



AP 7126 BACKGROUND CHECKS

References:

- Civil Code Sections 47, 1785.16, 1785.20, and 1786.16 et seq.;
- 15 U.S. Code Sections 1681 et seq. (Fair Credit Reporting Act)
- Fair Employment and Housing Act Government Code 12952
- Fair Chance Act Assembly Bill No. 1008

The District will only hire United States citizens or people legally authorized to be employed in the United States.

In addition to standard reference checks, background checks may be conducted as a requirement for final candidates for certain positions. A background check may compile criminal records, commercial records, and financial records of an individual.

To further the goals of equity and diversity, SBCC actively supports the principles of the California Fair Chance Act and incorporates the suggested guidance into the decision making process when considering an applicant's criminal history for employment with the District.

The electronic fingerprints shall be forwarded to the Department of Justice or any other required government agency to ascertain if the employee has any record of previous convictions. The Department of Justice, or other reporting agency, will forward its findings to the Office of Human Resources. The District will contract with the Department of Justice to receive subsequent conviction reports. The Office of Human Resources will evaluate all such reports and where a conviction is indicated, determine if the offense for which the employee was convicted is cause to disqualify the employee from employment, or continued employment.

Where a background check is performed by a third party, the Chief Human Resources Officer shall make a clear and conspicuous disclosure to the final applicant(s) on a separate form before the report is procured. The final applicant(s) shall be provided an option to receive or not receive the report. If the final applicant(s) is not selected for the position, or the District takes other action that adversely affects any final applicant(s) based in whole or in part upon the third-party report, the Chief Human Resources Officer shall provide oral, written, or electronic notice of:

- the adverse action to the final applicant(s);



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

Review of Criminal Records

Prospective employees are required to complete a conviction self-disclosure form, which is reviewed by a Human Resources representative and the Director of Human Resources.

All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action up to and including dismissal.

The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the Human Resources Department shall recommend to the Superintendent/President whether or not the person should be employed or retained in employment pursuant to AP 7127 Restrictions Governing the Employment of Applicants with Criminal Records.

If the record discloses no information beyond that supplied by the person on their application form and they were accepted for appointment, they shall be considered employable.

See also BP 7126 Background Checks, AP 7127 Restrictions Governing the Employment of Applicants with Criminal Records, and AP 7337 Fingerprinting.

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