

Human Resources**AP 7126 APPLICANT BACKGROUND CHECKS****References:**

Civil Code, Sections 47, 1785.16, 1785.20, and 1786.16 et seq.;
Education Code Sections 67459 and 87604.5;
15 U.S. Code Sections 1681 et seq. (Fair Credit Reporting Act)

Applicants for positions may be subject to background investigations or reference checks.

Applicants for academic, athletic, or administrative positions, including volunteer positions in athletics, who meet the minimum qualifications for the position, shall disclose whether they have been subject to a final administrative decision or final judicial decision, issued within the last seven years from the date of submission of the application, determining that the applicant committed sexual harassment. The District will permit applicants to disclose if they have filed an appeal with the previous employer or, if applicable, with the United States Department of Education. Applicants for such positions shall sign a release authorizing the District to request and receive information from the applicant's previous employers concerning any substantiated allegations of misconduct, in order to permit the District to evaluate the released information with respect to the criteria for a potential job placement. The District shall make a reasonable attempt to obtain this information about a finalist applicant prior to making a final hiring decision.

Where a background investigation is performed by an external, contracted third party, the Vice President of Human Resources or designee shall make a clear and conspicuous disclosure to the applicant on a separate form before the report is procured. The applicant shall be provided an option to receive or not receive the report. If the applicant is not hired, or the District takes other action that adversely affects any applicant based in whole or in part upon the third-party report, the Vice President of Human Resources or designee shall provide oral, written, or electronic notice of:

- the adverse action to the applicant;
- the name, address, and telephone number of the third-party agency that furnished the report;
- the applicant's right to obtain a free copy of the report; and
- the applicant's right to dispute the accuracy or completeness of any of the information in the report.

Office of Primary Responsibility: Vice President, Human Resources

See also AP 7337 titled Fingerprinting

Date Approved: 12/10/08

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