

MANUAL OF PROCEDURE

PROCEDURE NUMBER: 2125

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PROCEDURE TITLE: Employment, Volunteer and Intern Background Screenings

STATUTORY REFERENCE: FLORIDA STATUTE 1012.465, 1012.32, 1001.64, 435.03(2), 435.04(2), 435.05(2), 943.0542, as amended

BASED ON POLICY: II-17A All Personnel: Criminal Background Screenings

EFFECTIVE DATE: November 8, 2005

LAST REVISION DATE: December 8, 2014; July 6, 2023; August 6, 2024

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I. PURPOSE

To outline the authority and procedures for conducting background screenings for full-time, or part-time employees, volunteers, interns, or current employees who transfer to special trust positions and positions in sensitive locations designated by the College including all rehires and positions deemed as special trust by the College. The College is committed to providing a safe secure learning and working environment for its students, employees and guests. The College will follow all applicable state, federal and local laws governing employment and background screening in all respects. This procedure does not preclude the College from conducting additional background or law enforcement checks.

II. Definitions

This section defines positions required by Section 110.1127, Florida Statutes 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 MDC shall be defined as:

1. Those beginning initial employment with the College on or any time following November 8, 2005, in a full-time or part-time student position;

2. Those appointed into a position of special trust and responsibility on or any time following November 8, 2005; 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. Exception MDC retirees rehired within 18-months period after retirement date.
- B. New volunteers and interns shall be defined as non-employees of the College authorized by Human Resources to work with College personnel on or any time following November 8, 2005.
- C. Employees holding positions of special trust and responsibility and/or holding positions in sensitive locations shall include but not be limited to:
1. Campus and College President's Staff
 2. Public Safety employees
 3. Pre-School Lab employees
 4. Employees who handle money as a significant responsibility of their positions: bursar and cashiers
 5. Employees participating in MDC programs that serve a targeted population of persons who are under the age of 18 and not enrolled as MDC students
 6. Employees with extensive access to College property – grand master key holders
 7. Employees with access to hazardous materials.
 8. Employees, volunteers, and interns participating in MDC's ACCESS and REVEST programs.

The list of employees designated as holding positions of special trust and responsibility and/or in sensitive locations shall be reviewed annually by the College President or designee and shall be available for inspection in the Office of Human Resources. Existing employees accepting assignments designated as special trust will be required to undergo an MDC background screening at their own expense.

Process

- A. The Office of Human Resources will coordinate the background history screening process. Results of the criminal history background screening shall be sent directly to the Vice Provost, Human Resources, or designee.
- B. Upon receipt of background screening results, the Vice Provost, 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 compliance with state statutes,

- the general safety and security of the college community.
- C. The determination of eligibility for 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 criminal offense, consideration shall be given to, 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

III. PROCEDURES

EMPLOYMENT

- A. Full-time and part-time employees including all rehires and positions deemed as special trust by the College will be required to undergo a background screening comprised of Florida Department of Law Enforcement (FDLE)a Level II background screening pursuant to Chapter 435 Florida Statute, Sexual Predator Check and fingerprinting (B.I.) as a condition of employment. Retirees of Miami Dade College will be waived from undergoing a background check, if re-hired within 18 months of retirement date. The non-refundable costs of the process are the responsibility of the prospective employee, intern or volunteer.
1. All MDC retirees rehired within an 18-month period after their retirement date will be exempt from the background check.
 2. MDC background checks are valid for a period of 4 months after date of completion.
- B. Hiring managers with authority to recommend the appointment of individuals for employment shall inform the finalist/prospective employee for any position that:
1. 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 guarantee of a job.
 2. Once a salary offer has been accepted, the finalist/prospective employee must go to the Background Investigation Appointment website to schedule an appointment and pay for the background check. Use the same user I.D. and password for the on-line employment application. Current employees will use their assigned MDID and password.
 3. The appropriate release forms must be completed prior to the background check.

4. If hired, employees must notify the College within 48 hours of any subsequent felony arrest(s) and/or convictions. Failure to do so will result in disciplinary action up to and including termination of employment.
- C. 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.
- D. Refusal to submit to a background investigation and fingerprinting will result in immediate termination or discontinuance of the employment recommendation process.
- E. No prospect for employment may present himself or herself in the workplace before an official employment offer has been made and a first day reporting date (both contingent upon successful completion of his/her background investigation) provided. Failure to comply will delay the processing of the new hire documents or result in the withdrawal of the job offer.
- F. For out-of-state new hires only: Employment is contingent upon a favorable background check which must be completed within the first 5 business days of employment with the College.

CRIMINAL HISTORY RECORD RESULTS

- A. The Background Check Committee (consisting of representation from Human Resources, Legal Affairs, and Risk Management) or designee may discuss the criminal history records with the individual/or if the report warrants for the prospect to provide additional information in order to make a decision pursuant to Fair Credit Reporting Act guidelines. 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.
- B. 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 Background Check Committee or designee may recommend severing the individual's pending employment, volunteer or other relationship with the College.
- C. The standard that will be used to establish employment non-eligibility is any person undergoing a criminal background screening and:
 1. found guilty of, regardless of adjudication,
or
 2. 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; and Section 435.05(2). These references describe felony crimes of violence, physical

assault, sexual abuse, child abuse and possession of and sale of controlled substances and other violations.

D. Information obtained from criminal background checks will be reviewed by the Background Check Committee 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 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

- A. The Florida Children and Families Department of Law Enforcement (FDLE) will provide an electronic summary report of results via a secure email. After the report is reviewed, the Vice Provost for Human Resources or designee in consultation with the Background Check Committee will approve or disapprove the background results.
- B. Prospects who fail to disclose convictions on their employment applications will receive notification of disqualification from further consideration for employment, internship and volunteer opportunities.
- C. 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.
- D. 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.

	08/06/2024
PRESIDENT	DATE