

VOLUNTEER STATE COMMUNITY COLLEGE
POLICIES AND PROCEDURES MANUAL

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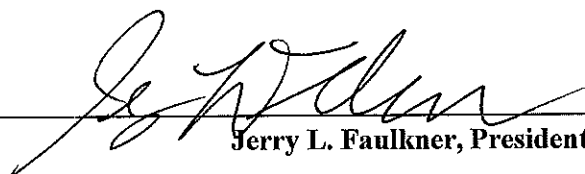
Date: 1/31/2012

Reference TBR Policy/Guideline: No. P-010

Date: 5/18/2010

Subject: Faculty and Staff Background Checks

Approved: _____


Jerry L. Faulkner, President

This policy incorporates the guidelines and procedures delineated in TBR Guideline P-010, Personnel Transactions and Recommended Forms.

This policy is consistent with our commitment to providing the highest level of quality education and to take reasonable measures to ensure the safety of our students, staff, customers, and property.

Effective 12/01/2016, it is the policy of Volunteer State Community College to conduct background checks on all candidates recommended for hire (including but not limited to hired, promoted, reclassified, or transferred) into specified positions. All work study students in Campus Police will require a background check.

Effective 12/01/2011, it is the policy of Volunteer State Community College to conduct background checks on all candidates recommended for full-time faculty, regular full-time, regular part-time staff, all temporary, and work-study employees in the Campus Police Department and employees who are appointed (including but not limited to hired, promoted, reclassified, or transferred) into specified positions.

Circumstances may also arise for which background checks of current employees will be necessary in order to determine whether their employment status with the institution should be changed. In addition, an effort to comply with the recommendation of the Joint Commission on Accreditation of Healthcare Organization, major healthcare facilities and agencies utilized by Volunteer State Community College for our clinical training requires that each faculty (adjunct or full-time) member engaged in clinical participation undergo a background check. The background checks are to be completed prior to the faculty member's participation in on-site supervision and instruction of students in Health Sciences clinical placement programs. The Health Sciences faculty background check is conducted every three (3) years, no more than ninety (90) days prior to the faculty member's first clinical participation for that year.

This process is necessary to ensure that individuals are selected who possess the qualifications to perform the duties of the position most effectively and who are best able to serve the institution. The type and extent of each background check will be determined by the nature of the position to be filled by the recommended candidate or employee. Only specified sensitive positions may include a financial/credit report.

The President (or other such college officials as the President may delegate) shall designate positions requiring background checks within the institution. The Office of Human Resources will maintain a list of the type of background checks that will be required based upon responsibilities of the position.

Background checks may include the following:

1. Social Security Number Trace & Address Locator which includes name, social security number, current and former addresses
2. Seven-year multi-county or statewide misdemeanor and felony arrest/conviction record
3. National Criminal search
4. Motor Vehicle Record
5. Employment/Reference Verification – the search chair and search committee are responsible for ensuring that prior employment and reference checks are completed on applicants for employment
6. Education Verification – the Office of Human Resources is responsible for ensuring the official college transcripts are received, if applicable
7. Professional licensure/certification verification, if applicable
8. Violent Sexual Offender and Predator Registry Search
9. Tennessee Abuse registry maintained by the Tennessee Department of Health pursuant to T.C.A. Section 68-11-1004
10. Health and Human Services/Office of Inspection General (HHS/OIG) list of excluded individuals/entities:
 - a. General Services Administration (GSA) list of parties excluded from federal programs
 - b. US Treasury, Office of Foreign Assets Control (OFAC)
 - c. List of Specially Designated Nationals (SDN)
11. Financial/credit report, if applicable

The individuals subject to background checks must be made aware of this practice at the earliest possible stage in the process. All notices for recruitment, advertisements, job descriptions, and position vacancy announcements shall include a statement indicating that applicants may be subject to background checks. Appointment to a specified position is contingent upon successful completion of a background check. Employment contracts should state that employment is conditional upon the candidate's successful completion of the agency background check. Backgrounds checks are to be completed prior to appointing a person to the position. However, should a check be initiated after employment has begun, the results shall be used to assess the employee's suitability for continued employment.

