

MCAD Fair Assessment and Background Check Policy

Offers of employment made by the Minneapolis College of Art and Design, depending on the role, may be made contingent upon clear results of a thorough background check. In addition, some positions may need recurring background checks depending on the nature of the role.

These checks are done to protect our students, staff, and faculty and the campus community as a whole, as well as to remain in compliance as an institution of higher education, and as an employer, with any applicable federal, state, and local laws. The objective of this policy is to clearly indicate when, why, and by whom background checks will be performed and for what employment types, as well as the procedures used to perform these checks.

MCAD conducts these checks under the guidelines of Fair Assessment responsibilities under all applicable federal, state, and local fair hiring laws. MCAD has established this policy and procedures in alignment with the 2012 guidance from the [Equal Employment Opportunity Commission \(EEOC\)](#), under title VII of the Civil Rights Act of 1964, which advises employers to consider the specifics of each candidate who may be denied employment based on a background check.

MCAD will not conduct any checks that may be in violation of applicable federal, state, and local fair hiring laws or [MCAD's Equal Employment Opportunity policy](#). MCAD will not conduct any checks prior to an offer of employment being made, and when a background check is required for a position, the offer will be made contingent on satisfactory results of that background check.

Background checks may include:

- **Criminal History:** includes review of criminal convictions and probation. The following reports will be considered as they relate to the position:
 - **County Criminal Search (Last 7 Years)**
 - **National Criminal Search**
 - **Sex Offender Search**
 - **Global Watchlist Search**
- **Social Security Verification:** validates the applicant's Social Security number, date of birth and former addresses.
- **Education and/or Employment Verification:** Confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received, as well as claimed work history.
- **Kari Koskinen Check:** Minnesota Statutes Section 299C.67 to 299C.71 require that background checks be run on prospective building managers (which can include anyone with access to resident apartments.). If the manager has been convicted of a serious crime (murder, rape, stalking, etc.) the owner of the property may not hire the manager or must discharge the manager if the manager has already been hired. The law was named after Kari Koskinen, a woman murdered by her building manager who had a previous criminal record that was not disclosed.
- **Motor Vehicle Records:** Provides a report on an individual's driving history in the state requested, as well as proof the applicant has a valid driver's license. This search will be run when driving is an essential requirement of the position.
- **Credit History:** confirms candidate's credit history. This search will be run for positions that involve management of MCAD funds and/or handling of cash or credit cards.

Positions

Described below are the positions that require a background check, the conditions of those checks (such as for rehires), as well as the type of check performed. If any employee who would otherwise require a background check is rehired by MCAD with more than a three year period since their last day of previous employment with MCAD, a rehire background check will be conducted.

New Hires: Offer contingent upon

- Full Time Faculty
- Full Time Staff
- Part Time Staff
- Adjunct Faculty
- Continuing Education Instructors
- Teaching Assistants
- Graduate Assistantships
- Figure Models
- Casual Labor
- All other unless explicitly stated as excluded below

Motor Vehicle Record (MVR)

- Public Safety (at hire)
- Other employees (upon completion of [MCAD Vehicle Use Authorization Request](#))

Kari Koskinen

- Student Housing (all)
- Public Safety Officers (all)
Resident Assistants (non-employees)
- Facilities/Maintenance Staff & Students
- Custodial Staff (both full time and casual). Student work studies as needed based on work assignment.
- Other Staff (as needed if accessing resident apartments)

Credit Check

- Business Office positions
- Payroll positions

Described below are the positions that do not require a background check (other than MVR as described above):

- Rehires if rehired less than three years since the last day of prior employment at MCAD .
- Work Study (MCAD and/or Federal Work Study - Summer Teaching Assistants excluded)

Procedure

Background checks will be conducted by the MCAD Office of Human Resources on final candidates and on all employees who are promoted, as deemed necessary based on the position. Some checks, such as MVRs and checks for Continuing Education may be launched by other approved staff, but results are viewable only to Office of Human Resources staff.

Human Resources will order the background check upon receipt of the signed offer letter and release form. The background check will be run via a third party background check provider (currently [Checkr](#)). A designated HR representative will review all results. If a Kari Koskinen check is needed for the role, this check will be conducted per the guidelines and processes set forth by the [Minnesota Bureau of Criminal Apprehension \(BCA\)](#).

Should the results of any check come back with findings to consider, the HR representative will notify the AVP of Human Resources who will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired, escalating to the Chief Financial Officer if needed. If the determination is made that the candidate can not be hired due to the results of the check, the AVP of HR will advise the HR representative to begin the Adverse Action process:

- **Requesting Candidate Story:** Candidates with records will be provided the opportunity to share additional context about themselves and their background checks directly through the third party background check provider. The ability to collect relevant supplementary information from candidates is a required step in the adverse action process in many jurisdictions (such as Ban the Box and fair chance regulations).
- **Pre-Adverse Action Notice:** Depending on the adjudication after reviewing the Candidate Story, this step informs the candidate that you are considering not moving forward with the employment process based on information in the background report.
- **Waiting Period:** The Fair Credit Reporting Act (FCRA) requires a reasonable amount of time (usually 7 calendar days, but some jurisdictions require more) before taking final action, so the candidate has an opportunity to dispute any incorrect or outdated information in the report.
- **Adverse Action Notice:** Once the waiting period has passed – including time required for the resolution of any dispute – provide a final notice of the hiring decision if you have decided not to move forward with the candidate based on the results.

Background check information will be stored separately from employees' main digital personnel file for a minimum of five years.

Precautions

Background checks, formal or informal (such as searching the internet for information about a candidate unrelated to the job itself), should not be conducted on current employees and/or prospective employees. Only formal background checks through MCAD's background check provider may be used, after an offer of employment has been made, and only by a designated and authorized staff member. If an employee has concerns about an MCAD employee's possible criminal background, they should report these concerns to their immediate supervisor and/or to the Office of Human Resources.

Violations of this policy may result in discipline up to and including termination.

MCAD reserves the right to modify this policy at any time with or without notice.