

ADMINISTRATIVE DIVISION HR Division of Human Resources		POLICY NUMBER HR 1.90
POLICY TITLE Background Screenings and Professional References		
SCOPE OF POLICY USC System	DATE OF REVISION September 20, 2019	
RESPONSIBLE OFFICER Vice President for Human Resources	ADMINISTRATIVE OFFICE Division of Human Resources	

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Purpose

This policy sets forth guidelines for background screenings for potential faculty, staff, affiliates, volunteers, and student employees, as well as current employees who move to other positions. This policy supports the university's efforts to minimize institutional risk; provide a safe and secure environment for its students, faculty, staff, volunteers, visitors and other constituent; and to protect its funds and property.

Definitions

Criminal conviction check consists of obtaining information regarding the applicant's criminal record in the jurisdiction where the applicant currently resides or works or in any jurisdiction where the applicant previously resided or worked. The timeframe of this check will list the criminal history for the preceding 10 years.

Credit history check is checking the credit history of the selected applicant as described in the Fair Credit Reporting Act. (Federal laws prohibit discrimination against an applicant as a result of bankruptcy).

Education verification is ensuring that the selected applicant possesses the required education credentials beyond high school listed on the application, resume/cv or cover letter. Verification of education credentials is a necessity to ensure applicants meet the training, education and experience required for the position.

Employment verification is ensuring that the selected applicant actually worked in the positions listed on the application, resume/cv, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought. The university will verify at least the three (3) most recent relevant employment entries during a period of seven (7) years immediately preceding employment with the University of South Carolina. This verification includes dates of employment, positions held and reasons for leaving each position.

Professional License/Certification verification is ensuring that the selected applicant possesses all the professional licenses/certificates listed on the application, resume/cv or cover letter or otherwise cited by the candidate that qualify the individual for the position sought and verification of any license/certificate required for the position, including verification of the disposition of such licenses/certificates.

Sex and violent offender registry check is obtaining information regarding the applicant's record for convictions of certain sex and violent crimes in every jurisdiction where the applicant currently resides or works or has resided or worked.

Social Security verification check is verifying that the social security number is a validly issued number with the year and state issued and identifies names (aliases) and addresses that are historically associated with a given social security number.

Driver's License check is validation of driver's license and name verification.

7 Year Residential History is obtaining the 7-year address history of the applicant.

Driver's Record check includes current status, history of violations, class, and expiration date. The primary purpose of this check is to examine the driving record when driving is a job requirement. This check is performed through the state of license issuance and usually has three to five years of history depending on the state.

Key Leadership, Finance, and Access Positions are positions whose responsibilities include one or more of the following:

1. Master key access to all, or the majority of, offices/facilities within buildings (including residences, dormitories, or other on-site or off site facilities);
2. Direct access to or responsibility for cash, cash equivalents, checks, credit card account information, or university property disbursements or receipts;
3. Extensive authority for committing the financial resources of the university;
4. Officers of the university which include the president, all vice presidents, the chief financial officer, the General Counsel, the secretary to the Board of Trustees, and the university treasurer;
5. Senior administrative personnel which include chancellors, vice chancellors, vice provosts, associate vice-presidents, deans of colleges, campus dean, directors of

athletics, athletic coaches, the director of Internal Audit, the NCAA Compliance Coordinator, the executive assistant to the president for Equal Opportunity Programs, and administrators on the four year and regional campuses reporting directly to the chancellor or campus dean;

6. Anyone who works with minors.

Minor is anyone under the age of 18 years, who is not enrolled or accepted for enrollment at the university.

Professional Reference Check is information obtained from a current or former employer, preferably the immediate supervisor about a candidate's job knowledge, work ethic, integrity, ability to work with others, quality and quantity of work, and other factors relevant to specific jobs.

POLICY STATEMENT

- A. The university is committed to hiring qualified employees and strives to provide a safe and secure work environment for our faculty, staff, affiliates, volunteers, students, and visitors.
- B. The university will conduct appropriate background screenings which may include professional references, criminal history, credit history, credentials verification, employment verification, educational verification, license/certificate verification, social security number verification, driver's record check, and sex and violent offender registry checks on faculty, classified staff, unclassified personnel, and external dual employees, including full time, part-time, and temporary employees who are being considered for employment with the university or who are currently employed. The university will also conduct appropriate background checks on certain student workers (graduate and undergraduate) based on specific job responsibilities.
- C. Background checks will be used to evaluate eligibility to be engaged in a work capacity by the university and will not be used to discriminate on the basis of race, sex, age, color, religion, national origin, disability, genetics, gender, sexual orientation or protected veteran status.
- D. University departments will treat background check information as confidential personnel information. All university personnel having knowledge of any of the content therein will maintain it as confidential. Public disclosure of background check information is governed by the South Carolina Freedom of Information Act.

