PURPOSE:

It is the policy of Fletcher Technical Community College to conduct pre-employment background checks for all new faculty and staff, including classified staff, unclassified staff and all full-time, part-time and temporary faculty and staff. It is the commitment of Fletcher to provide the highest level of quality education and training and to ensure the safety of students, staff, visitors and property of the college.

- As part of the pre-employment process, background checks shall be conducted on all prospective Fletcher employees and results received prior to a final offer/commitment of employment.
- On active employees, as deemed necessary, for the duration of employment with Fletcher.

POLICY:

I. Implementation

Background checks will be required for all new employees as defined above with an effective date beginning on 7/1/13. This policy or any subsequent revisions are effective upon signature/date of the Chancellor or as established within the policy.

Upon implementation, all current employees will review this policy by assignment. Employees will be required to sign an acknowledgement form.

All applicants will be notified that employment is conditional upon background checks and the type of background check required. All new employees will be given a copy of the policy as part of orientation and will be required to sign an acknowledgement form.

II. Background/Investigative Inquiries

A. New Hire Inquiries to be required include:
1. National Crime Index
2. Parish/County Criminal History Search
3. Sex Offender Search
4. Social Security Number Trace
5. Office of Foreign Assets Control

B. Miscellaneous Inquiries listed below, may be requested on an individual basis for active employees or in addition to the bundle for new hires, as necessary:
1. Employment Verification
2. Education Verification
3. Personal/Professional Reference Verification
4. International Criminal History Search
5. International Watch Status
6. Motor Vehicle Record
7. Federal
8. Professional Licenses
9. Consumer Credit Report

III. General Provisions
A. The Human Resources Department (HRD) shall provide notification of the background/investigative inquiry requirements by posting on the college website.

B. The HRD shall provide and include information regarding background/investigative inquiry requirement as well as a copy of Fletcher's Fair Credit Reporting Act disclosure statement to prospective employees for positions filled by any means.

C. The HRD will ensure that background/investigative inquiry results are kept confidential and only shared with those persons having a need-to-know.

A signed release form is required for all background checks. Any employee conducting an inquiry without a signed release will result in a disciplinary action up to and including removal/termination.

Copies of reports shall not be included in the employee's personnel file, but shall be filed separately.

D. The HRD will be responsible to compile appropriate information necessary to be used as defense in the event of legal challenge.

E. The HRD will compile statistics as required.

F. Each prospective employee or active employee with questionable information resulting from a background/investigative inquiry may still be considered for appointment or continued employment on a case by case basis.

The Appointing Authority or designee will take into consideration the position applied for or current position, the nature and gravity of the offense, and the time that has passed since the questionable offense.
G. The HRD will maintain a disqualification list. The HRD will submit names to LCTCS HR Administration as applicable.

H. For purposes of this policy, an employee **transferring into** Fletcher, from another state agency, shall be considered a prospective employee/new hire.

I. For purposes of this policy, an employee laid off and being appointed from the Fletcher Department Preferred Reemployment List **with** a break in service, will be considered a prospective employee/new hire.

J. For purposes of this policy, the following personnel actions processed within the LCTCS from one business unit to another, **without a break in service**, will be considered a prospective employee/new hire.
   1. Transferring from one LCTCS business unit to another
   2. Resigning to accept a probational appointment
   3. Resigning to accept a monthly unclassified appointment
   4. Resigning to accept any other type of job type

K. Human Resources will receive and verify monthly invoices prior to payment of services.

IV. **Background/Investigative Inquiry Requirements**
   A. Prospective Employees

   1. A prospective employee, to whom a conditional offer of employment is made, shall be given the “Information on Background/Investigative Inquiry”; shall be required to provide the necessary information used to conduct a background inquiry and shall sign the “Agreement/Consent Form to Submit to a Background/Investigative Inquiry and the Release of Results”.

   Note: Prior to conditional offer of employment, Human Resources will check the “disqualification” list.

