

TRITON COLLEGE BOARD POLICY

BOARD OF TRUSTEES, DISTRICT 504

HUMAN RESOURCES

CRIMINAL BACKGROUND INVESTIGATIONS

POLICY 4138

Page 1 of 3

ADOPTED: 03/16/99

AMENDED: 08/18/15

Statement of Policy

Triton College is committed to ensuring that quality and qualified staff support the academic and community missions and that the Triton community is as safe as possible. Triton is also committed to taking meaningful actions to protect its finances, property, and other assets. This policy sets forth Triton's procedures for conducting pre-employment background checks for all staff positions.

Statement about Background Checks and Discrimination

Information discovered through the background check process will be used solely for the purpose of evaluating a Recommended Candidate's suitability for employment. It will not be used to discriminate against a Recommended Candidate on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, national origin, disability, military/veteran status or any other factor as prohibited by applicable law, rule or regulation. All results shall be evaluated in a manner consistent with the EEOC publication "Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964."

Definitions

1. Recommended Candidate: The applicant who is not currently employed by Triton who has completed the interview process and has been recommended for approval of the Board of Trustees.
2. Basic Criminal Background Screen: Non-Fingerprint, SSN Trace, Multi-Jurisdictional National Search with County Verification w/ National Sex Offender Registry, County Criminal Felony & Misdemeanor Search for All Counties of Residence.
3. Comprehensive Criminal Background Screen: Fingerprint, SSN Trace, Multi-Jurisdictional National Search with County Verification w/ National Sex Offender Registry, County Criminal Felony & Misdemeanor Search for All Counties of Residence.
4. Background check: Checking any or all parts of the recommended candidate's employment references and employment, educational, criminal, sex and violent offender, credit, and license histories. The nature and scope of the background check will be determined by Triton and will be appropriate to the position.
5. Background check vendor: A company engaged by Triton to conduct Basic Criminal Background Screen and Comprehensive Criminal Background Screen. Whenever a background check vendor conducts all or any portion of a background check, Triton will require the vendor to comply with state and federal law, including the requirements of the Fair Credit Reporting Act ("FCRA").

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Page 2 of 3

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6. Criminal history check: Verifying that the recommended candidate does not have any felony or misdemeanor convictions or pleas which are acknowledgements of responsibility (e.g., plea of no contest or nolo contendere) which have not been annulled, sealed or otherwise expunged. Criminal convictions or pleas will not automatically exclude a recommended candidate from consideration for employment unless they are job-related and the decision not to hire is consistent with business necessity.
7. Sex and violent offender check: Verifying with state and federal registries that the recommended candidate does not have any convictions of certain sex or violent crimes.
8. License history check: Verifying, if required by the position, that the finalist possesses all the licenses cited by him/her or listed on/in the application, resume, or cover letter. Verification includes establishing the current status of the relevant licenses.
9. Security Sensitive Positions: 1) all employees of the police department; 2) all employees working in the child care center

Procedures

1. Consent to Conduct Background Checks and Confidentiality

Recommended candidates will be informed during the pre-employment process that any recommendation to the Board of Trustees or subsequent offer of employment is subject to completion of background checks with results acceptable to Triton, as appropriate to each position. Prior to conducting the Background Check, a signed, written consent will be obtained from the Recommended Candidate. Refusal by the Recommended Candidate to authorize the Background Check will make him/her ineligible for recommendation to the Board of Trustees and subsequent employment at Triton.

The information obtained through a Background Check is confidential and will be shared only with individuals with an essential business need to know. Records of the Background Check will be maintained in the Office of Human Resources in a file that is separate from the personnel file.

2. Screening of Recommended Candidates

Recommended Candidates for non-security sensitive positions shall be asked to provide consent for a Basic Criminal Screen. In the event the Basic Criminal Screen indicates a negative result, the College may request a Comprehensive Criminal Screen. Recommended Candidates for Security Sensitive positions shall be asked to provide consent for a Comprehensive Criminal Screen.

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Page 3 of 3

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An offer of employment is contingent upon the successful completion of a Background Check. Generally, employment in the position should not begin until Triton has received and reviewed the results of the Background Check. Exceptions may be made at the hiring department's request with the approval of the Associate Vice President of Human Resources.

3. Evaluation of Background Check Results

Once the Background Check is completed, Triton will make a hiring decision based upon the information gathered. If negative information is obtained through the Background Check process, Triton will evaluate the information as is set forth by the EEOC "Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964." Triton may also consider whether the information is job-related and if the decision not to hire is consistent with business necessity. In making this determination, Triton will consider, the nature and seriousness of the offense(s), the number and type of offense(s), the amount of time that has elapsed since the offense(s), whether such offense(s) are related to the responsibilities of the position, and the accuracy and completeness of the information provided by the finalist during the application process.

4. Adverse Action Taken Due To Background Check Results

If adverse action is probable based in whole or in part on the results of a Background Check, the Recommended Candidate will receive a copy of the Background Check report and a document summarizing his/her rights under the FCRA. Recommended Candidates will be permitted to provide responsive information regarding their criminal history, including evidence that they did not commit the offense (in the case of a misidentification), evidence of rehabilitation or character, the length of time since the last criminal conviction, and other extenuating circumstances. The Recommended Candidate will be given five (5) business days to provide this information so as not to halt the hiring process for the position.

If adverse action is taken against the Recommended Candidate in whole or in part based upon the results of a background check, the Recommended Candidate will receive written notice indicating that no further action will be taken and the recommendation for employment to the Board of Trustees will be rescinded. The Recommended Candidate will also receive a document summarizing his/her rights under the FCRA.