Procedures

- A. Individuals Covered by the Policy
 1. New Hires-Paid Positions

- a. This policy applies to all new hires for a position to include FTE positions for faculty and staff positions, temporary, research grant, and time-limited positions. (For student employees see section A.1.c.)
- b. For the Division of Law Enforcement and Safety, background checks for law enforcement sworn officers and other law enforcement employees will be conducted by law enforcement professionals in accordance with standard operating procedures in the division. These positions may require more extensive background checks than those identified in this policy to include psychological, personality profile and the possibility of other related examinations. Campus Public Safety Offices coordinate the background checks of their sworn officers through the Division of Law Enforcement and Safety.
- c. Student Employee background checks will be completed on student applicants whose position responsibilities include handling money, working with minors, and those involved with direct patient care, or key access.
- d. External dual employees who have contact with minors will be required to have a full background check; all other external dual employees will be required to complete a limited statewide SLED criminal background check.

2. Re-Hire Paid Positions

- a. Any rehires in FTE, temporary, research grant or time-limited positions who take a break greater than 12 months will be subject to the full background check.
- b. External dual rehires with a break in service greater than 12 months who have contact with minors will be subject to the full background check; all other external dual employees with a break in service greater than 12 months will be subject to a limited statewide SLED criminal background check.

3. Current Employees

The university reserves the right to conduct relevant background checks when it has reasonable grounds to do so, e.g. no prior check was performed, a workplace incident has occurred, upon self-disclosure of a criminal activity, update of information due to designation as a key financial or access position, or upon change of assignment.

4. Individuals Not Paid by USC

In addition to the employees listed above, standard or optional background checks must be conducted on certain other individuals as follows, consistent with Section C.2., below.

- a. Individuals Employed by Contractors or Other Entities: Contractors (i.e. Trojan Labor, Aramark, Barnes & Noble, etc.) will be required to verify that applicable background checks have been conducted on all of their employees working on a USC campus or property. The Purchasing Department will ensure all contracts involving employees being hired by the contractor to work at USC have a clause requiring the

vendor conduct background screenings comparable to the university. The department hiring the contractor will be responsible for verifying the contractor is conducting the background check for workers assigned to the university. USC reserves the right to conduct its own background checks on these employees independent of the contractor.

- b. Individuals Employed by Temporary Employment Services: Temporary employment services will be required to document that applicable background checks have been conducted on all of their employees. The department utilizing the temporary employment agency will verify the temporary employment agency is conducting comparable the background check for workers assigned to the university. The department will be responsible for obtaining this verification from the temporary agency and keeping it in the hiring department, subject to review/audit by the Division of Human Resources. USC reserves the right to conduct its own background checks on these employees independent of the temporary service.
- c. Special Event Contractors: Departments who hire special events vendors such as Athletics and Colonial Life Arena will ensure a clause is in the contract that requires the vendor to conduct criminal background checks on employees who are not otherwise screened by USC PD.
- d. Affiliates or Volunteers: Departments utilizing affiliates or volunteers who have contact with employees or students in a non-public setting and/or enter non-public areas of university facilities unsupervised will be required to obtain background checks. The Division of Human Resources will work with these departments as requested to help them obtain applicable background checks. Written verification of a comparable or more extensive background check from the affiliate or volunteer employees' primary employer may be substituted for the background check performed by USC upon approval by the Division of Human Resources.

B. Exclusions

- 1. Members of University Board of Trustees and other advisory boards are exempt from this policy.
- 2. Departments utilizing non-paid volunteers who have limited contact with faculty, staff, or students for special or sporadic events may not require a background check in order to perform their work. Examples of these volunteers include speakers, performers, and artists participating in a special or sporadic event. Departments should discuss these type of employees with the Background Screening Office to ensure the circumstances of the employment allow the exception.
- 3. Positions with limited duration and contact with faculty, staff, and students with approval of the Division of Human Resources may be exempt.