   2. A prospective employee shall have the conditional offer of employment withdrawn and shall be subject to disqualification from consideration for employment with Fletcher for a period of one (1) year from the effective date of the disqualification action when prospective employee:
      a. Declines to consent to the background/investigative inquiry. The prospective employee shall be asked to complete “Refusal to Consent to Background/Investigative Inquiry” form.

         **Refusal to sign form:** If a prospective employee refuses to complete the “Refusal to Consent to Background/Investigative Inquiry” form, it shall be completed by the business unit.

      b. Provides false information or knowingly omits information.
3. A former Civil Service employee who has been laid off and declines to consent to the background/investigative inquiry upon being offered employment/appointment from the Fletcher Department Preferred Reemployment List (DPRL), will be reported to the Department of Civil Service and may be cause for removal from the DPRL.

B. Active Employees

Background checks for active employees shall only be conducted if supported by sufficient business reasons as documented and approved by the Appointing Authority or designee.

1. An active employee shall be given the “Information on Background/Investigative Inquiry”; shall be required to provide the necessary information used to conduct a background inquiry and shall sign the “Agreement/Consent Form to Submit to a Background/Investigative Inquiry and the Release of Results”.

2. An active employee who declines to consent to the background/investigative inquiry shall be subject to disciplinary action up to and including removal/dismissal. The active employee shall be asked to complete “Refusal to Consent to Background/Investigative Inquiry” form.

Refusal to sign: If an active employee refuses to complete the “Refusal to Consent to Background/Investigative Inquiry” form, it shall be completed by the business unit.

3. An active employee who provides false information or knowingly omits information shall be subject to disciplinary action up to and including removal/dismissal.

4. Section V. B. of this policy shall be followed for each instance of a background inquiry for an active employee.

V. Notification of Pre-Adverse Action

A. Withdrawal of Job Offer due to a report

1. Prepare “Pre-Adverse Action Notice” to prospective employee.

2. Attach copy of the report and copy of the “Summary of Your Rights Under the Fair Credit Reporting Act”.

3. Allow 10 calendar days from date of mailing for response.

B. Disciplinary action/termination due to a report

1. Classified Employees:
a. Permanent Status

As part of the pre-discipline process, employee shall be provided with a copy of the report and a copy of the “Summary of Your Rights Under the Fair Credit Reporting Act” and allowed 10 calendar days for response.

b. Probational Appointment, Job Appointment and Restricted Appointment

Although a pre-discipline process is not required, employees shall be provided with a copy of the report and a copy of the “Summary of Your Rights Under the Fair Credit Reporting Act” prior to a termination.

c. Unclassified Employees (Bi-weekly, Student)

Any unclassified employee shall be provided with a copy of the report and a copy of the “Summary of Your Rights Under the Fair Credit Reporting Act” prior to a termination/dismissal letter.

VI. Exceptions:

Any exception to this policy must be approved by the Chancellor or the LCTCS Office of the Senior Vice President for Finance and Administration.

DISTRIBUTION: Electronically via College’s email and website

APPROVAL:

<table>
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<tr>
<th>Reviewing Council/Entity</th>
<th>Approval Date</th>
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</thead>
<tbody>
<tr>
<td>College Council</td>
<td>N/A</td>
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<td>Executive Cabinet</td>
<td>N/A</td>
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</tbody>
</table>

Kristine Strickland, Ph.D.
Chancellor

1/29/21
INFORMATION ON BACKGROUND/INVESTIGATIVE INQUIRY

(For prospective employees and/or active employees)

WHY MUST I SUBMIT TO A BACKGROUND/INVESTIGATIVE INQUIRY

It is the policy of Fletcher Technical Community College (Fletcher) to conduct background/investigative inquiries to provide a safe environment for students and a safe workplace for the employees. Background/Investigative inquiries will be conducted as follows:

- As part of the pre-employment process on prospective employees
- On active employees, as deemed necessary, for the duration of employment with Fletcher

Prospective Employees: All prospective employees are required to undergo a background/investigative inquiry as a condition of employment. Prospective employees must complete all required paperwork to perform a background/investigative inquiry as a condition of hiring. A background/investigative report must be received by Fletcher prior to a final offer/commitment of employment or enrollment on the payroll.

