

Subject: Reference and Background Checks

1. Purpose	1
2. Policy	2
2.1. Minimum Reference and Background Checks	2
2.2. Additional Requirements	2
2.3. Completion of Reference and Background Checks	4
2.4. Notification of Applicants for Employment	5
2.5. Use of Reference and Background Check Information.....	5
2.6. Current Employees.....	6
2.7. Maintaining Information	7
3. Responsibilities.....	7
4. Procedures	7
5. Definitions.....	7
6. References	7
7. Review Periodicity and Responsibility	7
8. Effective Date and Approval	7
9. Review and Revision History	8

[Appendix A: Required Pre-Employment Reference and Background Checks](#)

1. Purpose

This policy establishes requirements for conducting reference and background checks on prospective new employees of Tidewater Community College as well as, in selected cases, on existing employees of the college. The policy complies with the policy of the Virginia Community College System ([VCCS Policy Manual](#) section 3.3.4) and of the Virginia Department of Human Resource Management ([2.10 – Hiring](#))

Except as noted below under “Current Employees,” all new employees (full-time and adjunct teaching faculty, administrative/ professional faculty, classified staff, and wage employees) and current Tidewater Community College employees who are hired into or transfer to classified, administrative/professional, or teaching faculty positions on or after July 1, 2007 are covered by this policy. Work-study student positions are not subject to the provisions of this policy. Employees rehired within 18

months of their last assignment are not required to undergo a background check if a check appropriate to the new position had been completed previously—in such cases, reference checks relative to the period of broken service will be conducted.

2. Policy

In order to protect college interests, institutional resources, and the welfare of its students, employees, and the public, it is TCC's policy to conduct reference and background checks as delineated below on candidates selected for employment by the college. The specific purposes of this policy are to:

- a. promote a safe environment and protect the welfare of students, employees, and visitors to TCC's campuses and other facilities;
- b. protect organizational assets including people, property and information;
- c. verify the identity and credentials of applicants;
- d. perform due diligence in ensuring that a candidate's background and suitability for employment by TCC are evaluated appropriately; and
- e. enable TCC to make prudent hiring decisions based upon comprehensive job-related information.

2.1. Minimum Reference and Background Checks. As a minimum, the following reference and background checks will be conducted on all candidates selected for employment by TCC:

- a. a reference from the current (or most recent) supervisor for a candidate with work experience.
- b. references from two former immediate supervisors if a reference from the current or most recent supervisor is not feasible;
- c. references from professional colleagues to verify the candidate's skills, past performance, and potential and suitability for employment—including the supervisory references, at least three references should be obtained;
- d. verification of the candidate's Social Security number;
- e. Virginia criminal history and sexual offender registry check—expanded as delineated below in the event that the candidate has lived or worked outside of Virginia;
- f. verification of academic credentials and professional licensure, as appropriate for the position.

2.2. Additional Requirements. Some candidates will require additional background investigations based upon their personal history as well as the nature or importance of the position to the college and community (see Appendix A). Reasons for additional checks include, but are not limited to, positions that

handle significant financial transactions, sensitive positions, executive positions, and other positions afforded a degree of special trust and confidence. Such checks may include the following:

- a. Federal Bureau of Investigation (FBI) checks. The following types of positions require a check of the FBI database, including fingerprinting of the individual:
 1. Sensitive Positions. In accordance with the Code of Virginia (§ 2.2-1201.1) and Department of Human Resource Management policy, positions that are directly responsible for the health, safety, and welfare of the general populace or protection of critical infrastructures will be designated “sensitive positions.” Candidates for employment in such positions are required to have a Virginia criminal history and FBI database check conducted through the Department of State Police. The supervising member of the President’s Executive Staff is responsible for identifying sensitive positions under his/her purview.
 2. Other Positions. In accordance with the Code of Virginia (§ 19.2-392.02), a candidate for or an employee in a position that requires unsupervised access to children, the disabled, and elderly individuals may be referred to the Department of State Police for a national criminal background check through the FBI database. The supervising member of the President’s Executive Staff is responsible for identifying positions that would require such unsupervised access under his/her purview.
- b. Work or Residence Outside Virginia. Candidates who have resided or worked in a state other than Virginia will undergo criminal history and sexual offender registry checks on the national level or in the states where they worked and resided, as appropriate. Such checks will be undertaken in addition to Virginia criminal history checks.
- c. Motor Vehicle History. A motor vehicle record check will be conducted on any candidate for employment in a position that involves operating a motor vehicle or heavy equipment—as delineated in the Employee Work Profile or Position Description—or that requires a valid driver’s or commercial driver’s license. The motor vehicle records of such employees will be checked annually to ensure that the employee maintains a satisfactory driving record. The supervising member of the President’s Executive Staff is responsible for identifying positions under his/her purview that will require a motor vehicle history check.
- d. Credit Check. A credit check will be conducted on a candidate for employment in a position that meets one or more of the following criteria:
 1. access to material levels of cash or negotiable securities;

