

POLICY: 6Hx28:3B-02



Responsible Executive:

Vice President, Organizational
Development and Human Resources

Policy Contacts: Assistant Vice President,
Human Resources

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64,
F.S.; 440.102, F.S.; 775.21, F.S.;
943.0435, F.S.

Effective Date: 12-07-2023

Date of Last Policy Review:
12-07-2023

Pre-Employment Screening and Inprocessing of New Employees

**Policy
Statement:**

- I. It is the policy of Valencia College (the “College”) to perform pre-employment screenings of final job candidates for the particular position for which the finalist is being considered. This policy is to ensure that employment decisions are made in accordance with applicable laws and regulations using pre-employment background screenings to:
 - A. Support a safe environment;
 - B. Support efficient job performance;
 - C. Minimize any potential or actual conflict of interest that may exist for the finalist being considered; and
 - D. Reduce risk for the College community and protect the College’s funds, property, and other relevant assets.

- II. All positions at Valencia College are based in the state of Florida and all employees at the College must establish and maintain legal Florida residency. All out of state

applicants given a conditional offer of employment must be able to relocate and establish Florida residency within thirty (30) days from their start date of employment. An employee who fails to establish and/or maintain legal Florida residency for the duration of their employment with Valencia College may be considered to have effectively resigned and therefore separated from employment.

- III. The College President may adopt and amend procedures for the implementation of this policy, as appropriate.

Policy

History:

Adopted: 8-18-93; Amended and Retitled 6-19-14; Amended 5-23-18; Amended 12-07-23; Formerly 6Hx28:07-37; Formerly 6Hx28:3B-03

Related Policies:

College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct

College Policy 6Hx28: 3B-03 Recruitment, Selection, and Hiring of Employees

College Policy 6Hx28: 3E-08 Disciplinary Action

College Policy 6Hx28: 10-08 Drug-Free Campuses and Workplace

Procedures:

- I. The College maintains a pre-employment screening practice for full-time and part-time positions applicable to job finalists who are current employees seeking other internal job opportunities or external job applicants. Job finalists will be required to consent in writing to such pre-employment screenings as part of the conditional offer of employment and prior to the finalization of the employment decision. The pre-employment screenings may include, but is not limited to: criminal background history, drug screening, credit history, prior employment verification, educational history verification, professional license, or certification (if required); professional and personal references, motor vehicle record/driver license screening and/or identification card screening, as deemed necessary for the position.
- II. Organizational Development and Human Resources (ODHR), in consultation with the hiring department's vice president (or designee), will determine the types of appropriate pre-employment screenings for each job classification prior to posting an open position or making an internal transfer, promotion, new assignment, or reclassification (as applicable).
- III. Finalists: Finalists will be notified which type of pre-employment screenings will be

conducted for the position sought, and that any offer of employment is conditional and subject to completion of the pre-employment screenings with results acceptable to Valencia College, as related to the position in accordance with this policy.

- A. Current Employee Finalist: A current College employee who accepts a new or additional position; or who performs security-sensitive or safety-sensitive duties as a result of the addition of new job responsibilities, may be required to complete additional or updated pre-employment screening(s).
 - B. External Candidate Finalist: Each external job finalist given a conditional offer of employment is required to complete successfully required pre-employment screenings to receive an appointment to the position.
- IV. Finalist Pre-Employment Screening Forms and Relevant Supporting Documentation: External candidate finalists and College employee finalists who are required to complete additional or updated pre-employment screening(s) shall provide requested information, documentation, and complete forms as required by the ODHR office including, but not limited to:
- A. Application for Employment
 - B. W-4 Form
 - C. Florida Public Employees Loyalty Oath
 - D. I-9 form along with required supporting documents
 - E. written verification of previous employment and education
 - F. official transcripts of educational degree(s), as applicable [Note: Finalists who attended an institution of higher education outside of the United States, its territories or commonwealths, must obtain a course by course evaluation of transcripts and verification of degree equivalency by an affiliated member of the National Association of Credential Evaluation Services (www.naces.org) at the finalist's expense. If the finalist is subsequently hired, the employee will be reimbursed for expenses incurred for the degree evaluation.]
- V. Position-Specific Screenings (in accordance with requirements set forth in certain job descriptions):
- A. Credit History Screening: A credit history screening may be conducted for positions in which the job description indicates a high degree of responsibility related to College finance. Such positions include, but are not limited to, management or finance related positions. The screening will consider high debt, consistent delinquencies, and collection accounts with the College evaluating any concerns regarding a finalist's integrity and financial responsibility. Failure of the

finalist to consent to the credit history screening will disqualify the finalist from further consideration.