WHAT ARE MY RIGHTS?

You have the right to refuse to have the background/investigative inquiries completed.

Prospective employees who decline to consent to a background/investigative inquiry and/or who provide false information shall have the conditional offer of employment withdrawn and shall be subject to disqualification from consideration for employment with Fletcher for a period of one (1) year from the effective date of the disqualification action.

Laid off employees (former Fletcher employees) who decline to consent to the background/investigative inquiry and/or who provide false information upon being offered employment/appointed from the Fletcher Department Preferred Reemployment List (DPRL), will be reported to the Department of Civil Service. Refusal may be cause for removal from the DPRL.

Current employees who decline to consent to the background/investigative inquiry and/or who provide false information shall be subject to disciplinary action up to and including removal/dismissal.

WHAT INFORMATION ARE WE CHECKING?

1) National Crime Index
2) Parish/County Criminal History Search
3) Sex Offender Search
4) Social Security Number Trace
5) Office of Foreign Assets Control

IS THIS INFORMATION CONFIDENTIAL?

Inquiry results are kept confidential and only shared with those persons having a need-to-know. Results are not part of the official personnel file.

WHAT WILL BE DONE IF MY REPORT COMES BACK WITH QUESTIONABLE INFORMATION?
Each prospective employee or active employee with questionable information resulting from a background/investigative inquiry may still be considered for appointment or continued employment on a case by case basis. The Appointing Authority or designee will take into consideration the position applied for or current position, the nature and gravity of the offense, and the time that has passed since the questionable offense.

Prospective Employee: If the questionable information results in a decision that directly and adversely affects the withdrawal of a conditional offer of employment, the prospective employee shall be provided with a copy of the inquiry results and summary of your rights under the Fair Credit Reporting Act.

Current/Active Employee: If the questionable information results in a proposed disciplinary action/termination, the employee, regardless of employment status, shall be provided with a copy of the inquiry results and summary of your rights under the Fair Credit Reporting Act as part of the pre-discipline process.

I have read and understand “The Information on Background/Investigative Inquiries” provided to me.

Print Name: ____________________________________________

Signature: _____________________________________________ Date: ___________________

Fair Credit Reporting Act Disclosure Statement

Fletcher Technical Community College (Fletcher) when considering your application for employment, when making a decision whether to offer you employment, when deciding whether to continue your employment (if you are hired), and when making other employment related decisions directly affecting you, may wish to obtain and use a “consumer report” from a “consumer reporting agency.” These terms are defined in the Fair Credit Reporting Act (FCRA), which applies to you. As an applicant for employment or an employee of Fletcher, you are a “consumer” with rights under the FCRA.

A “consumer reporting agency” is a person or business that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information on consumers for the purpose of furnishing “consumer reports” to others such as Fletcher.

A “consumer report” is any written, oral or other communication of any information by a “consumer reporting agency” bearing on a consumer’s character, general reputation, personal characteristics or mode of living which is used or collected for the purpose of serving as a factor on establishing the consumer’s eligibility for employment purposes. For Fletcher purposes, a consumer report will consist of a background/investigative inquiry to include: criminal history (local, state, and national); social security number verification; and national sex offense registry.

If Fletcher obtains a “consumer report” about you, and if Fletcher considers any information in the “consumer report” when making an employment related decision that directly and adversely affects you, you will be notified before the decision is finalized and you will be provided a copy of the “consumer report”. You may also contact the Federal Trade Commission about your rights under the FCRA as a “consumer” with regard to “consumer reports” and “consumer reporting agencies”.

