



## Human Resources Procedure: Background Checks

### Purpose

Human Resources (HR) conducts background checks on selected applicants, student employees, and volunteers. HR uses Checkr, a third-party screening company, Washington Access to Criminal History (WATCH) through the Washington State Patrol, and National Sex Offender Public Registry website to conduct background checks. Pursuant to RCW 28B.112.080, full-time applicants selected to interview and part-time staff and adjunct applicants we want to hire, must complete our Declaration Regarding Sexual Misconduct Form prior to being hired. HR follows state and federal laws and procedures related to conducting background checks and confidentiality of background check results.

### Selected Applicants

HR uses Checkr to conduct background checks on selected applicants for faculty, exempt, classified, and part-time hourly positions. For all departments with the exception of Head Start (see the process for Head Start applicants below), background checks are done pre-employment offer. HR initiates the background check in NEOGOV. This initiation prompts Checkr to send the applicant an email with instructions on how to complete the background authorization form. The background authorization form includes information about the Fair Credit Reporting Act and their rights related to background checking.

HR evaluates background check results objectively and fairly. HR does an individual assessment when applicants' background check results in a criminal record. The Individual Assessment includes looking at the following:

- **Nature** – HR reviews the nature and gravity of the offense.
- **Time** – HR reviews the amount of time that has passed since the offense.
- **Nature** – HR reviews the nature of the job this applicant has applied for and if the offense is relevant to the duties of the job.

If LCC is considering adverse action (not moving forward with the applicant), HR will initiate the pre-adverse action notice in Checkr. Through this notice, the applicant will receive a copy of the report and disclosures. The applicant has seven days to respond to the pre-adverse action notice to file a dispute and/or provide evidence of rehabilitation.

For disputes, Checkr conducts an investigation within 30 days. The College will review the

investigation and make a decision. In cases where the applicant provides evidence of rehabilitation, the College will hear their perspective and make a decision. If the applicant doesn't respond at all to the pre-adverse action notice or the College reviews any new information and decides to move forward with adverse action, Checkr will send the post-adverse action notice to the applicant.

HR follows confidentiality laws related to background check results. Additionally, results are maintained electronically in the Checkr portal.

## **Declaration Regarding Sexual Misconduct**

### ***General Information***

Pursuant to RCW 28B.112.080, applicants must declare whether they are the subject of any substantiated findings of sexual misconduct in any current or former employment or is currently being investigated for, or have left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current or past employers. By law, the College cannot hire an applicant who does not complete the declaration form. Even current employees (part-time or full-time) will go through the same process as external applicants when they are applying for another position with the College. Internal and external appointments will also go through the process.

For full-time positions, HR will send the Declaration Regarding Sexual Misconduct form to all applicants selected to interview via email. The applicant will either electronically sign the declaration or physically sign and return via mail/e-mail. For the applicant we hire, the Declaration Regarding Sexual Misconduct form will be stored in benefit file. For applicants who are not selected for the position, the form will be stored in the recruitment file.

For part-time positions and adjunct instructors, HR will send the form to the applicants at the same time they receive information from Checkr about their background check. The applicant will either electronically sign the declaration or physically sign and return via mail/e-mail. The declaration form will go in the #2 file for part-time positions. For adjuncts, the declaration forms will be stored in a single file by fiscal year in the adjunct benefit file drawer.

### ***Inquiry with Prior Postsecondary Institutions***

Pursuant to RCW 28B.112.080, prior to an official offer of employment to an applicant, HR must request in writing, electronic or otherwise, that the applicant's current and past postsecondary educational institution employers provide the information about any sexual misconduct committed by the applicant and all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct, including sexual harassment, by the applicant. HR will send the request and it shall include a copy of the declaration and statement signed by the applicant.

HR will send the Declarations/information release authorizations to the previous postsecondary institutions' Human Resources department/office.

