

SECTION: Personnel Policies and Procedures  
SUBJECT: Criminal Background Checks  
SOURCE REFERENCE: Board of Trustees Policies 623.01

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NUMBER: F/1.2.1

## Criminal Background Checks

Pursuant to Alabama Community College System Board of Trustees Policy 623.01: Criminal Background Checks, and applicable Guidelines, Gadsden State Community College requires criminal background checks for all full-time and part-time employees, and volunteers. Any individual selected for employment or volunteer service will be required to submit a full consent in addition to personal identifying information in order to complete a criminal history background check. Any offer of employment or volunteer service will be contingent upon an acceptable background check. The application for employment, and any contract or letter of employment, will contain a notice of contingency.

### DEFINITIONS

For purposes of this policy, the following definitions are utilized:

**Alabama Resident:** person with a current Alabama address and a current/unexpired Alabama issued State ID (such as a driver's license or State of Alabama issued ID Card); or an **Exempted State Resident**.

**Georgia Resident:** a person with a current Georgia address and a current/unexpired Georgia issued State ID (such as a driver's license or State of Georgia issued ID Card).

**Exempted State Resident** – The ACCS Safety and Security Office has the authority to grant certain state residents an exemption from a more detailed fingerprint background check in some cases where the state resident's court information becomes available electronically, and those individuals will be treated as Alabama Residents for purposes of this rule.

**New Hire:** An employee hired in any position with the College on or after July 1, 2024, to include current employees who apply for and are rehired into a different position. Examples of a New Hire include but are not limited to: a new adjunct, an internal candidate who moves to a different position, a new temporary employee, a new part-time employee, a new work-study student employee, a new grant employee, a new employee hired on Salary Schedule H, E, D, C, B, or L, or a new contract employee.

**New Volunteer:** a person the College seeks to allow to volunteer at the College on or after July 1, 2024, regardless of whether the person volunteers at another ACCS institution.

**Previous Hire:** a current employee at the College who has not changed position or separated from the College since being hired in some capacity prior to July 1, 2024.

**Previous Volunteer:** a current volunteer at the College who began volunteering in the same position at the College before July 1, 2024.

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## GENERAL POLICY

Employment and volunteer service is and shall remain contingent upon an acceptable background check as determined by the College President or his designee in accordance with ACCS Policy 623.01.

By or before July 1, 2024, every **New Hire** or **New Volunteer** at the College shall undergo a background check, unless exempted under this policy.

**New Hires** or **New Volunteers** for whom background checks are to be completed will be required to sign an ACCS- provided standard Consent, Release, and/or Authorization Form (hard copy or electronic form in NeoEd).

Further, any **New Hire** or **New Volunteer** *under the age of 18* shall require parental/guardian consent on the Consent, Release, and/or Authorization Form for a background check.

**New Hires** or **New Volunteers**, at the College, who:

- Work/Volunteer in the Law Enforcement or security department, or
- Do not meet the definition of an **Alabama Resident/Georgia Resident/Exempted State Resident**, or
- Have unescorted access to criminal justice records

will be subject to a more detailed fingerprint-based background check prior to employment/ volunteering as determined by the ACCS Safety and Security Office.

Vendors must perform background checks of their employees that have or will have regular contact with students.

## EXEMPTIONS FROM BACKGROUND CHECKS

**Previous Hires** and **Previous Volunteers** (as defined above) are exempted from background checks at the College under this policy, unless the college has reasonable suspicion that an employee or volunteer has been convicted of a felony or a crime involving moral turpitude.

## CONVICTION OF FELONY OR CRIME INVOLVING MORAL TURPITUDE

Employees or Volunteers, whether new or previous, convicted of a felony or crime involving moral turpitude will not be eligible for new or continued employment or volunteering except with the President's approval. Factors to be considered by the President in determining whether the individual is suitable for employment or volunteering include, but are not limited to:

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- a. The proximity or remoteness in time of the conduct,
- b. The risk of harm to persons or property of the institution,
- c. The nature of the crime and likelihood of recurrence,
- d. The nature of the job,
- e. Any extenuating circumstances.

Within five (5) calendar days, any employee or volunteer, whether new or previous, convicted of a felony or a crime involving moral turpitude must report the conviction to the President. An unreported conviction will be subject to disciplinary measures for failure to report, up to and including termination.

### **REASONABLE SUSPICION OF CONVICTION OF FELONY OR CRIME INVOLVING MORAL TURPITUDE**

A background check may be conducted on any person if the institution has reasonable suspicion that an employee or volunteer has been convicted of a felony or any crime involving moral turpitude.

### **ADJUNCTS AND OTHER TEMPORARY EMPLOYEES**

Adjuncts and/or other temporary employees who may not receive consistent or routine pay or who may be on hiatus from campus for months at a time are not required to have background checks every time they return, but they are subject to annual or return background checks as determined by the College.

### **REPORTING PROCESS**

Background findings that may affect the ability to be hired will be discussed by the ACCS Safety and Security Office with the applicant who will have an option to appeal the finding. Once that process is complete, the President of the College will be notified. Once the President decides whether the applicant will be considered for hiring, the College's Human Resources Office will be notified.