

MILLS COLLEGE

Administration Policy Manual

## **Background Check Policy**

### **Policy Number 3770**

**Effective Date: November 2018**

#### **I. Purpose**

The purpose of this policy is to describe the terms and conditions under which background checks are conducted for new hires, some internal promotions/transfers, current employees including staff and faculty, volunteers, third-party vendors and individuals living on campus at Mills College.

Mills College recognizes the importance of seeking to maintain a safe campus with employees who are well qualified for their positions and who do not present a liability to members of the College community. For this reason, Mills College performs background checks for new hires, some internal promotions/transfers, and some current employees, including staff and faculty.

The College will strive to ensure that the application of this policy aligns with our values and commitment to social justice, equity and inclusion.

#### **II. Administration of the Policy**

The Mills College office of Employee Services implements all background checks for the College in accordance with this policy and the Background Check Process.

#### **III. The California Fair Chance Act**

Mills College is sensitive to the issues addressed by the California Fair Chance Act, which will help ensure that applicants with conviction records are judged by their qualifications and work experience and not rejected by employers at the start of the hiring process due to a “checked box” concerning a conviction. Mills College’s practices comply with the law. Accordingly, the College will:

- Delay any conviction background check as well as any questions about or consideration of a job applicant’s conviction history until after the employer extends a conditional offer of employment to the applicant;
- Will conduct an “individualized inquiry” when reviewing a conviction history by considering at least the amount of time elapsed since the conviction, the nature of the conviction, and whether the conviction is directly job related;

- Issue a written preliminary notice to the job candidate of the College's intent to rescind the conditional job offer;
- Provide time for the candidate to respond with evidence of inaccuracies in the record, rehabilitation, or mitigating circumstances;
- Where deemed appropriate, provide final written notice rescinding the job offer.

#### **IV. Fair Credit Reporting Act**

Mills College Employee Services administers the background check process and background records checks are conducted at the College's expense. Mills College uses a Consumer Reporting Agency to obtain investigative information in compliance with the Fair Credit Reporting Act and Consumer Credit Reform Act of 1996. The College initiates a background check only after first providing notice to the individual and obtaining their written authorization. Employee Services will provide individuals with notice of their rights under the Fair Credit Reporting Act and Consumer Credit Reform Act prior to initiating the background check.

#### **V. Level of Background Check and Authorization**

The areas covered by the background check will vary from job-to-job depending upon access to financial records, contact with students, contact with minors, and other factors. Individuals will be asked to provide written authorization for the background check. Individuals may request a free copy of the background check report or obtain it directly from the vendor. Individuals who decline to submit to an appropriate background check as defined by the Mills College Chief Human Resources Officer (CHRO) or who fail to provide required information may be subject to adverse action in accordance with this policy.

#### **VI. College's Response**

Results from a background check will be reviewed by the CHRO or designee in accordance with this policy and the Background Check Process. Factors to be considered include any issues of institutional concern in relation to the position sought, including but not limited to the relevance of any findings, a criminal conviction, any evidence of providing false information to the College, and/or the individual's response to the information obtained.

As required by the Fair Credit Reporting Act, individuals will be provided with notice of discrepancy in a background check via a "Pre-Adverse Action Notice" and given an opportunity to dispute. Upon conclusion of the review and if applicable, a written notice called an "Adverse Action" will be sent to the individual regarding the employer's decision.

#### **VII. Self-Reporting**

Mills College employees who are convicted of a felony or misdemeanor during the course of their employment are required to promptly report the conviction to the CHRO or designee. Self-reports will be evaluated in accordance with the Background Check Process. Relevant convictions are those that may negatively impact the individual's ability to safely and effectively perform all job duties.