Revised: 12/2014
AGREEMENT/CONSENT FORM TO SUBMIT TO A
BACKGROUND/INVESTIGATIVE INQUIRY AND THE RELEASE OF RESULTS

I have been requested by Fletcher Technical Community College (Fletcher) to agree to provide all necessary information to conduct a background/investigative inquiry.

I have been informed and I understand that my agreement to allow a background/investigative inquiry is completely voluntary on my part and that I have the right to refuse.

Prospective Employee: I am aware that my refusal to agree to a background/investigative inquiry and/or give false information will result in disqualification from consideration of reemployment with Fletcher for one (1) year from the date of the disqualification action.

Active Employee: I understand that my refusal to agree to a background/investigative inquiry and/or give false information may result in disciplinary action up to and including removal/dismissal.

I also understand that withdrawal of this permission prior to, or any time after, the release of the results of the background/investigative inquiry to the Human Resources Department is grounds for withdrawing offer of employment or terminating my employment.

ALL INFORMATION MUST BE PRINTED

Name: __________________________________________ Dates Used: __________
  Last   First   Middle

Date of Birth: _______________ Social Security #: _______________ Gender: __________

Country of Birth: ___________________ State: __________ City: ___________________

Current Street Address: ___________________________________ City: _______________

State: ___________ Zip Code: _______________ Parish/County: ___________________

Driver’s License No: ___________________ State Issued: __________________________

Residences: List below ALL Cities in which you have worked and resided within the past 7 YEARS ONLY. Please list the dates you resided in each city and all LAST NAMES you used while living there.

City: ___________________ State: _______________ Zip Code: _______________

Parish/County: _______________ Dates (Mo-Yr): __________________________

All Last Names while living here: __________________________________________
BACKGROUND/INVESTIGATIVE INQUIRY AND THE RELEASE OF RESULTS

City: ________________________ State: ________________ Zip Code: _________________
Parish/County: ________________ Dates (Mo-Yr): ___________________________________
All Last Names while living here: ____________________________________________________

City: ________________________ State: ________________ Zip Code: _________________
Parish/County: ________________ Dates (Mo-Yr): ___________________________________
All Last Names while living here: ____________________________________________________

City: ________________________ State: ________________ Zip Code: _________________
Parish/County: ________________ Dates (Mo-Yr): ___________________________________
All Last Names while living here: ____________________________________________________

City: ________________________ State: ________________ Zip Code: _________________
Parish/County: ________________ Dates (Mo-Yr): ___________________________________
All Last Names while living here: ____________________________________________________

City: ________________________ State: ________________ Zip Code: _________________
Parish/County: ________________ Dates (Mo-Yr): ___________________________________
All Last Names while living here: ____________________________________________________

By my signature, I certify that the information I have provided is true and complete to the best of my knowledge. I understand that any misrepresentation or material omission may cause my conditional offer of employment to be withdrawn, my name to be removed from the eligible employment list and/or subject to dismissal from Fletcher. I understand that the outcome of my background inquiry may result in not being recommended or selected for the applied position.

Signature  ________________________ Date  ________________________

Effective: 7/2013
REFUSAL TO CONSENT TO BACKGROUND/INVESTIGATIVE INQUIRY

I hereby refuse to authorize a background/investigative inquiry.

Prospective Employee: I understand that I will be disqualified from employment with Fletcher Technical Community College up to one (1) year.

Active Employee: I understand that my refusal may result in disciplinary action up to and including removal/dismissal/termination.

_________________________________________________  ____________ _____________
Employee/Prospective Employee Name (Please Print)   Date

__________________________________________________  ___________ ______________
Employee/Prospective Employee Signature     Date

__________________________________________________  ___________ ______________
Witness Signature       Date

__________________________________________________  ___________ ______________
Witness Signature       Date

PROSPECTIVE/ACTIVE EMPLOYEE REFUSES TO SUBMIT TO A BACKGROUND/INVESTIGATIVE INQUIRY AND WILL NOT SIGN REFUSAL FROM

__________________________________________________  ___________ ______________
Witness Signature       Date

__________________________________________________  ___________ ______________
Witness Signature       Date

Effective: 7/2013
PRE-ADVERSE ACTION NOTICE

Dear Applicant:

When you applied for employment with Fletcher Technical Community College (Fletcher), you consented to an independent investigation conducted by a consumer reporting agency. This investigation included obtaining information regarding National Criminal History; Parish/County Criminal History, Social Security Number Trace, Sex Offender Search and Office of Foreign Assets Control or any other adverse item of information within the last seven (7) years. The investigation also may have included obtaining information relating to criminal records without any time limitations, subject to state law.

