to determine an applicant's eligibility for employment or an employee's continued eligibility for employment:

1. The relevancy, if any, of the crime or the false statement to Oregon or federal laws and the specific requirements of the subject individual's proposed position, services, or employment; and;
2. Intervening circumstances relevant to the responsibilities and circumstances of the position, services, or employment. Intervening circumstances include but are not limited to:
  - a. The nature of the crime;
  - b. The facts that support the conviction or pending indictment or that indicate the making of a false statement;
  - c. The passage of time since the commission of the crime;

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<sup>1</sup> "Direct, unsupervised contact" means contact with children (under age 18) or developmentally disabled persons that provides the employee opportunity and probability for personal communication or touch.

<sup>2</sup> Data-sensitive information means employees' or students' social security numbers, dates of birth, driver's license numbers, medical information, personal financial information, or criminal background information.

- d. The age of the subject individual at the time of the crime;
- e. The likelihood of a repetition of offenses or of the commission of another crime;
- f. The subsequent commission of another relevant crime; whether the conviction was set aside and the legal effect of setting aside the conviction;
- g. A recommendation of an employee;
- h. The number of convictions; and
- i. Rehabilitation efforts.

Potentially disqualifying crimes include but are not limited to:

1. All felonies;
2. All Class A misdemeanors;
3. Any United States military or international crime that is equivalent to any crime listed in this section;
4. Any crime of attempt, solicitation, or conspiracy to commit a crime listed in section (1) pursuant to ORS 161045, 131.435, or 161.450;
5. Any crime based on criminal liability for conduct of another pursuant to ORS 1671.555, when underlying crime is listed in this subsection (1); and
6. Any crime which, if convicted, would require the individual to register as a sex offender.

Generally, the applicant may not begin work or be unconditionally hired before the results of the background check are known and meet the above-stated criteria. The opportunity to become employed or transfer into a qualified position will terminate immediately for all prospective employees considered ineligible according to the criteria set forth above.

If an applicant is determined to be ineligible based on the above guidelines, the College will provide notice to the applicant of the disqualifying information and will give the applicant five (5) days to dispute the information contained in the report before a final decision to hire is made. If, after the five (5) day period has expired, the applicant does not dispute the information contained in the report, the College will disqualify the candidate from employment consideration.

An individual who has failed to disclose the presence of criminal convictions will not be employed by the College. Any false statement made by an applicant on the employment application, during the interview process, or at any other time during the application process, or refusal to submit or consent to a criminal background check will also disqualify the applicant from any employment consideration. Similarly, a current employee must report criminal convictions (other than minor traffic infractions) to his/her supervisor and/or the Human Resources Director.

[Revised to remove current employees 10192012]

DATE OF ADOPTION: 12/12/2012

DATE OF REVISION(S):

DATE OF LAST REVIEW: