

NUMBER: HR 1.90
SECTION: Human Resources

SUBJECT: Job Reference and Background Checks
DATE: February 15, 2006 (Revised)

POLICY FOR: All Campuses
PROCEDURE FOR: All Campuses

AUTHORIZED BY: Jane Jameson
ISSUED BY: Division of Human Resources

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE FACULTY, STAFF, OR ADMINISTRATIVE EMPLOYEE AND THE UNIVERSITY OF SOUTH CAROLINA. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY OF SOUTH CAROLINA RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

- I. Policy
Job reference and/or background checks will be conducted for finalists for faculty, staff, and administrative positions at the University of South Carolina.
 - A. Job Reference Checks
 1. A job reference check is conducted to obtain information from a current or former employer about a candidate's job knowledge, work habits (attendance, dependability/reliability), 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 job reference check for the candidate they wish to employ prior to making an offer of employment. If a candidate 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.

3. For faculty positions, the department chair or the chair's designee conducts a job reference check prior to making an offer of employment.
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 those records it deems necessary, and releases all parties from liability.
5. Finalists for faculty and administrative positions will be required to sign an acknowledgment and authorization for a background check or credit check as described in Section I. D. 1. of this policy.
6. In conducting job reference checks, hiring officials may ask only those questions that are related to a candidate's ability to perform the responsibilities of the position. Questions about an individual's race, sex, color, religion, national origin, sexual orientation, disability, or any other matter not directly related to the position are prohibited.
7. At the time hiring documents are submitted, the hiring official must certify that a job reference check has been conducted for the individual being hired and that the result of the reference check was satisfactory. Hiring officials may consult the USC Human Resources web-site for information concerning conducting job reference checks for staff employees (hr.sc.edu/employ/reference.html), and may use the Telephone Reference check (hr.sc.edu/forms/interview.pdf).
8. Hiring departments are responsible for maintaining records of job reference checks in a secure manner, and for retaining reference check information along with other records of the hiring process for a minimum of three years after the date the position is filled.
9. Under the South Carolina Freedom of Information Act, information collected about finalists for positions, including reference and background check information, is considered public information and may be subject to disclosure.

B. Driver's License Verification and Driving Record Check

1. Faculty, staff, and administrators whose position requires them to operate a University vehicle must obtain a driver's license verification and driving record from the South Carolina Department of Motor Vehicles and submit it to the USC Office of Vehicle Management with a completed Driving Record Cover Form (TS-100) before they will be authorized to operate a University vehicle. The information will remain on file for permanent employees who have a South Carolina driver's license. Approval to operate a University vehicle must be obtained annually for temporary employees. (See Law Enforcement and Safety Policy LESA 4.00.)
2. Faculty, staff, or administrators who have an out-of-state license must acquire a valid South Carolina driver's license or submit to the USC Office of Vehicle Management an original driver's license verification and driving record from the state issuing the license. If the out-of-state license is maintained, approval to operate a University vehicle must be sought annually.

C. Background Checks and Credit Reports

The USC Division of Human Resources, or a third party provider, will conduct background checks for finalists for the categories of positions described below.

1. Officers of the University, Senior Administrative Personnel, and Staff Handling University Funds
 - a. The background and credit checks for this category of employee include:
 - i. social security number verification and fraud detection
 - ii. criminal conviction record – county, state, and federal
 - iii. verification of prior employment
 - iv. verification of education and other credentials including professional license verification
 - v. driver's license verification and driving record check
 - vi. credit check
 - b. Officers of the University include the President, Executive Vice President for Academic Affairs and

Provost, Vice President and Chief Financial Officer, Vice President for Human Resources, Vice President for Information Technology and Chief Information Officer, Vice President for Research & Health Sciences, Vice President for Student Affairs, Vice President for University Advancement, General Counsel, and Secretary of the Board of Trustees, University Secretary and Treasurer.

- c. Senior administrative personnel include chancellors, vice chancellors, vice provosts, campus deans, academic deans, directors of athletics, 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.
- d. Staff whose responsibilities include the routine handling of University funds will undergo the background and credit checks described above.
- e. The University reserves the right to perform background checks or credit checks on finalists for other positions or in individual circumstances whenever it is deemed appropriate to protect the interests of the University.

2. Other Administrative and Staff Personnel

- a. The background check for this category of employee includes:
 - i. social security number verification and fraud detection
 - ii. criminal conviction record – county, state, and federal
 - iii. verification of prior employment
 - iv. verification of education and other credentials including professional license verification
 - v. driver's license verification and driving record check
- b. Other administrative and staff personnel include academic and administrative department chairs, institute and center directors, and other positions on

each campus or major division of the University as specified in writing by the chancellor, dean, or division vice president.