Fletcher contracted with (Company Name), whose address and telephone number are (address & telephone number).

(Company Name) has reported to us the information on the enclosed report.

Based on this information, subject to you successfully challenging the accuracy of this information, we have decided to revoke your conditional offer of employment. (Company Name) has not made this decision and is not able to explain why the decision was made.

Fletcher is enclosing a copy of the report and a copy of your rights under the federal Fair Credit Reporting Act. You have the right to obtain a free copy of your file from (Company Name), if you request the report within 10 days. You also have the right to dispute directly with (Company Name), the accuracy or completeness of any information provided by it.

If you believe the information listed above is not accurate, please contact Fletcher Technical Community College at (985) 448-7929 no later than (insert date of 10 calendar days from date of mailing). We will not make a final decision regarding your application until (insert same date as above). This will give you an opportunity to contact us if you want to dispute the report submitted by (Company Name).

Sincerely,

Name/Title

Encl: Copy of (Company Name) Report

Fair Credit Reporting Act Summary of Rights

Revised: 12/2014
A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20006.

• **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.

• **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

  In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

• **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

• **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

• **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
• **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

• **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

• **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.

• **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.

• **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

• **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

| TYPE OF BUSINESS:                                                                 || CONTACT:                                                                                          |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Consumer reporting agencies, creditors and others not listed below             | Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 1-877-382-4357     |
| National banks, federal branches/agencies of foreign banks                    | Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6                    |
| (word “National” or initials “N.A.” appear in or after bank’s name)            | Washington, DC 20219 800-613-6743                                                               |
| Federal Reserve System member banks (except national banks,                    | Federal Reserve Consumer Help (FRCH)                                                            |
| and federal branches/agencies of foreign banks)                               | P O Box 1200                                                                                     |
|                                                                              | Minneapolis, MN 55480                                                                            |
|                                                                              | Telephone: 888-851-1920                                                                          |
|                                                                              | Website Address: www.federalreserveconsumerhelp.gov                                             |
|                                                                              | Email Address: ConsumerHelp@FederalReserve.gov                                                  |
| Savings associations and federally chartered savings banks                     | Office of Thrift Supervision                                                                    |
| (word “Federal” or initials “F.S.B.” appear in federal institution’s name)    | Consumer Complaints                                                                              |
|                                                                              | Washington, DC 20552 800-842-6929                                                              |
| Federal credit unions (words “Federal Credit Union” appear in                 | National Credit Union Administration                                                             |
| institution’s name)                                                          | 1775 Duke Street                                                                                 |
|                                                                              | Alexandria, VA 22314 703-519-4600                                                                |
| State-chartered banks that are not members of the Federal Reserve              | Federal Deposit Insurance Corporation                                                             |
| System                                                                         | Consumer Response Center, 2345 Grand Avenue, Suite 100                                         |
|                                                                              | Kansas City, Missouri 64108-2638 1-877-275-3342                                                 |
| Air, surface, or rail common carriers regulated by former Civil Aeronautics    | Department of Transportation, Office of Financial Management                                     |
| Board or Interstate Commerce Commission                                       | Washington, DC 20590 202-366-1306                                                               |
| Activities subject to the Packers and Stockyards Act, 1921                    | Department of Agriculture                                                                        |
|                                                                              | Office of Deputy Administrator – GIPSA                                                            |
|                                                                              | Washington, DC 20250 202-720-7051                                                               |