

**SOUTHWEST TENNESSEE COMMUNITY COLLEGE****SUBJECT: Background Check Process****EFFECTIVE DATE: July 1, 2000; Revised May 3, 2023****Purpose**

The purpose of this policy is to set forth the process for conducting background investigations for applicants and employees of Southwest Tennessee Community College (“Southwest” or “the College”).

**Policy****I. Introduction**

1. This policy is consistent with our goal of ensuring a safe community for students, employees, and guests.
2. Southwest reserves the right to conduct background investigations on employees during the term of their employment for criminal offense investigations, sexual harassment investigations, and any other legitimate reason.
3. The type and extent of each background investigation will be determined by the nature of the position to be filled.
4. An employee of the Human Resources (HR) department will process background investigation orders, receive results, and communicate results to the applicant or employee, when appropriate. HR employees may contact the Tennessee Board of Regents’ Office of the General Counsel for assistance.

**II. Background Checks for Applicants**

Background checks of applicants recommended for employment will be conducted on positions that include, but are not limited to, those that have access to money, security-sensitive areas, and confidential information, as well as positions that have the capability to create, delete, or alter records.

**III. Background Checks for Current Employees**

If it is determined that a background check should occur for a current employee to ensure that qualified individuals are selected or retained, the HR department may request a background check. Some reasons to conduct a check include, but are not limited to, financial matters, criminal offenses, motor vehicle records, military records, social security number verification, confirmation of credentials, education verification, employment history, and reference checks.

**IV. Notification**

Individuals subject to a background check will be made aware of this practice at the earliest possible stage in the process. If appointment to or continued employment in a specified position is contingent upon an acceptable background check, a written offer of employment will provide notice of this contingency.

#### V. Forms and Procedure

1. HR will ensure that the Disclosure and Authorization Form required by the Fair Credit Reporting Act (FCRA) is completed before a background check is conducted. If an applicant or employee refuses to sign the form, no further consideration will be given to them for the position. The third-party vendor conducting the background check is required to provide forms deemed necessary by the vendor to be used in the process.
2. Designated HR personnel will review and evaluate the results of background checks.
3. If a background check contains information upon which it is determined that an applicant or employee does not possess the qualifications or characteristics necessary to perform the duties of the position most effectively or would not be the best applicant to serve the College in the position, an offer of employment, promotion, reclassification, or transfer should not be made.

#### VI. Disqualification of Applicants or Employees

1. If it appears to the HR representative that an applicant or employee is a questionable risk for hire, promotion, reclassification, transfer, continued employment, etc., the leader of the HR department will discuss the information with TBR's Office of the General Counsel to ensure that the decision is fair and legally sound.
2. Detention or arrest without a conviction does not constitute valid grounds for employment decisions and cannot play a part in the decision-making process. Only criminal convictions or pleas of nolo contendere will be considered in determining suitability. In determining suitability where there is a record of criminal conviction, consideration must be given to such issues as the specific duties of the position, number of offenses, circumstances of each, how long ago the conviction occurred, whether the circumstances arose out of an employment situation, and the accuracy of the explanation on the application.
3. If adverse action is to be taken based in whole or in part on the information obtained from the background check, additional provisions of the FCRA must be followed. Prior to taking adverse action, HR will provide the applicant or employee with a copy of the background check report, along with a summary of rights. After the adverse action is taken, the individual will be given an adverse action notice.

VII. Retention of Results

Background check results on individuals who become employees should be kept in the employee's personnel file. Background checks on individuals who are not placed in the position should be kept with the application materials.

