

Allegan District Library Criminal Background Check Policy

Purpose

It is the policy of Allegan District Library (ADL) to protect the safety and well-being of all patrons, children, and staff. It is also the policy of the library to protect its integrity and reputation in the community within which it serves. To this end, ADL will comply with all state and federal regulations in conducting background checks on applicants for employment and volunteer work. It is the responsibility of the Library Director to oversee this policy and procedure.

1. Any offers of employment are contingent upon the successful completion of a criminal background check. This will be communicated to the applicant during the hiring process.
 - a. Adult volunteers are subject to the same criminal background check process.
2. Criminal background checks will be conducted in accordance with applicable state and federal laws.
3. The applicant will complete and sign a Criminal Background Screening Consent Form prior to the Library performing such a check. If the applicant refuses, it is considered a withdrawal from the hiring/volunteering process.
4. The Library will request records regarding an applicant's felony convictions, felony arrests, pending felony charges and misdemeanor convictions. The Library will not request records regarding misdemeanor arrests which did not result in a conviction.
5. Once the criminal record is received, the Library Director (or designee) will compare the record provided with the information on the Criminal Background Screening Consent Form and any other information provided by the applicant.
6. Unless otherwise provided by law, a criminal record check will not automatically disqualify an applicant. Rather, it is the policy of the Library to perform an individualized assessment to determine if exclusion from employment is job-related and consistent with business necessity.
7. If the Library reasonably believes the record belongs to the applicant and is accurate, then the Library Director will determine the individual's suitability for the position. Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to the following:
 - a. The nature of the job sought by the individual.
 - b. The nature and gravity of the offense.
 - c. The time that has passed since the offense, conduct or completion of sentence.
 - d. Age of the candidate at the time of the offense.
 - e. Specific circumstances of the offense.
 - f. The number of offenses.
 - g. Whether the applicant has pending charges.
 - h. Any relevant evidence of rehabilitation or lack thereof.

8. If the Library becomes aware of a criminal record which may result in exclusion of the applicant, the applicant will be notified immediately. The Library will provide the individual with a copy of the criminal record, the Criminal Background Check Policy and will be advised of the part(s) of the record that may make the individual unsuitable for the position.
9. The Library will provide the applicant with an opportunity to dispute the accuracy and relevance of the criminal record. Applicants challenging the accuracy of a criminal record shall be provided information for correcting the record (e.g. ICHAT contact information). If the criminal record provided does not exactly match the information provided by the applicant, the Library will make a determination based on a comparison of the criminal record and documents provided by the applicant.
10. The Library will provide the applicant with an opportunity to present additional information to the Library, and to demonstrate why they should not be excluded due to their particular circumstances.
11. After considering the factors identified in numbered paragraph 7 and the information provided by the applicant, the Library will make a decision whether to exclude the applicant based upon the position and business necessity.
12. The Library will notify the applicant of the decision and the basis of the decision in a timely manner.
13. All information gathered during a criminal background check, including information on the Consent Form is strictly confidential and will be protected as such.
14. Evidence of a criminal background check will be placed in a file separate from the employee file. A signed and dated form will be placed in the employee file, as proof that such a check was conducted for each applicant.
15. Individuals conducting the background checks will become familiar with the correct process for conducting such checks; will remain current on state and federal regulations and all other applicable rules.

Review

This policy will be reviewed by the Personnel Committee every four years.