

**SCHOOLCRAFT COLLEGE**  
18600 Haggerty Road, Livonia, Michigan 48152-2696

**POST-EMPLOYMENT CRIMINAL CONVICTION REPORTING**

In its commitment to protecting the safety and welfare of employees, its students, the general public and preserving College property, the College may obtain, at any time, criminal history record information on any current employee and/or require current employees to self-disclose certain criminal convictions to the Human Resources department as further provided within this procedure. The following outlines the minimum procedures to be used by the Human Resources department in determining whether an employee's post-employment criminal conviction will disqualify him or her from continued employment.

**General Provisions**

1. This procedure applies to all employees of the College. This procedure does not apply to Schoolcraft Police Department personnel in obtaining criminal history information for a criminal investigatory purpose under applicable federal or state law or regulations.
2. To ensure compliance with EEOC standards and policy guidance, employees with a criminal conviction will not be automatically disqualified from College employment. The analysis found below shall be used to determine whether an individual's criminal conviction will affect the individual's continued College employment.
3. Criminal conviction records shall not be used to discriminate on the basis of race, color, national origin, religion, sex, disability, age, genetic information or veteran status.

**Post-Employment Criminal Conviction Reporting Requirements**

1. Each College employee's criminal history record information is subject to review at any time as permitted by law. Periodic criminal history information record checks may be conducted at the discretion of the College.
2. Employee Reporting of Arrests, Charges or Convictions
  - a. College employees must report to their supervisor, within forty-eight (48) hours or at the earliest possible opportunity thereafter, any criminal charges or criminal convictions. For this purpose, a "criminal conviction" means all criminal convictions (including operating under the influence and

impaired driving) and pleas that are an acknowledgment of criminal responsibility. Convictions for routine traffic-related offenses (other than operating under the influence or impaired driving) are not required to be reported under this policy unless driving is a required part of the employee's regularly assigned job duties. In these circumstances, the employee must report any traffic-related conviction under the provisions of this policy. Failure to make the report required by this section shall constitute grounds for disciplinary action, up to and including dismissal.

- b. The employee must report the criminal conviction(s) to the College's Human Resources department.
- c. An employee who has been convicted of a reportable crime hereunder may be suspended with pay pending the outcome of an administrative review of the facts surrounding the conviction by the Human Resources department and/or investigation by the appropriate law enforcement agency. The employee shall cooperate fully during the review process.
- d. Human Resources will conduct the analysis outlined in Section 3 of this policy and will determine the appropriate disciplinary action in such cases, including dismissal, depending on the facts and circumstances surrounding the conviction.

### **Analysis of Criminal History Record Information and Subsequent Action**

In situations where a conviction is disclosed by an employee or otherwise becomes known by the College, the following analysis shall be conducted to determine whether the employee remains eligible for continued employment or whether to discipline or dismiss the employee.

#### **1. Conviction Records**

If the College proposes to discipline or dismiss an employee based on criminal conviction information, it must justify the action as job-related and consistent with business necessity. In making its decision, the College will consider the following factors:

- a. The nature and gravity of the offense(s);
  - b. The time that has passed since the initiation of the charge(s), the conviction and/or completion of the sentence;
  - c. The nature of the job held; and
  - d. The legitimate interest of protecting the safety and welfare of employees, students and the general public or preserving College property.
2. A conviction constitutes reliable evidence that the person engaged in the activity alleged since convictions require proof beyond a reasonable doubt

and/or a plea of guilty or no contest to the charges. Therefore, when considering a person's conviction records, the College need not evaluate whether the employee actually engaged in the misconduct.

3. If, after considering all the circumstances and the factors listed under Conviction Records, the College reasonably concludes the employee's criminal conviction evidences that he or she is unsuitable for continued employment, the College will dismiss the employee. The College may also administer disciplinary action short of dismissal as appropriate under the circumstances. In accordance with Policy 4210, the authority to dismiss an employee rests with the President or designee.

### **Appeals**

Employees can appeal action taken under this procedure by following the applicable provisions of their bargaining agreement or Board procedure.