

# NEW RIVER COMMUNITY AND TECHNICAL COLLEGE

## PROCEDURE NO. 44

**TITLE:** Student Background Check for Specialized Courses or Programs

**EFFECTIVE DATE:** April 12, 2016

### PROCEDURE

#### 1. PURPOSE

To provide guidelines for student background screening in specialized courses or programs.

#### 2. SCOPE AND APPLICABILITY

This procedure applies to all students in courses or programs that require background checks.

#### 3. DEFINITIONS

- A. Background screening - the process of acquiring and verifying employment, academic, and criminal history records of students applying for specialized courses or programs of New River CTC.
- B. Criminal conviction - a person found guilty, entering a guilty plea or pleading no contest to a felony, misdemeanor, and/or ordinance violation other than a minor traffic violation.
- C. Fair Credit Reporting Act - federal law that regulates collections, dissemination, and use of consumer credit information.
- D. Program director, dean or designee – the individual authorized to admit a student to a specialized course or program.
- E. Specialized course or program – any course or program of New River CTC for which a background check is required.

#### 4. PROCEDURES

- A. Any specialized course or program must include information about background screening requirements in the College catalog referencing this procedure and any program or course specific materials.
- B. Authorization for Background Screening
  - i. New River Community and Technical College uses an external third party vendor to perform background screenings on students seeking enrollment or admission to specialized courses or programs.
  - ii. Prior to the College authorizing a background screening, the student applicant must complete a form specifying the specialized course or program to which application is made. Specialized course or program applications will include the following question: Have you ever been convicted of a felony or a misdemeanor or pled nolo contendere (no contest) to any crime, had record expunged or been pardoned? Any

application that indicated a criminal history is considered a non-routine application and may require additional review. By signing this form, the student authorizes the program director, dean or designee to obtain a background screening. Failure to sign the form precludes the student applicant from further admission consideration into the specialized course or program.

- iii. Background screening results are confidential, with disclosure of results provided only to the director of the program, workforce program specialist and persons evaluating qualifications for placement or the academic standing within the course or program of study.
- iv. The applicant to the specialized course or program will be responsible for costs associated with the background screening.
- v. The program director, dean or designee of a specialized course or program is responsible for activities related to background screenings, including determining the scope of the background screening, referring requests for background screenings to a third party vendor, and making recommendations for admission into a specialized course or program based on the results.

#### C. Conducting Background Screenings

- i. Background screenings generally include:
  - a. Social security number traces
  - b. Search of criminal records
  - c. Sexual offender registries
  - d. Education and credentials
  - e. Employment history
  - f. Professional licenses or certifications
  - g. Employment references
  - h. Credit report

- ii. Not all student applicants will be required to complete all screenings.

#### D. Decision on Successful/Unsuccessful Background Screenings

- i. The program director, dean or designee will make the final decision on the successful/unsuccessful background screenings using the following guidelines.
  - a. Offense-the nature, severity and intention of the offense.
    - 1) The statutory elements of the offense
    - 2) Relevancy of the conviction to the academic course or program
    - 3) The age of the person at time of offense
    - 4) Number and types of offenses
    - 5) Time elapsed since last offense
    - 6) Probation or parole status
    - 7) Pattern of offenses
    - 8) Willingness of clinical or other sites to accept a person at their location for course work associated with the course or program
  - b. Convictions-only convictions are taken into account when reviewing an applicant's criminal history
  - c. Open Criminal Cases-open criminal cases may preclude an

applicant from eligibility for admission. The program director, dean, or designee is responsible for final determination.

- d. Failure to disclose criminal convictions- if convictions are revealed during the background screening, this may render the applicant ineligible for admission to the course or program requiring the background check.

E. Notification of Adverse Results

- i. The program director, dean or designee will notify an applicant for admission to the specialized course or program of an unsuccessful background screening in writing.
- ii. The applicant will be notified of the right to refute the information and the process.
- iii. The College shall ensure compliance with the Fair Credit Reporting Act.

F. Background Screening Records

- i. All records will be maintained including notification of adverse actions by the program director, dean or designee.
- ii. Records will be retained as set forth in the records retention guidelines.

**RELATED POLICIES AND/OR PROCEDURES:** Student Handbooks or handouts for courses or programs requiring background screening.

**RESPONSIBLE OFFICES:** Vice President for Academic Affairs, Deans and Program Directors

**Approved by:** President's Cabinet 4/5/2016, President's Extended Cabinet 4/11/2016