

ADMINISTRATIVE PROCEDURE MANUAL		
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Purpose

The purpose of this procedure is to outline the authority and processes for implementing a criminal history records review into the College’s employment screening process for all primary candidates for full-time, regular and temporary part-time and adjunct instructor positions. In addition, this procedure shall also extend to circumstances that merit criminal history requests for contingent workers hired through staffing agencies, Other Personal Services (OPS) agreements, consulting companies or other persons affiliated with the College including but not limited to students, volunteers and summer camp workers.

Procedure

A. Employment:

1. Administrators and supervisors with authority to recommend the appointment of qualified individuals for employment shall advise the primary candidate for a position that the College requires candidates to submit to a criminal history records review and to having the results evaluated prior to beginning employment.
2. Administrators with the authority to recommend the transfer or advancement of any continuing employee, regardless of classification, for whom the Office of Human Resources does not have a criminal history records review on file, shall advise the employee being so recommended that they must submit to the College’s criminal history background review screening upon notification that a contingent offer of advancement or transfer is being made and to having the criminal history records review results evaluated prior to beginning the new assignment.
3. Any former employee, regardless of classification, who has been separated from the College for ninety (90) days or longer, shall be advised by the hiring administrator that a contingent offer of reemployment is being made based on the former employee submitting to the College’s criminal history records review.
4. The Office of Human Resources Talent Acquisition section will notify the hiring administrator of an applicant’s/employee’s progress.
5. Refusal to submit to a criminal history records review will result in discontinuance of the application process or termination of employment.
6. Individuals who are candidates for employment may be asked to comply with other requests such as the Jessica Lunsford Act or State and Federal requirements and regulations.

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B. Volunteers/Others:

1. A volunteer or other persons affiliated with the College shall be asked to submit to a criminal history records review when there is a statutory requirement or other reasonable concern or circumstances that merit criminal history requests, and in all instances wherein contact with children, the elderly or disabled is required, in compliance with the National Child Protection Act of 1993 (NCPA).
2. The Office of Human Resources Talent Acquisition section will notify the sponsoring administrator of an individual's progress.
3. Refusal to submit to a criminal history records review will result in discontinuance of the volunteer opportunity.
4. Volunteers or other persons affiliated with the College may be asked to comply with other requests such as the Jessica Lunsford Act or State and Federal requirements and regulations.

C. Criminal History Record Results:

1. Upon receipt of criminal history results, the Director of Talent Acquisition, or designee, and the Chief Office of Organizational Culture and Engagement, shall review and evaluate all criminal history records. Results that indicate any criminal history will be reviewed based on its implications for the general safety and security of the college community.
 - a. Each record will be reviewed with the following considerations to determine whether the records are grounds for denying an offer of employment:
 - i. The nature and gravity of the offense;
 - ii. The time period that has elapsed since the conviction;
 - iii. The nature of the job for which the applicant is applying;
 - iv. Reoccurrence and pattern of criminal behavior; and
 - v. Employment history.
2. In such cases that warrant possible adverse action, the individual shall first be provided the opportunity to demonstrate that the criminal history record results are erroneous before a final determination is made.
3. Based on the severity of the information, its relevance to the relationship with the College and the individual's ability to defend the findings, the College may withdraw the offer of employment.
4. The Chief Human Resource Officer (CHRO) may over-ride a recommendation of a hiring administrator if warranted in consultation with the appropriate Vice President.
5. Criminal history record results will be maintained in a file separate from the individual's application or personnel file.



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REFERENCES: F.S. 435.03, 435.06, 943.05, 943.0542, 1001.64, 1001.65, 1012.321, SBE Rule 59A-35.090, Jessica Lunsford Act, National Child Protection Act of 1993(NCPA)

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