



Santa Fe College Rules Manual

Title:	Criminal Background Checks	Procedure 3.22P
Based on	Rule 3.22	
Effective Date:	January 13, 2015	

Definitions

This section defines positions required by Rule 3.22 to undergo criminal background checks. These positions are listed below.

New employees
New volunteers and interns
Positions of special trust and responsibility
Positions in sensitive locations

- A. *New employees* of Santa Fe College shall be defined as:
1. those beginning initial employment with the college on or any time following August 1, 2003, in a full-time or part-time position;
 2. those appointed to a position of special trust and responsibility on or any time following August 1, 2003; and
 3. those returning to employment with the College in one of the above categories who have not been employed by the College during the previous academic year.
- B. *New volunteers and interns* shall be defined as non-employees of the College authorized by the Office of Human Resources to work with College personnel on or any time following August 1, 2003.
- C. *Employees holding positions of special trust and responsibility and/or holding positions in sensitive locations* shall include but not be limited to:
1. President's Staff
 2. Security employees - All employees reporting to the Santa Fe College Police Department for direct supervision
 3. Child care center employees - All employees working in the Santa Fe College Little School and in contact with children

4. Employees who handle money as a significant responsibility of their positions, including bursar and cashiers
5. Employees participating in Santa Fe College programs that serve a targeted population of persons who are under the age of 18
6. Employees with extensive access to College property, including grand master key holders
7. Employees with access to hazardous materials. Those employees designated by the President for inclusion on a list of positions of special trust and responsibility and/or in sensitive locations. All supervisors are directed to provide recommendations to the President for inclusion on this list.
8. Employees assigned to the Institute for Public Safety.

The list of employees designated as holding positions of special trust and responsibility and/or in sensitive locations shall be reviewed annually by President's Staff and shall be available for inspection in the Office of Human Resources.

Process

- A. The Office of Human Resources will coordinate the criminal history background check process. Results of the criminal history background check shall be sent directly to the Director of Human Resources or designee.
- B. Upon receipt of criminal history results, the Director of Human Resources, or designee, shall review and evaluate all criminal history records. Results that indicate any criminal history will be reviewed based on its implications for the safety and security of the campus community and will be categorized as significant or insignificant. Results that indicate inconsistency with application and waiver disclosures or lack sufficient information may require additional information or explanation upon the request of the Director of Human Resources.
- C. After the review and evaluation of a candidate's criminal history by the Office of Human Resources, if a significant criminal history is revealed, the Director of Human Resources will determine, in consultation with the General Counsel and the Vice President over the area in which the candidate is seeking employment and others as appropriate, whether the hire, promotion, reclassification, transfer, or continued employment of the candidate is inconsistent with the safety or security of the campus community.

- D. The determination of eligibility for initial or continued employment shall be made on a case-by-case basis, subject to any standards imposed by external agencies, professional licensure, and/or accreditation. Where there is a record of a significant criminal offense, consideration shall be given, but is not limited, to the following factors:
1. the specific duties of the position
 2. the nature of the offense
 3. the number of offenses and circumstances of each
 4. how long ago the offense occurred
 5. the disclosure of the record of offense and the accuracy of any explanation on the application.
- E. If it is determined by the President or designee that the hire, promotion, reclassification, transfer, or continued employment of the candidate is inconsistent with the safety or security of the campus community, the Director of Human Resources will inform the appropriate supervisor involved in the hiring process and the candidate that the candidate is not eligible for employment. Determination of the status of a current employee whose background check discloses a criminal record not formally disclosed on the application of the employee will be made by the President based upon information and research from the Human Resources Office and General Counsel; the issue of integrity in disclosure may be considered as a significant factor despite the nature or severity of the past misconduct that was not disclosed.

Criminal records accessed by Human Resources through its participation in Volunteer and Employee Criminal History System (VECHS) are considered limited access records according to relevant federal and state law and the VECHS User Agreement. Access is limited to the Director of Human Resources or designee and other authorized officers of the College. The Director of Human Resources will be responsible for maintaining and safeguarding the records in an appropriate manner. Any public records request regarding a criminal history record or fingerprint card will be processed in accordance with current law and valid agreements governing the criminal history requests.