The Volunteer State Community College, Office of Human Resources is responsible for ensuring that the Disclosure and Authorization Form required by the Fair Credit Reporting Act (FCRA) is

completed and returned from the search chair. The third party vendor conducting the background check is required to provide all necessary forms to be used in the process.

A background check cannot be initiated until this form is completed. If the candidate/employee refuses to sign the Disclosure and Authorization Form, no further consideration will be given to this candidate/employee.

The search chair or hiring supervisor is responsible for completing the background check request form.

The Office of Human Resources shall send, via software, the "background check request" to the background check agency. The background check agency will normally respond within 24 to 48 hours of receipt of the form. Once received, the Office of Human Resources will evaluate the information, make a decision as to whether the candidate should be approved for hire, and notify the hiring department regarding its decision.

Detention and/or arrest without conviction do not constitute valid ground for employment decisions and cannot play a part in the decision-making process. Only criminal convictions will be considered in determining candidate's/employee's suitability for employment or continued employment. In determining suitability for employment where there is a record of criminal conviction, consideration shall be given to such issues as the specific duties of the position, the number of offenses and circumstances of each, how long ago the conviction occurred, whether the circumstances arose out of an employment situation, and the accuracy of the explanation on the application.

In all instances where information is obtained that would disqualify the candidate/employee or, make him/her a questionable risk for hire, promotion, reclassification, transfer or continued employment, the Office of Human Resources shall discuss the information with Tennessee Board of Regents legal counsel to ensure the decision is fair and legal based upon the information.

Any faculty member with the following findings will be excluded from on-site supervision in clinical placement programs at affiliate hospitals and clinics:

1. Persons with a history of any felony conviction within the last seven (7) years.
2. Persons with a history of Class A Misdemeanor conviction within the last five (5) years.
3. Persons with a history of Class B Misdemeanor conviction within the last two (2) years.
4. Persons on the registry maintained by the Department of Health pursuant to T.C.A. Section 68-11-1004.
5. Persons listed on the HHS/OIG list of excluded individuals.
6. Persons with an encumbered license (current or prior) in a health related field.

Failure to maintain eligibility to perform faculty job duties, including assigned clinical duties, will constitute failure to maintain necessary certification or credential and will be cause for termination of employment with a thirty (30) day notice.

If adverse action is to be taken based in whole or in part on the information obtained from the background check, additional provisions of the Fair Credit Reporting Act (FCRA) shall be followed. Prior to taking adverse action, the Office of Human Resources must provide the candidate or employee with a copy of the background check report, along with a summary of rights. After the adverse action is taken, the candidate or employee must be given an adverse action notice.

The background check agency conducting the check will charge a fee for each check that is conducted. The fee will be charged to the Office of Human Resources.

The Office of Human Resources will serve as the custodian of the records for background check results.

TBR Source: July 2, 1976 and August 19, 1976 TBR staff memoranda; Revised September 16, 1980 TBR staff memorandum; July 1, 1984; August 16, 1984 TTC Sub Council meeting; July 1, 1985; February 16, 1988 Presidents Meeting; May 15, 1990 Presidents Meeting, September 21, 1990 Presidents Meeting; November 13, 1990 Presidents Meeting; November 11, 1991 Presidents Meeting; November 12, 1996 Presidents Meeting; August 5, 1997 Presidents Meeting; February 16, 2000 Presidents Meeting; May 21, 2001 Presidents Meeting; February 13, 2002 Presidents Meeting; November 5, 2003 Presidents Meeting ; November 8, 2006 Presidents Meeting; February 13, 2007 Presidents Meeting; August 19, 2008 Presidents Meeting; May 12, 2009 Presidents Meeting; May 18, 2010 Presidents Meeting; August 20, 2013 Presidents Meeting.

VSCC Source: August 22, 2005, President; January 6, 2009, President's Cabinet; March 22, 2010, President's Cabinet; January 23, 2012, President's Cabinet; November 21, 2016, President's Cabinet.