B. Drug Screening: A drug screening will be conducted for employees who may work in a clinical setting and as set forth in their job description. Once a drug screening is complete and results are available, the College will make a hiring decision based on information gathered. The failure or refusal of the finalist to participate in a required drug screening performed by a qualified laboratory chosen by the College will disqualify the finalist from further consideration. The College may rescind a conditional offer of employment for a finalist based on the results of a drug screening if the finalist:

1. Attempts to provide or provides a substituted specimen or confirmed adulterated specimen (Note: Adulterated specimen is a urine specimen that contains a substance that is either not normally present in human urine or contains a substance that is normally present but is at a concentration inconsistent with human urine); or
2. Tests positive for the presence of an illegal drug by a confirmed test using such scientifically accepted methods of testing procedures as approved by the State of Florida, Agency for Health Care Administration.

In addition, a current employee finalist whose conditional offer of employment is rescinded due to one of the drug screening results listed in this section may also be subject to disciplinary action up to and including dismissal in accordance with College Policies 6Hx28: 10-08 Drug-Free Campuses and Workplace; and 6Hx28: 3E-08 Disciplinary Action.

C. Motor Vehicle Record/Driver License Screening: A motor vehicle history screening will be conducted on those finalists where the job description denotes that a valid driver's license is required. A finalist may not be hired for positions where driving is an essential job function if the finalist does not have a valid driver's license or has a driving record that falls at or below the College's criteria of unacceptable status. Failure of the finalist to consent to the motor vehicle record/driver license screening will disqualify the finalist from further consideration.

VI. Criminal Background Screenings: A criminal background history screening shall be required for only the final candidate for the position sought and not the entire pool of candidates. Failure of the finalist to consent to the criminal background screening will disqualify the finalist from further consideration.

A. Once the criminal background screening is completed, the College will make a hiring decision based upon the information gathered. If negative information is obtained through the criminal background screening process, the College will determine whether the information is job-related and if the decision not to hire is

consistent with business necessity. In making this determination, the College will make an individualized assessment of the finalist's criminal background screening results, the job in question, and consider, among other relevant information:

1. For criminal convictions and pleas, the College shall evaluate:
 - a. the nature and seriousness of the offense(s);
 - b. the amount of time that has passed since the offense(s) and/or completion of sentence;
 - c. the number and type of offenses;
 - d. the accuracy and completeness of the information provided by the finalist during the selection process;
 - e. the nature of the position in question and the relationship of the offense to the responsibilities of the position; and
 - f. whether the hiring, transfer, promotion, new assignment, or reclassification (as applicable) would pose an unacceptable level of risk to the College.
2. For all other negative information, the College shall evaluate:
 - a. the nature and seriousness of the activities or data obtained;
 - b. the amount of time that has passed since the activities or data;
 - c. whether the information is related to the responsibilities of the position, and
 - d. the accuracy and completeness of the information provided by the finalist during the application process.

B. In instances where negative or incomplete information is obtained, the ODHR representative will notify the hiring manager that the results are being reviewed before a hiring determination is made. The ODHR representative and the vice president, ODHR, or designee(s) will assess the potential risks and liabilities related to the job's requirements and determine whether the finalist should be hired. In limited circumstances, the ODHR representative may consult with the hiring manager regarding the results in order to determine whether the finalist should be hired.

1. If adverse action is probable based in whole or in part on the results of a background screening, the finalist will receive a copy of the background

screening report, a Pre-Adverse Action Notice, and a document summarizing their rights under the Fair Credit Reporting Act (FCRA). Finalists will be permitted to provide responsive information regarding their criminal history, including evidence that they did not commit the offense (in the case of a misidentification), evidence of rehabilitation or character, the length of time since the last criminal conviction, and/or other extenuating circumstances. The finalist will be provided five (5) business days to submit this information so as not to halt the recruitment process for the position. Extensions may be provided to the finalist at the sole discretion of the College. (Note: Business day is defined as a day where the College is open for business. It shall exclude Saturdays, Sundays, College holidays, and other official College closures, as applicable.)