C. Background and Employment Verification Checks

Background and employment verification checks include inquiries into the background of the

applicant or current employee (paid or unpaid) and may include any or all of the following based on position type authority and responsibility assigned to the position.

1. Standard Background Check-conducted for all individuals covered by this policy:
 - a. Criminal Conviction Check - County, State and Federal
 - b. Sex and Violent Offender Registry Check
 - c. Social Security Verification Check
 - d. Professional Reference Check (to be completed by department - See Section D.)
 - e. Employment Verification
2. Add-on Background Services- usually for Key Leadership, Finance, and Access Positions, or positions which require a professional license/certification or positions that require an associate's degree or above.
 - a. Professional License/Certification Verification
 - b. Credit History Check
 - c. Driving Record Check: required if driving is an essential job requirement
 - d. Education Verification
3. All background checks will be conducted in accordance with the Fair Credit Reporting Act.
4. Any employee, who has unsupervised access to minors, will require a background check every three years. The responsibility to request the appropriate background recheck resides with the department.
5. Any employee who handles money, or who has master key access may require the appropriate background recheck every three years. The responsibility to request the appropriate background recheck resides with the department.
6. Background checks will be initiated after approval to extend an offer. The conditional offer of employment will be made contingent upon receipt of a satisfactory background check. Unless there are extenuating circumstances, an employee should not begin work prior to the completion of these background checks.
7. The cost of background checks will be paid by the USC Division of Human Resources, with reimbursement to Human Resources by the hiring department.
8. Information obtained on successful applicants will be maintained by the USC Division of Human Resources as part of the official personnel file.

D. Professional Reference Checks

1. A professional reference check is conducted to obtain information from a current or former employer, preferably the immediate supervisor about a candidate's job knowledge, work ethic, integrity, ability to work with others, quality and quantity of work, and other factors relevant to specific jobs.
2. Hiring officials are required to conduct a professional reference check for the applicant they wish to employ prior to making an offer of employment. If an applicant asks that their current employer not be contacted during the selection process, a conditional offer of employment may be made pending receipt of a reference from the current employer. However, if the hiring official determines that information from the current employer is not critical to a sound hiring decision, this requirement may be waived.
3. For faculty positions, the department chair or the chair's designee conducts a professional reference check prior to making an offer of employment. For staff positions relevant internships and self-employment within 7 years should be verified through the reference check process if these experiences assisted in the candidate's qualification.
4. For staff positions, the submitted application for employment authorizes the hiring department to conduct a routine inquiry or investigation, grants the university permission to access records it deems necessary, and releases all parties from liability.
5. In conducting employment reference checks, hiring officials may ask only those questions that are related to an applicant's ability to perform the responsibilities of the position. Questions about an individual's race, sex, color, religion, national origin, genetics, sexual orientation, disability, or any other matter not directly related to the position are prohibited.
6. At the time hiring documents are submitted, the hiring official must certify on the Attestation form that a professional reference check has been conducted for the individual being hired and that the result of the professional reference check was satisfactory. The Attestation form will be uploaded by the department to the Applicant Tracking System.
7. Hiring officials may consult the USC Human Resources website for information concerning conducting professional reference checks for staff employees and may use the [Telephone Reference check form](#).
8. Hiring departments are responsible for maintaining records of professional reference checks in a secure manner, along with other records of the hiring process for a minimum of three years after the date the position is filled. This information may be maintained centrally when required by the college/school/department/campus human resources officer.
9. The Division of Human Resources will ensure the departments indicate

professional references were completed.

10. Hiring officials must maintain confidentiality of employment reference information.

E. Applicant Consent

1. The employment application authorizes the routine inquiry into an applicant's employment history. Once the professional references are obtained, and a department reaches the final selection stage in the hiring process, the background screening process can be initiated within the Applicant Tracking System. When initiated outside of the applicant tracking system, the HR representative for that college/division will also complete the [Department Request for Background Check](#) form and forward all forms to the Human Resources Employment Office.
2. It is expected that the investigation of an applicant's criminal conviction background may take a minimum of 14 days to complete depending on the state and/or the number of states to be checked for the applicant.

F. Hiring Department Responsibilities

Hiring departments/campuses will ensure that all applicable checks are conducted on candidates. The department/campus is required to verify that the Division of Human Resources has completed the requested screening as part of the overall background check. In addition, the department/campus must ensure individuals not paid by USC obtain a comparable background check through the contractor/agency or USC HR if needed. (See Section B.4.). If a position requires a current driver's license or CDL license as a condition of employment, the department must ensure that the applicant/position holder has a valid, appropriate license. The department must also provide the applicant/position holder's 10 year certified driving record for review to Vehicle Management.