3. Faculty

- a. The background check for this category of employee includes:
 - i. social security number verification and fraud detection
 - ii. criminal conviction record – county, state, and federal
 - iii. driver's license verification and driving record check
- b. In a separate process, candidates for faculty positions provide certified copies of their transcripts verifying receipt of their terminal degree in compliance with requirements of the Southern Association of Colleges and Schools.

4. Criminal Background Checks – South Carolina Law Enforcement Division

- a. The USC Division of Human Resources conducts in-state criminal background checks through the South Carolina Law Enforcement Division (SLED) for positions in Student Affairs, Housing, and Facility Services that have access to master keys or after hours access to University property.
- b. Criminal background checks are also conducted through SLED for employees who work with children under the age of 18.

D. General Provisions

- 1. All background checks and credit reports will be conducted in accordance with the Fair Credit Reporting Act. Finalists for positions requiring a background check or credit report will be required to sign an acknowledgment and authorization to have the check or report conducted.
- 2. The background check and credit report, where applicable, should be completed prior to an offer of employment;

however, a conditional offer may be made contingent upon receipt of a satisfactory background check and credit report.

3. If a problem is detected in the background check or credit report, the determination of fitness for employment will be made by the hiring official and the hiring official's supervisor in consultation with a representative from the Division of Human Resources and from the Office of the General Counsel. Factors to be considered include but are not limited to the relevance of the problem to the position sought, the time that has elapsed since the problem occurred, and evidence of rehabilitation.
4. For purposes of this policy, evidence of a criminal record includes any conviction or plea of guilty, any plea of no contest, the suspended imposition of any sentence, any suspended executive of a sentence, any period of probation or parole, or any other action (other than an arrest record) involving a finding that an individual committed or attempted to commit a crime.
5. If a finalist did not disclose a criminal record, or finding or judgment on the application or during the search process, and the candidate is later found to have such a record, finding, or judgment, an offer of employment may be rescinded or employment terminated.
6. The cost of the background check and credit report will be paid by the USC Division of Human Resources, with reimbursement to Human Resources by the hiring department.
7. Background check and credit report information will be maintained in a secure file in the USC Division of Human Resources. Information on candidates who are not hired will be destroyed after three years unless the information is part of an on-going dispute or investigation. Information obtained on successful candidates will be maintained by the USC Division of Human Resources as part of the official personnel file.

II. Procedures

A. Job Reference Checks

1. The hiring official is required to conduct one or more job reference checks for the candidate they wish to employ prior to making an offer of employment. Job reference checks should normally be conducted with employers from the previous seven to ten year period.
2. The hiring official must certify on the hiring document (PBP-1) that one or more job reference checks were conducted for the candidate being hired and that the results were satisfactory.
3. Hiring departments are responsible for maintaining records of job reference checks in a secure manner for a minimum of three years after the date the position was filled. Under the South Carolina Freedom of Information Act, information collected about finalists for positions, including reference and background check information, is considered public information and may be subject to disclosure.

B. Driver's License Verification and Driving Record Check

1. Faculty, staff, or administrators required to operate a University vehicle must obtain a driver's license verification and driving records from the South Carolina Department of Motor Vehicles.
2. Driver's license verification and driving record must be submitted to the USC Office of Vehicle Management with a completed Driving Record Cover Form (TS-100) before they will be authorized to operate a University vehicle. The Driving Record Cover Form (TS-100) is available on the Vehicle Management website at <http://www.sc.edu/vmps/ts100.pdf>.

C. Background Checks and Credit Reports

1. The hiring official asks the candidate to complete and sign an acknowledgment and authorization for the background check and credit report, where applicable. The different versions of acknowledgment and authorization forms are found online at <http://hr.sc.edu/forms.html>. The acknowledgment and authorization is sent by the candidate

through the secure fax line to the Vice President for Human Resources. The hiring department also must send a copy of the candidate's vitae or resume to the Vice President's Office.

2. The USC Division of Human Resources or a third party provider will conduct the background check or credit report.
3. For background checks conducted through SLED, the department must complete the Authorization for Criminal Background Check form located at <http://hr.sc.edu/forms/crimbkgrnd.pdf>. The form is sent through the secure fax line to the Vice President for Human Resources.
4. The cost of the background check or credit report will be paid by the USC Division of Human Resources, with reimbursement to Human Resources by the hiring department.