

Policy Number: 1160

Policy Name: Background Investigations

Responsibility for Maintenance: Director of Human Resources

Effective Date: June 1, 2018

Last Updated: August 15, 2023

I. Reason for Policy

Richard Bland College makes every effort to provide reasonable safeguards to protect the welfare and safety of its students, employees, visitors, and institutional resources. Background investigations are an important component of this protection, including a criminal history check.

II. Policy Statement

The RBC Department of Human Resources will require background investigations to be performed on all new and rehired employees. Background investigations will be conducted on final candidates and will be used to evaluate a candidate's eligibility to be employed at the College. Background investigations also may be used in connection with certain transfers, promotions, and other business needs as determined by RBC. Based on the duties being performed, RBC also may conduct background investigations, including criminal history checks, for unpaid interns, volunteers, and affiliates. Background investigations also may be required for independent contractors. Background investigations will not be used to discriminate on the basis of gender, gender identity, disability, race, color, age, religion, national origin, veteran status, or any other basis protected by federal or state law. Once a final candidate has been identified or, in the case of a current employee, Human Resources identifies another employment situation requiring a background investigation, the College's Department of Campus Safety and Police will initiate criminal history checks with third-party vendors, the Virginia State Police, and/or other organizations at the College's discretion. The Department of Human Resources, the applicable department head, or other designee will conduct other portions of the background investigation. Background investigations may include any or all of the following:

- Criminal history check conducted nationwide as well as in all U.S. states, counties, or regions where the candidate has resided;
- International criminal history check (when possible, for candidates who have resided outside the United States);
- Employment verification;
- References check;
- Diploma/degree validation;
- Sexual offender registry;
- Consumer report;
- Professional licensure or certification verification when applicable;

- Department of Motor Vehicles (DMV) records (typically only for positions that routinely operate vehicles owned by the Commonwealth);
- If required by external funding agencies or for high-risk positions as determined solely by RBC, interviews with sources such as supervisors, associates, public record or various federal, state, and local agencies;
- Examination of state debarment lists;
- Examination of federal debarment lists, as required by federal law; and
- Other screenings required by law or considered relevant by the College at the College's sole discretion.

Noncompliance with this policy may result in disciplinary action up to and including termination of employment. RBC supports an environment free from retaliation. Retaliation is prohibited against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation.

III. **Applicability of the Policy**

This policy applies to all current full-time and part-time RBC employees as well as candidates for employment; those seeking to volunteer on campus as well as to those whose affiliation with RBC requires the individual to work on campus; and RBC contractors. This policy is not applicable to student workers.

IV. **Background Investigation Procedures**

- Applicant Disclosure: Convictions or other information disclosed or discovered during the application process may influence the referral, selection, and final offer of an applicant where such information is job related.
- Fingerprinting Requirement: Fingerprinting is required for:
 - Newly hired or rehired employees (Exception: Employees who do not yet have a social security number and are on a new visa, issued within the past 30 days, screened by the U. S. Department of Homeland Security will not be required to undergo fingerprinting.)
 - Current employees seeking transfer or promotion into full-time, resource-critical positions will undergo an additional fingerprinting check.
 - Certain positions also may require additional checks after hire based on security, accreditation, or other agency requirements (e.g., RBC Campus Police staff).
- Condition of Employment: Written consent to the background investigation, including fingerprinting and the criminal history check, is a condition of employment at the College, including but not limited to part-time and volunteer employment. The College will review fingerprinting results as a condition of employment after a candidate has been identified as a final candidate . Employment is subject to final review and

evaluation of the criminal history check and the background investigation. Any person refusing to undergo the fingerprinting process in accordance with the Governor of Virginia's Executive Order 41 (2015) may have his/her application removed from further consideration. All background investigation activities will be conducted after being identified as a final candidate and prior to the selected candidate's start date. To ensure the most recent history is on file, criminal history checks and other background investigation activities should be completed no more than 30 days prior to the employee's start date. Criminal history records will be received and processed as part of a confidential practice in Human Resources.

- Review Process: Criminal conviction(s) and other information obtained pursuant to this policy will be reviewed confidentially by Human Resources and other College officials, including but not limited to a representative from the Department of Campus Safety and Police. The College may render the selected candidate ineligible for holding a specific position(s) or a current employee for continued employment based on the nature and gravity of the offense(s) or information, time that has passed since the conviction, completion of the sentence, and/or the occurrence of the actions that resulted in the information disclosed or discovered, and the nature of the job sought (e.g., the work environment, specific responsibilities of the position, access to and interaction with students and the public, etc.). The accuracy and completeness of the disclosure of prior law violations and other information revealed or identified during the background investigation process will be verified. Convictions related to drugs, violence, and/or sexual behavior are generally considered job related due to the nature of the RBC environment and the need to provide reasonable levels of protection for students, employees, visitors, and institutional resources. Any additional convictions that may be revealed from the fingerprinting process will be reviewed confidentially by Human Resources, the Department of Campus Safety and Police, and other College officials, and may be considered cause for not moving forward with an offer of employment, and/or termination of employment based on the nature of the job and job relatedness of the conviction(s). Decisions regarding termination of employment or other action will be made in conjunction with the appropriate department head, the Vice President, and/or President. If a final recommendation for termination of employment is made by the Director of Human Resources and the Director of Campus Safety and Chief of Police, only the President can waive that recommendation and approve the department's request to retain the employee.
- Investigations for Cause: When circumstances are identified that warrant further investigation, the College reserves the right to conduct a criminal history check (including fingerprinting) on an employee who is charged with any crime that reflects on or gives rise to questions as to his/her suitability for continued employment or during the course of an administrative investigation. The results of the investigation will be reviewed as described above under "Review Process" and may be considered cause for termination of employment based on the nature of the employee's job and the job relatedness of the charge(s)/conviction(s).

V. Related Policy

- [Executive Order 41State Policy 2.10 – Hiring](#)
- [State Policy 1.05 – Alcohol and Other Drugs](#)

VI. **Contacts**

OFFICE	TITLE	TELEPHONE NUMBER	EMAIL
Human Resources	Director of Human Resources	(804) 862-6100, ext. 6208	rbchr@rbc.edu