1. If nothing is found at post-secondary institutions, verification can stop there
2. If sexual misconduct records are found, reports go to the Director of HR.
3. The declaration form and correspondence with postsecondary institutions will be stored in accordance with in the General Information section above

### **When Contacting Previous Employers**

- If an email address is provided for the previous employer's HR office or a specific HR employee, the verifier will send the authorization form to that email address with a general template. Here's an example of an email:

*"To Whom It May Concern,*

*Hello. We have a finalist in one of our recruitments that has listed EMPLOYER NAME as a previous or current employer. Due to a law that recently went into effect, we are currently verifying information related to disclosures of sexual misconduct and are asking that you please complete the attached form for former employee APPLICANT NAME.*

*If this is not the right place that this verification needs to go, would you please forward it where it needs to go, or let me know so that I may do so?"*

*Once completed, please email the form back to me at this email address at your earliest convenience. Please feel free to email me if you have any questions or concerns. Thank you for your time and for your help."*

- If a phone number is provided but no contact information is provided:
  - The verifier will call the number and see if there is an email address where the form can be sent, OR;
  - Look online for contact information for that organization (especially if they have an HR office or department)
- The verifier will write down how/when they contact an organization and any applicable notes
- If no response is received within a week, the verifier will reach out at least one more time

- After two documented attempts to contact the organization, the verifier will make note that the organization was unresponsive and move on. Documented attempts will be stored with applicant's declaration form as indicated in the General Information section above.

### ***Responses from Postsecondary Institutions***

Whether sexual misconduct records were found and the date the information was received, responses from postsecondary institutions will be stored as indicated in the General Information section above.

- When all responses have been received:
  - If no sexual misconduct records were found, the HR will make an offer to the applicant
  - If sexual misconduct records were found, the HR Director will be notified

### ***Requests from Other Institutions***

If LCC receives a request for information about a former employee of the College regarding sexual misconduct, HR will respond to the request. HR will maintain a spreadsheet that contains the names of employees who have been investigated for sexual misconduct while employed with the College and the location of those files. Prior to releasing records, all names other than the former employees' name will be redacted.

Any LCC Employee who is contacted for a reference check which includes, but is not limited to an inquiry regarding sexual misconduct on an LCC employee or former LCC employee must refer the employer to HR so that LCC can comply with RCW 28B.112.080 and provide any history of sexual misconduct.

### **Background Checks on Student Employees, Volunteers, & Host Families**

Supervisors, Payroll, or the International Program request background checks on student employees, volunteers, and host families. HR ensures authorization is received by the prospective student employee or volunteer before conducting their background check. Personal information that is needed to conduct the background check is not communicated via email. Student employees, volunteers, and host families must complete the online Background Check Authorization form or the paper form, both of which include information about the Fair Credit Reporting Act.

HR conducts a background check through WATCH and a search through National Sex Offender Public Registry website. HR then evaluates background check results objectively and fairly. HR does an individual assessment (steps indicated above) when applicants' background check results in a criminal record. HR follows confidentiality laws related to background check results. Additionally, results are maintained electronically in HR's WATCH account.

### **Background Checks on Head Start Employees**

Head Start standards require that applicants for Classified, Exempt, and part-time hourly positions have their background check completed prior to interviewing for the opening. The Head Start Administrative Services Manager or designee conducts the background checks for these applicants in WATCH. The results are printed to follow Head Start procedures and maintained securely in Head Start. Upon offer and acceptance of a position, in compliance with the Department of Early Learning rules, Head Start will move forward with additional background checks.

The Head Start Administrative Services Manager or designee will collect the Declaration Regarding Sexual Misconduct form from full-time and part-time hourly applicants they wish to hire. Completed forms will be sent to Human Resources and maintained in recruitment files in HR.

The Head Start Administrative Services Manager or designee will also conduct background checks on student employees and volunteers within the Head Start department through WATCH and also checking the National Sex Offender Public Registry. They will ensure authorization is received by the prospective student employee or volunteer before conducting their background check. Volunteers and student employees must complete the online Background Check Authorization form, which includes information about the Fair Credit Reporting Act.

The Head Start Administrative Services Manager or designee evaluates background check results objectively and fairly. They follow confidentiality laws related to background check results. Additionally, background check results are maintained in the Head Start department (please note this does not include the sexual misconduct forms).

### **Background checks on Early Learning Center Employees**

As required by Washington State Department of Children Youth and Families and in compliance with the Childcare Licensing Codes (WAC), all employees, including students, must be listed on the Early Learning Center's MERIT account.

The Early Learning Center designee will manage the Early Learning Center's MERIT account. This account is how new employees submit their background applications, as well as their fingerprints done through Washington State Patrol. This process starts once an applicant has been selected for the position and the applicant must register themselves through MERIT. HR will also run their backgrounds through Checkr before offering the position as preliminary to the Early Learning Center background process.

The Early Learning Center designee maintains background results in the Early Learning Center and follows confidentiality laws related to background check results.