

Criminal Background Check Policy

Purpose:

The College conducts Criminal Background Checks to promote a safe environment for employees and students, make prudent employment decisions based on comprehensive information, reduce liability, provide a service for students in identified programs and comply with Maryland Law.

Process for Employees/Volunteers/Contractors:

Criminal Background Checks must be completed prior to the first day of work. Offers of employment, continued employment and volunteer assignments are contingent upon successful completion of required Criminal Background Checks.

Candidates, employees and designated contractors¹/volunteers are required to complete a criminal background check authorization form and return it to Human Resources. Human Resources will schedule the background check upon receipt of the signed release form. The Criminal Background Check process will be administered through the Department of Public Safety.

Results are reviewed by the Executive Director of Human Resources.

Rights Afforded to the Individual if Information is Received of Criminal History:

In instances where information is received of a criminal history, the Executive Director of Human Resources will provide due process to the individual to allow the opportunity to explain the circumstances of the charges, or clarify if misinformation was received. Subsequently, the Executive Director of Human Resources will assess potential risks and liabilities related to the job requirements, seek review by General Counsel, and determine if the individual is eligible for employment.

The following factors will be considered for individuals with a criminal history:

- The nature/seriousness of the crime and its relationship to the position
- The time since the conviction
- The number of convictions
- Evidence of rehabilitation
- Bearing of the crime on the individual's ability to perform the duties of the assignment

¹ If an independent contractor conducts its own criminal background check, they are required to provide confirmation of a clean criminal background history check upon signing the Professional Services contract.

- Whether hiring/retaining the individual would pose an unreasonable risk to the College
- Other factors as determined by the Executive Director of Human Resources

Applicants or employees who have misrepresented criminal behavior on the employment application may be subject to immediate termination.

Students/Program Requirement:

Students in designated health related programs are required to complete a criminal background check as a condition of review for the program as there are restrictions and prohibitions that may render a student ineligible to participate in clinicals imposed by the outside agency/employer.

Appointments for students are scheduled through the Director of the program with the Department of Public Safety. Results will be reviewed by Director to determine if the student is eligible to participate in clinicals, or in the alternative allow the opportunity to discuss with the student other program and/or career options.

Rights Afforded to the Individual if Information is Received of Criminal History:

If information is received of a criminal history, the Director will provide the student due process to allow the opportunity to explain the circumstances of the charges, or clarify misinformation if applicable. The Director of the program will consult with the Vice President of Academic Affairs and will then make a determination regarding the student's eligibility for the program and advise the student accordingly.

Confidentiality of Records:

All criminal background records will be treated as confidential employment/educational records and will be securely filed. Only those individuals who have a legitimate business or educationally related reason will be provided access.

Privacy Act Provisions:

Individuals who are subject to criminal history background screenings are afforded protection under the Privacy Act of 1974 as set forth at 28 CFR 16.34. State laws pertaining to privacy rights are set forth accordingly in the Criminal Procedure Article.