2. responsibility or authority for the execution, approval, or commitment of financial resources or transactions;
3. responsibility for creating, collecting, or accounting for material levels of accounts receivable;
4. significant inventory control responsibilities, including the receipt and release of inventory;
5. privileged access to, or responsibility for management/maintenance of the payroll or purchasing systems;
6. privileged access to sensitive data or critical data processing systems;
7. unsupervised access to college, employee, or student property or master key access to facilities;
8. access to pharmaceuticals or other controlled drugs.

The supervising member of the President's Executive Staff is responsible for identifying positions under his/her purview that will require a credit check.

- e. Medical/Physical Evaluation. A post-offer/pre-employment or return-to-work physical examination may be required for a position that requires a certain degree of physical exertion based upon the essential functions delineated in the Employee Work Profile or Position Description or medical qualification requirements applicable to the position. Such requirements exist to ensure applicants can perform the essential functions of the job with or without reasonable accommodation, or that they possess the minimum abilities necessary for safe and efficient performance of the duties that characterize the position. The supervising member of the President's Executive Staff is responsible for identifying positions under his/her purview that will require a medical/physical evaluation.
- f. Drug and Alcohol Testing: In accordance with the Code of Federal Regulations, all drivers of vehicles requiring a Commercial Driver's License (CDL) are subject to pre-employment testing for controlled substances (i.e., drugs). Additionally, such employees are subject to reasonable suspicion, random, post-accident, and return-to-work testing for the use of controlled substances and alcohol. The supervising member of the President's Executive Staff is responsible for identifying positions under his/her purview that will require a drug and alcohol testing.

2.3. Completion of Reference and Background Checks. The appropriate reference and background checks as delineated above should be completed prior to making an offer of employment. But, in any event, the candidate's first day of work in the position must not be prior to the satisfactory completion of appropriate checks.

Any exception to this policy must have the joint approval of the Director of Human Resources and the position's supervising member of the President's Executive Staff. If an exception is made, the offer letter or Faculty Employment Contract will state explicitly:

"This offer is conditional and will become final only upon receipt of satisfactory results from the college's verification of credentials and other information required by law, regulation, and TCC and VCCS policies, including the completion of a criminal history and other background checks. In the event issues are raised in the investigation report that may impact your appointment, this offer and confirmation may be withdrawn."

2.4. Notification of Applicants for Employment. Applicants for employment with TCC will be advised that satisfactory reference and background checks are a condition of employment, and that the determination of either a job-related conviction or falsified conviction information on the application form may result in denial or forfeiture of college employment. All applicants will be required to submit a completed Commonwealth of Virginia employment application or a current résumé/curriculum vita as a part of the recruitment process. An applicant who submits only a résumé or curriculum vitae must submit a completed state employment application form prior to the time of interview.

2.5. Use of Reference and Background Check Information. The discovery of a job-related conviction, falsified information on the state application form, or other relevant information may result in denial of employment. However, a previous conviction does not automatically disqualify an applicant from consideration from employment with TCC. A decision to not hire or to rescind a previous offer will be made jointly by the Director of Human Resources and the supervising member of the President's Executive Staff. In making such decisions, the following factors regarding the information revealed through the reference and background check process will be taken into consideration:

- a. the job-relatedness of any conviction or other information, considering the nature, recency, frequency, and severity of the incident as well as the age of the individual at the time crime or other reported incident occurred;
- b. the nature of the position for which selected;
- c. the relationship that a conviction or other reported incident has to the duties and responsibilities of the position;
- d. whether the circumstances arose out of an employment situation;
- e. whether the conviction related to harm to others, such as murder, rape, assault, domestic violence, etc.;
- f. the nature and scope of position's fiduciary responsibilities;

- g. the nature and scope of the position's student, public, or other interpersonal contact;
- h. the nature and scope of the position's autonomy and discretionary authority;
- i. the sensitive nature of the data or records maintained by or to which the position has access;
- j. the potential opportunity presented by the position for the commission of offenses;
- k. the extent to which acceptable job performance requires the trust and confidence of the college or public; and
- l. other factors as deemed appropriate.

