

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 2125

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**PROCEDURE TITLE:** Criminal Background Checks and Fingerprinting

**STATUTORY REFERENCE:** FLORIDA STATUTE 1012.465, 1012.32, 1001.64, 435.03(2), as amended by H. 1053, L.2000, 435.04(2) as amended by H. 1053, L. 2000 AND by S. 358, L2000 EFFECTIVE SEPTEMBER 1, 2000

**BASED ON POLICY:** II-17A All Personnel: Criminal Background Checks and Fingerprinting

**EFFECTIVE DATE:** November 8, 2005

**LAST REVISION DATE:**

**LAST REVIEW DATE:** November 8, 2005

## **I. PURPOSE**

To outline the authority and procedures for implementing a background investigation, fingerprinting process and criminal history request into the College's employment screening process for individuals filling all new full-time and part-time positions. The College is committed to providing a safe, secure learning and working environment for its students and employees. The College will follow all applicable state, federal and local laws governing employment and background screening in all respects.

## **II. PROCEDURES**

### **EMPLOYMENT**

1. All new full-time and part-time employees will be required to undergo a background investigation and fingerprinting (B.I.) as a condition of employment. The costs of the process will be the responsibility of the person being investigated. Payment can be made at any MDC Bursar's office, or on-line credit card payment, or electronic check (e-check). Processing for background investigation and fingerprinting will be conducted by the MDC Police Department at North Campus upon proof of payment. Job offers are contingent upon the College receiving a favorable result from the required fingerprinting and background investigation process.
2. Hiring managers with authority to recommend the appointment of individuals for employment shall inform the finalist/prospective employee for any position that:

- A. Favorable criminal history records review and fingerprinting is a condition of employment. An offer of employment is contingent upon completing a favorable background investigation and fingerprinting. Undergoing a criminal background check and fingerprinting of and by itself does not constitute or imply a guaranteed job.
  - B. Once a salary offer has been accepted, the finalist/prospective employee must go to <http://myappt.mymdc.net> (Background Investigation Appointment website) so that he/she can schedule an appointment with the MDC Police Department within 24 hours of being contacted to do so. Use the same user I.D. and password for the on-line employment application. Current employees will use their assigned MDID and password.
  - C. Background check fees can be paid at any MDC Bursar's office. On-line credit card payment and electronic check (e-check) will also be available. Candidates must obtain proof of payment prior to attending the appointment. This is a non-refundable fee.
  - D. The appropriate release forms must be completed at the time of B.I. appointment and present proof of payment.
  - E. If the prospect is an out of town candidate and unable to complete the above mentioned procedures, he/she must go to <http://myappt.mymdc.net> (Background Investigation Appointment website), click the box marked "Out of Town Applicant," fill out the release form and submit it. Use the same user I.D. and password for the on-line employment application. Once submitted, the MDC Police Department will conduct a preliminary background screening using name, social security account number and date of birth provided in the release form. Understand that if offered employment, continued employment is contingent upon completion of a more comprehensive favorable criminal history records review and fingerprinting. The prospect will be required to complete the rest of the process upon arrival to the College. At that time he/she must be fingerprinted and complete any unfulfilled requirements stated previously in steps B through D prior to beginning employment.
  - F. If the prospect is an emergency hire, he/she will be processed similar to an out of town candidate in section E. He/she must go to <http://myappt.mymdc.net> (Background Investigation Appointment website), click the box marked "Emergency Hires," fill out the release form and submit it. Use the same user I.D. and password for the on-line employment application. The "Emergency Hire" will have five (5) working days from the first day of employment to complete a full B.I. process including being fingerprinted.
  - G. If hired, employees must notify the College within 48 hours of any subsequent felony convictions. Failure to do so will result in disciplinary action up to and including termination of employment. A background check is required every five years.
3. Criminal history record information, including conviction information contained therein, will be regarded as confidential as required by law and will not be made a part of the applicant's file nor the employee's personnel file nor communicated to any unauthorized person.

4. Refusal to submit to a background investigation and fingerprinting will result in immediate termination or discontinuance of the employment recommendation process.
5. No prospect for employment may present him/her-self in the workplace before an official employment offer has been made and a first day reporting date (both contingent upon success completion of his/her background investigation) provided.

#### CRIMINAL HISTORY RECORD RESULTS

1. The Vice Provost of Human Resources or designee may discuss the criminal history records with the individual if the report warrants possible adverse employment action. The individual will be notified in writing of his or her right to obtain a copy of the criminal history records contained in the report and of his or her right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination is made.
2. Based on the severity of the information contained in the criminal history report, its relevance to the relationship with the College, and the individual's ability to defend the findings, the Vice Provost of Human Resources or designee may recommend severing the individual's pending employment, volunteer or other relationship with the College.
3. The standard that will be used to establish employment non-eligibility is any person undergoing a criminal background screening and:
  - A. is found guilty of, regardless of adjudication,
  - or
  - B. entered a plea of nolo contendere or guilty to

any of the offenses described in Sec. 435.03(2), as amended by H. 1053, L.2000; Section 435.04(2) as amended by H. 1053, L. 2000 and by S. 358, L2000 effective September 1, 2000. These references describe felony crimes of violence, physical assault, sexual abuse, child abuse and possession of and sale of controlled substances and other violations.


4. Information obtained from criminal background checks will be reviewed by the Division of Human Resources in consultation with the Office of Risk Management and the District Legal Office in making recommendations to the College President or designee regarding employment decisions. When violations are found during the review of these offenses, consideration will be given to the:
  - Nature of each offense;
  - Specific duties of the position;
  - Number of offenses;
  - Length of time intervening between the offense and the employment decision;
  - Employment history;

Efforts at rehabilitation; and

Accuracy of the information that the individual provided on the employment application.

**COMMUNICATIONS**

1. The Miami Dade College Police Department will provide access to an electronic background investigation results summary to the Division of Human Resources indicating the disposition of the investigation, e.g. successful completion or pending.
2. The offer of employment and the starting date establish the fact that a favorable background check has been completed. An offer of employment is contingent upon completion of a successful B.I.
3. It is the responsibility of the Vice Provost of Human Resources or designee to notify hiring managers and the applicants/employees that the standards for employment were not met.

	
	11/8/05
<b>PRESIDENT</b>	<b>DATE</b>