G. Human Resources Responsibilities

The Division of Human Resources will coordinate the applicable background checks with the outside vendor and will inform the hiring department/campus of findings once approved to make an offer. The Division of Human Resources in conjunction with the hiring department/campus will determine if an offer will be made based on the findings of the appropriate checks. In cases where the hiring department/campus does not reach consensus with Human Resources, Human Resources will contact the Office of General Counsel for advice, with Human Resources making the final decision. The Division of Human Resources will monitor the new hire process to ensure background screenings are completed for all new hires. Human Resources will also work with departments utilizing temporary service workers, volunteers/affiliates and contractors to ensure that applicable checks have been conducted and records are appropriately maintained.

H. Evaluation of Results

1. The following are among the factors that Human Resources will consider when

evaluating the results of the applicable checks:

- a. Nature, gravity and number of the offenses or conduct
 - b. The facts and circumstances surrounding the offense or conduct
 - c. Age at the time of conviction or release from prison
 - d. The length and consistency of employment history before and after the offense
 - e. Rehabilitation efforts (e.g. education/training)
 - f. The nature of the job sought and relevancy of the offense to the position
 - g. The nature and extent of credit history problems
 - h. The nature and extent of employment history issues
 - i. Professional license/certificate verification and consideration of issues and disputes
 - j. Education validation
2. A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with the university provided such conviction is divulged as required in the application process.

I. Consequences of Falsification

1. When falsified criminal conviction histories, employment histories, educational credentials or licenses/certificates to include omissions of criminal history are discovered prior to employment or transfer, a job applicant may be disqualified from further consideration. If the applicant receives a contingency offer and was permitted to begin work, an individual assessment will be conducted by the Division of Human Resources in consultation with the hiring unit for resolution which may include termination for falsification of the employment application.
2. For current employees, confirmed falsification of criminal history, required educational credentials or professional licenses/certificates may result in disciplinary action consistent with the university policy HR 1.39 Disciplinary Action and Termination for Cause.

J. Applicant Rights

1. Before an adverse action is taken based upon background check information obtained from the university's vendor, the Background Screening Office of the Division of Human Resources or the outside vendor will send the applicant a pre- adverse action notice that includes a copy of the outside vendor's report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." An applicant will be provided an opportunity to inform Human Resources of additional information that the applicant believes should be

considered or clarified regarding the outside vendor’s report.

2. If the university takes adverse action based upon information in the outside vendor’s report, the Background Screening Office of the Division of Human Resources will send the applicant an adverse action notice containing information required by the Fair Credit Reporting Act.
3. If the applicant disputes the results of the public record information, the applicant is directly responsible for contacting the reporting authorities for the correction of any erroneous records.

K. Drug Testing

For positions which require drug and alcohol testing of the final applicant prior to employment, university policy HR 1.95 Drug and Alcohol Testing, will apply.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

- [HR 1.39 Disciplinary Action and Termination for Cause](#)
- [HR 1.78 Dual Employment](#)
- [HR 1.95 Drug and Alcohol Testing](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
February 15 1995	New Policy
August 10, 2010	Updates disclaimer language and titles of USC officers to reflect new organizational changes.
July 19, 2011	Updated University officers and the location to which the background check authorization from must be sent.
October 22, 2013	Required background check on all new employees, affiliates, individuals employed by contractors and temporary agencies. Required limited background check on current positions who change positions. Provided notification process to candidates consistent with the Fair Credit Reporting Act. Provided information on how results of background check will be evaluated. Added section on definitions.
January 26, 2017	Clarifies need for a background check for employees employed in a dual employment role at the university Eliminates employment verification for selected non-academic temporary employees. Adds the reference to the new disclosure form. Updated the consequences for falsification of the employment application. Clarifies individuals not paid by USC are required to have comparable background checks

May 7, 2018	Added a purpose statement. Clarifies language in the Employment Reference Checks section only mean reference checks. Shortens time period for criminal background check to most recent 10 years. Changes language to reflect the new initiation of check from applicant tracking system. Addresses external dual employees coming from another state agency.
September 20, 2019	Modified procedures for current employee checks. Modified procedures for background screenings for external dual employees.