An applicant who fails to reveal a previous job-related conviction on the state application form may be disqualified from employment in the position for which applying or in any other position with TCC for falsification of an application. This provision extends to the documentation that a candidate may be required to complete in connection with the reference and background check process.

2.6. Current Employees. Current employees—regardless of whether they were subject to this policy at the time of hire—must report to their immediate supervisor and to the Director of Human Resources within five days:

- a. any drug conviction they receive, whether they are felonies or misdemeanors;
- b. any conviction related to child molestation, indecency with a minor, or other sexual offenses;
- c. convictions for alcohol-related and serious motor vehicle violations, including but not limited to DWI/DUI, reckless driving, evading arrest, hit-and-run, and similar offenses if their duties involve operating college heavy equipment or motor vehicles, life safety, or security; and
- d. any conviction involving financial impropriety or similar matters for employees who work in positions with fiduciary responsibilities.

TCC reserves the right to conduct a criminal background check when circumstances are identified that warrant further investigation for job-related convictions. Results of such background checks will normally not affect opportunities for continued employment unless information is discovered regarding prior or current convictions leading to a conclusion that the safety of students, employees, or visitors to TCC may be compromised or that critical college infrastructure or other resources may be jeopardized. In such circumstances, the individual may be reassigned within the college or his/her employment may be terminated.

2.7. Maintaining Information. Any information derived from reference or background checks shall be maintained in the strictest confidence possible. Only personnel essential to the hiring process shall be informed and only on a need-to-know basis. Once the hiring decision has been made, the report of the criminal history check will be destroyed with only a brief note documenting its outcome being retained in the recruitment file for the position. Information resulting from reference and background checks retained in personnel files shall be kept to a minimum, briefly identifying the nature of the checks conducted and a general statement regarding the results thereof..

3. Responsibilities

The Vice President for Administration shall be responsible for developing and maintaining procedures that are consistent with this policy and that comply with applicable policies and procedures of the Virginia Community College System, the Commonwealth of Virginia, and state and federal law.

4. Procedures

To be developed.

5. Definitions

No definitions are associated with this policy.

6. References

[VCCS Policy Manual](#)

[Virginia DHRM Policy 2.10 Hiring](#)

7. Review Periodicity and Responsibility

The Vice President for Administration shall review this policy annually on the anniversary of its approval and, if necessary, recommend revisions.

8. Effective Date and Approval

This policy is effective upon its approval by the College President on June 18, 2007.

Policy Approved:

Deborah M. DiCroce
President

9. Review and Revision History

This is the first version of this policy. The policy was re-formatted to be consistent with the college's format for policies and procedures in July 2009.

APPENDIX A
TIDEWATER COMMUNITY COLLEGE
REQUIRED PRE-EMPLOYMENT
REFERENCE AND BACKGROUND CHECKS

Candidate/ Position Type	References	Virginia Criminal	Sex Offender	SSN	Credentials/ Licensure¹	Federal/ FBI²	Other States	Driving Record	Credit	Physical/ Medical	Drug/ Alcohol
Virginia Resident	✓	✓	✓	✓	✓						
Non-Virginia Resident	✓	✓	✓ ³	✓	✓		✓				
Financial and Other Positions ⁴	✓	✓	✓	✓	✓				✓		
Drive State Vehicle/Operate Heavy Equipment	✓	✓	✓	✓	✓			✓			
CDL License	✓	✓	✓	✓	✓			✓			✓
Sensitive Position	✓	✓	✓	✓	✓	✓					
Unsupervised Access to Children, Disabled, or Elderly	✓	✓	✓	✓	✓	✓					✓
Physical Demands	✓	✓	✓	✓	✓					✓	

Notes:

¹ If required by the position, such as academic credentials for faculty.

² Includes fingerprinting.

³ Virginia and national sex offender registry check.

⁴ See policy for complete list of types of positions that require credit checks.