

PANOLA COLLEGE BACKGROUND CHECK PROCEDURES

Panola College has determined to implement this procedure pursuant to Board Policy DC (LEGAL) to require all security sensitive posted positions to be subject to criminal background checks.

Application of this Procedure:

Effective April 1, 2008, Panola College will begin the computerized review of conviction records of all candidates who are selected to fill positions that are posted as being subject to a criminal background check.¹ The background check will occur after a conditional offer has been made by the Human Resources office and accepted by the candidate. No selected candidate may commence any work in the District until the District's Human Resources office has confirmed that a satisfactory criminal background report has been received. This requirement applies to persons who are candidates for any posted position in the District. If the person who has received a conditional job offer does not receive a satisfactory criminal background report, the job offer may be withdrawn and the candidate may not be hired in the position.

Before any external candidate or current employee is considered for a position, a written signed statement authorizing a criminal background check must be submitted to the hiring authority. (See Attached Form).

Conduct of Criminal Background Checks

All candidates being considered for positions requiring background investigations will complete the *Background Check Authorization and Release Form* at the time of the interview. Once the hiring decision is made, the hiring authority will forward the *Background Check Authorization and Release Form* to the Human Resources office. The Director of Administrative Services will forward the information to the District police officer responsible for conducting the check. The prospective employee may not begin working in the position until the investigation has been completed.

The District will assign a peace officer to perform any required criminal background checks. The District may decide to utilize an external agency to collect any information requested. The Director of Administrative Services or designated representative will supervise the police officer in his or her conduct of background checks to ensure that appropriate care is taken, that the reviews are done promptly, and that all documentation is maintained in confidential files within the Human Resources office.

The review shall generally be completed within two to three business days.

¹ A position is posted when it is posted on the District's Internet, intranet or advertised externally via electronic or print media. The position advertisements and posting notices will state: "This position is subject to the successful completion of a criminal background check."

Satisfactory and Unsatisfactory Results

A review will not be considered to be satisfactory if the criminal background check identifies:

- Conviction for an offense that involved use or possession of an unlawful weapon or firearm;
- Conviction for an offense under the following sections of the Texas Penal Code: Title 5 (Offenses Against the Person); Title 6 (Offenses Against the Family); or Chapter 43 (Public Indecency) or their counterparts in other states; or
- Conviction for an offense that involves misconduct pertinent to the job responsibilities of the position for which the applicant is being considered.

In the case of convictions for the offenses cited above that occurred ten or more years ago, have no direct bearing upon the current responsibilities, and the applicant has demonstrated evidence of rehabilitation, the pertinent factors will be considered in determining whether the applicant will be approved for hiring.

An applicant whose record indicates that criminal charges are pending will not be considered for a position until final disposition of the charges.

Decision about Hiring and Communication of Results

If the criminal background check is satisfactory, the peace officer conducting the review will notify the Director of Administrative Services. The hiring process may be completed at this point, thereby lifting the conditional nature of the offer of employment.

If the criminal background check does identify convictions, the Director of Administrative Services and the President will discuss whether the candidate is still eligible to be hired. This review will consider the specifics of the position, the details regarding the conviction, whether the conviction should have been disclosed in the hiring process and what verification might be appropriate.

Use of Information Collected in a Criminal Background Check

The only information that will be given to those involved with the hiring process is whether the applicant has passed or failed the background check.

All conviction data collected under these procedures shall be used for the exclusive purpose of evaluating the individual for employment, shall be privileged and confidential, and shall not be released or otherwise disclosed to another person or agency (other than those persons involved in the investigation) except under court order. After three (3) months of continuous employment, all criminal history information relating to the application will be destroyed. Any employee who releases or causes to be released information collected pursuant to this procedure shall be subject to the penalties established for disclosure of confidential information in the Texas Open Records Act.

Employee Rights and Obligations

An applicant for a position who is not hired because the District received an unsatisfactory report on him or her may request a copy of the report for his or her personal review. An applicant who believes his or her background information is not correct is not eligible for hiring or appointment to a position within the District until the official records utilized by the District police department

confirm the correction to the information. The District will not hold a position or an offer open to allow such a candidate to correct his or her record.

If the District uses an external agency to conduct the search, the District will comply with the federal Fair Credit Reporting Act, which usually involves permitting the person to demonstrate the inaccuracy of the information.