2. If adverse action is taken against the finalist in whole or in part based upon the results of a background screening, the finalist will receive an Adverse Action Notice, indicating that no further action will be taken, and the conditional offer of employment will be rescinded. The finalist will also receive a document summarizing their rights under the FCRA.

C. A finalist who fails to provide the necessary information or who provides false, misleading, or deceptive information during the criminal background screening may be disqualified from further consideration for the position sought. In addition, a current employee finalist who is disqualified from further consideration for any of the criminal background screening reasons listed in this section may also be subject to disciplinary action up to and including dismissal from employment in accordance with College Policy 6Hx28: 3E-08 Disciplinary Action.

VII. Pre-Employment Screening Results: After all applicable pre-employment screenings are finalized and if the overall results of the pre-employment screenings indicate the finalist is not qualified or the finalist is unsuitable for the position for which they are being considered, the College may rescind the conditional offer of employment. (Note: A pre-employment screening that does not meet College standards for one position does not prohibit an individual from applying for and being considered for other positions at the College.)

A. A current employee finalist whose conditional offer of employment is rescinded due to false, incomplete, misleading, or deceptive information verbally or on an application, resume, or other written materials during the recruitment process and/or pre-employment screenings, may also subject the employee finalist to disciplinary action up to and including dismissal in accordance with College Policy 6Hx28: 3E-08 Disciplinary Action.

VIII. Registered Sexual Predators and Sexual Offenders

A. Florida law, in section 775.21 (The Florida Sexual Predators Act) states in part,

“[r]epeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes.”

- B. Florida law, in section 943.0435, states in part, “[t]he Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest.”
- C. Florida law requires sexual predators and sexual offenders to notify the state or sheriff, as appropriate, of enrollment, volunteer, employment, or the carrying on of a vocation at an institution of higher education in Florida. Each change in enrollment or employment status must be similarly reported. The state or sheriff must promptly notify each institution of the sexual predator’s or sexual offender’s presence and any change in the sexual predator’s or sexual offender’s enrollment, volunteer, or employment status.
- D. The College has determined that the employment of persons officially designated as Sexual Offenders/Sexual Predators would be disruptive of the orderly process of the College’s programs and/or would interfere with the rights and privileges of the members of the College community. In accordance with 1001.64, F.S. the College may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the College. Accordingly, applicants for employment at the College who are officially designated as Sexual Offenders/Sexual Predators will be excluded from further consideration, and employees who are officially designated as Sexual Offenders/Sexual Predators shall be given the opportunity to resign, or in the alternative, shall be separated from the College in accordance with applicable policies and procedures, including without limitation College Policies 6Hx28: 3F-03 (Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts) and 6Hx28: 3E-08 (Disciplinary Action).

Information regarding sexual predators or offenders attending or employed by an institution of higher learning may be obtained from the local law enforcement agency with jurisdiction for the particular campus or by calling FDLE hotline (1-888-FL-PREDATOR) or (1-888-357-7332), or by visiting the FDLE website at <https://offender.fdle.state.fl.us/offender/sops/offenderSearch.jsf>.

- IX. Pre-employment screening information is used to determine a finalist’s qualifications and suitability for employment and the College will maintain confidentiality of such information as authorized and allowed by applicable laws and regulations. The pre-employment screening information shall not be used to discriminate or retaliate against a

finalist on the basis of a protected category(ies) in accordance with College Policy 2-01 Discrimination, Harassment, and Related Misconduct. Allegations of discrimination and/or retaliation connected to the pre-employment screening process and/or withdrawal of a conditional offer of employment should be reported to the Equal Opportunity Office (equalopportunity@valenciacollege.edu) for further evaluation and action as deemed necessary.

**Procedure
History:**

Adopted: 8-18-93; Amended and Retitled 6-19-14; Amended 7-25-17; Amended 5-23-18; Amended 06-09-21; Amended 12-07-23; Formerly 6Hx28:07-37; Formerly 6Hx28:3B-03

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