Source of Policy: TBR Responsible Administrator: AVP of HR  
Related Policy: 5:01:00:00/0; 5:01:00:10/24 TBR Guideline Reference: SO-BF  
Approved: President Date: May 1, 2023

**RELEASE AUTHORIZATION AND  
FAIR CREDIT REPORTING ACT DISCLOSURE  
[FOR EMPLOYMENT PURPOSES] (page 1 of 2)**

The applicant for employment acknowledges that this company may now, or at any time while employed, verify information within the application, resume or contract for employment. In the event that information from the report is utilized in whole or in part in making an *adverse decision*, before making the adverse decision, we will provide to you a copy of the consumer report and a description in writing of your rights under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

Please be advised that we may also obtain an *investigative consumer report* including information as to your character, general reputation, personal characteristics, and mode of living. This information may be obtained by contacting your present and previous employers or references supplied by you. Please be advised that you have the right to request, in writing, within a reasonable time, that we make a complete and accurate disclosure of the nature and scope of the investigation requested.

Additional information concerning the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, is available at the Federal Trade Commission's web site (<http://www.ftc.gov>).

**By signing below, I hereby authorize all entities having information about me, including present and former employers, personal references, criminal justice agencies, departments of motor vehicles, schools, licensing agencies, and credit reporting agencies, to release such information to the company or any of its affiliates or carriers. I acknowledge and agree that this Release and Authorization shall remain valid and in effect during the term of my contract.**

**For Maine Applicants Only**

Upon request, you will be informed whether or not an investigative consumer report was requested, and if such a report was requested, the name and address of the consumer reporting agency furnishing the report. You may request and receive from us, within 5 business days of our receipt of your request, the name, address and telephone number of the nearest unit designated to handle inquiries for the consumer reporting agency issuing an investigative consumer report concerning you. You also have the right, under Maine law, to request and promptly receive from all such agencies copies of any reports.

**For New York Applicants Only**

You have the right, upon written request, to be informed of whether or not a consumer report was requested. If a consumer report is requested, you will be provided with the name and address of the consumer reporting agency furnishing the report.

**For Washington Applicants Only**

If we request an investigative consumer report, you have the right, upon written request made within a reasonable period of time, to receive from us a complete and accurate disclosure of the nature and scope of the investigation. You have the right to request from the consumer reporting agency a summary of your rights and remedies under state law.

**For California\*, Minnesota, and Oklahoma Applicants Only:** A consumer credit report will be obtained through Truescreen®, Inc., P.O. Box 541, Southampton, PA 18966.

If a **consumer credit report** is obtained, I understand that I am entitled to receive a copy. I have indicated below whether I would like a copy. Yes  \_\_\_\_\_ No  \_\_\_\_\_  
Initials Initials

If an **investigative consumer report** and/or consumer report is processed, I understand that I am entitled to receive a copy. I have indicated below whether I would like a copy. Yes  \_\_\_\_\_ No  \_\_\_\_\_  
Initials Initials

**\*California Applicants:** If you chose to receive a copy of the consumer report, it will be sent within three (3) days of the employer receiving a copy of the consumer report and you will receive a copy of the investigative consumer report within seven (7) days of the employer's receipt of the report (unless you elected not to get a copy of the report).

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

Print Full Name: \_\_\_\_\_

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**INFORMATION FOR PROCESSING OF BACKGROUND SCREEN REPORTS ONLY**  
**(to be used for no other purposes) (page 2 of 2)**

Full Name \_\_\_\_\_

Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Current Residence Address: \_\_\_\_\_  
(Number & Street) City State Zip

List all Residence Addresses in Past Seven Years (attach additional sheets if necessary)

\_\_\_\_\_  
(Date from – to) Number & Street City State Zip

\_\_\_\_\_  
(Date from – to) Number & Street City State Zip

\_\_\_\_\_  
(Date from – to) Number & Street City State Zip

\_\_\_\_\_  
(Date from – to) (Number & Street) City State Zip

Driver's License Number \_\_\_\_\_ State Issued \_\_\_\_\_

**PLEASE SUPPLY THE FOLLOWING SCHOOL INFORMATION (HIGHEST DEGREE EARNED): N/A**

SCHOOL: \_\_\_\_\_ CITY/STATE: \_\_\_\_\_

DEGREE: \_\_\_\_\_ DEGREE STATUS: \_\_\_\_\_

DATES ATTENDED: \_\_\_\_\_  
(Start Month / Year) (End Month / Year)