

WILLISTON STATE COLLEGE

Criminal History Record Checks – Job Applicants/Employees

Policy and Procedure

Policy 602.3:

Effective March 19, 2008, criminal history records checks are authorized and/or required before a person may begin employment with Williston State College as outlined below.

Procedure 602.3:

1. As stated in SBHE Policy 602.3, a nationwide FBI criminal history background check is required before beginning employment in the following positions:
 - a. Police Officer; and
 - b. Security Guard
2. A criminal history records check, which may be a North Dakota BCI check, an FBI nationwide check, or check of another state or multiple jurisdictions, is required before beginning employment in the following positions (whether full-time or part-time):
 - a. President and vice presidents;
 - b. Resident hall and apartment manager or director and assistants;
 - c. Information technology staff;
 - d. Custodians and other employees with master keys or other means of unsupervised access to residence halls or secure buildings or facilities;
 - e. Child care employees and other employees who have unsupervised contact with children;
 - f. Employees responsible for or with access to controlled substances and other drugs, explosives or potentially dangerous chemicals and other substances;
 - g. Counselors and coaches;
 - h. Faculty;
 - i. Employees who process credit cards, take credit card numbers, or have access to sensitive credit card information; and
 - j. Other positions as deemed necessary due to their access to money and/or sensitive information (e.g., finances, HR/payroll, student records, information services) or by the supervisor.
3. A criminal history record check may be done on present employees as deemed necessary by the guidelines above.

Authorization:

1. The Human Resources Coordinator will determine the nature and scope of the criminal history background check.
2. A Criminal History Record Check Request Form (attached) must be completed by the job applicant or employee and submitted to Human Resources before the check is conducted.

Guidelines for Reviewing Criminal History Reports:

1. Convictions are not an absolute bar to employment but will be considered in relationship to the job requirements.
 - a. The Human Resources Coordinator will consider the following when reviewing a criminal history report:
 - The nature, severity and frequency of the offense or offenses;
 - When the offense or offenses happened and;
 - Whether a criminal conviction has a direct bearing on the individual's ability to fulfill job duties and responsibilities.
 - b. Should the Human Resources Coordinator have questions when reviewing a criminal history report, she will consult Attorney Pat Seaworth, Counsel for the North Dakota University System.
 - c. An employment offer may be withdrawn or an employee may be terminated as a result of the above considerations.
 - d. Deliberate failure to disclose criminal conviction information on his/her Williston State College application form or Criminal History Record Check Request Form may constitute cause for rejection of the applicant's application or termination of employment.

Reference:

SBHE Policy: 602.3 Job Applicant and Employee Criminal History Background Checks:
<http://www.ndus.edu/policies/sbhe-policies/policy.asp?ref=2537>

NDUS Procedure: 602.3 Job Applicant/Employee Criminal History Background Checks:
<http://www.ndus.edu/policies/ndus-policies/subpolicy.asp?ref=2603>

N.D.C.C. sec. 12-60-24

History of this Policy:

Approved by the Executive Cabinet on July 15, 2009.