

DSCC Policy Background Checks

I. Purpose

The purpose of this policy is to provide guidance and instructions necessary to conduct successful criminal background investigations on candidates for employment at Dyersburg State Community College who are being hired, promoted, reclassified, or transferred pursuant to TBR Guideline P-010.

II. Scope

This policy will be effective with all applicants who apply for positions advertised after September 1, 2015 or any employee who is promoted, reclassified, or transferred after September 1, 2015. Background checks may include, but not be limited to, Financial Report, National and Statewide Felony and Misdemeanor, Motor Vehicle Record, Military Records, DTEC (social security number verification), Credential Evaluation, Education Verification, Employment Verification, and Reference Verification. Personnel affected will be determined using each job description and information from the supervisor. Extent of each background investigation will be determined by the nature of the position to be filled.

Background checks will be done on candidates recommended for full-time employment and part-time teaching positions that require it (such as Nursing). Nursing instructors may also be required to have both a background check and a drug test in order to comply with the agreements with the nursing clinical sites. Note – Included in this policy are positions identified in affiliation agreements that the college has with outside organizations. Any employees hired to work primarily with minors will have a background check completed.

III. Policy

It is the policy of Dyersburg State Community College to hire the best-qualified applicant for any available position. This policy is consistent with the College's commitment to providing the highest level of quality care and to take reasonable measures to ensure the safety of our students, employees, and property.

Pursuant to Tennessee Board of Regents Guideline No. P-010 (Personnel Transactions and Recommended Forms), Dyersburg State Community College will conduct criminal background investigations on all applicants recommended for full time employment The College also reserves the right to conduct background investigations on employees during the term of their employment who are promoted, reclassified, or transferred into positions subject to a criminal background check.

This policy is in addition to background check requirements under applicable federal and state laws, regulations, and policies governing certain positions at the College including, but not limited to, clinical affiliation agreements.

Initial appointment or continued employment to any of the specified position is contingent upon completion of an acceptable background check.

Background checks are to be completed prior to appointing a person to the position in the specified areas of the College. However, should a background check be initiated or the results

provided after employment has begun, the results shall be used to assess the employee's suitability for continued employment.

The College will only consider criminal convictions or pleas of nolo contendere in determining the applicant or employee's suitability for employment. Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot be considered in the decision-making process. 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, the nature and seriousness of the offense, how long ago the conviction occurred, whether the circumstances arose out of an employment situation, and the accuracy of the information on the application.

The Director of Human Resources, and ultimately the President, is responsible for reviewing and evaluating the background information. If the background check report contains information whereby it is determined that the candidate or employee does not possess the qualifications or characteristics necessary to perform the duties of the position or would not be an appropriate candidate to serve the institution in the specified position, an offer of employment, promotion, reclassification, or transfer will not be made.

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 Human Resources Department must provide the candidate or employee with a copy of the background check report, along with a Pre-adverse Action Notice. After the adverse action is taken, the candidate or employee must be given a Rejection Notice letter.

The individuals subject to background checks must be made aware of this practice at the earliest possible stage in the process. All position vacancy announcements for the positions shall include a statement indicating that applicants may be subject to background checks.

The Director of Human Resources is responsible for conducting background checks of all applicants and current employees being placed in new positions that require a background check. The Human Resources Department must ensure that the Disclosure and Authorization Form required by the Fair Credit Reporting Act (FCRA) and other authorization forms are completed before a background check is conducted. Applicants will be advised that the background screening will only be processed if the applicant is the chosen candidate and an offer is forthcoming. If the applicant/employee refuses to sign the Disclosure and Authorization Form, no further consideration will be given to this applicant/employee.

The Human Resources Department will forward the completed form to the outside vendor designated to conduct the background checks. Once the results are received, the Director of Human Resources, in conjunction with the President or his/her designee, will review and evaluate the information. Pending a successful background investigation, the formal offer of employment can be extended. If the background check contains information upon which it is determined that the applicant/employee does not possess the qualifications or characteristics necessary to perform the duties of the position effectively, an offer of employment should not be made. If the background investigation report contains information upon which it is determined that further review is necessary, the Director of Human Resources will forward the information to the appropriate administrator and/or legal representative. An offer of employment or continued employment may be withdrawn if it is determined that the applicant/employee does not meet the necessary qualifications or characteristics for the position.

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 FCRA must be followed. Prior to taking adverse action, the Director 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 a written notice of the adverse action which will allow him or her five days to dispute the findings.

The President of Dyersburg State Community College has the final authority on the disposition for an adverse personnel action.

IV. Compliance

All Dyersburg State Community College employees and students must adhere to this policy.

V. Definitions

Employee shall be determined to be anyone currently employed by the institution.

Applicant shall be any person applying for a position with the College.

VI. Revision History

Policy approved by Administrative Council on July 30, 2015. Revision approved by Administrative Council January 29, 2018. Policy updated April 2024; revision approved by Administrative Council 4/25/24.