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Procedure for: All Campuses  
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## I. Policy

This document sets forth the University of South Carolina Background and Employment Verification Checks Policy for faculty, staff, affiliates, volunteers, and student employees. 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. This policy supports the university's efforts to minimize institutional risk, provide a safe environment, and assist hiring authorities in making sound hiring decisions.

### A. Policy Statements

1. The university will conduct appropriate background checks which may include employment references, criminal history, credit history, credentials verification, employment verification, educational verification, license/certificate verification, social security number verification, and sex and violent offender registry checks, on faculty, classified staff, unclassified personnel including full time, part-time,

temporary and certain student workers (graduate and undergraduate) as applicable based on specific responsibilities, who are being considered for employment with the university or who are currently employed.

2. 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, sexual orientation or veteran status.

## B. Confidentiality

University departments must 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.

## II. 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 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 Employees- Background checks will be completed on student applicants whose position responsibilities include handling money, working with minors who are not enrolled or accepted for enrollment at the university, and those involved with direct patient care, or key access.

#### 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. If the break in service is greater than 4 months but less than one calendar year, only a SLED check and a screening through our background check vendors' proprietary database will be required.

3. Current Employees

- a. Current employees who are promoted or reassigned will require a limited statewide SLED criminal background check or a more extensive check when the new assignment is defined as a "Key Leadership, Finance, or Access Positions." This does not apply to dual employment if the job duties are substantially similar to the employee's current job. However, if the dual role is defined as a "Key Leadership, Finance, or Access Position" then a limited statewide SLED criminal background check or a more extensive check will be required.
- b. 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 II.D., below.

- a. Individuals Employed by Contractors or Other Entities: Contractors (i.e. Trojan Labor, Sodexo, 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 department hiring the contractor will be responsible for obtaining this documentation from the contractor 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 contractor. These employees will receive a card issued through CarolinaCard which entitles them to work on campus.
- b. Individuals Employed by Temporary Employment Services: Temporary employment services such as "temp 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 must contact the Division of Human Resources to insure the criminal background check of the temporary agency and the university are compatible. 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. Affiliates/Volunteers: Departments utilizing volunteers who routinely interact 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 on such affiliates/volunteers. The Division of Human Resources will work with these departments to help them obtain applicable background checks. Verification of a comparable or more extensive background check from an affiliate's 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 that hire employees or utilize volunteers that 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 employee types include referees, clock operators, announcers, etc., at sporting events. Departments which have concerns about adverse impact resulting from the hiring of these types of employees must have approval of the Division of Human Resources and USC Law Enforcement and Safety prior to hiring.
3. Other positions with limited duration and contact with faculty, staff, and students with approval of the Division of Human Resources may be exempt.

## C. Background Check Definitions

1. "Criminal conviction check" means 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 since the age of 18.
2. "Criminal conviction" means being found guilty, entering a guilty plea or pleading no contest to a felony and/or misdemeanors other than a minor traffic violation. Convictions for which the individual's record has been expunged may not be considered.

3. "Credit history check" means 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)
4. "Education verification" means 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. The hiring department may elect to verify other information on the employment application forms. When an employee in a permanent or FTE position transfers from another university department, credentials that have been previously verified and documented in his/her personnel file may be exempted from re-verification.
5. "Employment verification" means 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, as well as all employment during a period of at least 7 years immediately preceding application at USC. This verification should include dates of employment, positions held and reasons for leaving each position.
6. "Professional License/Certification verification" means 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.
7. "Sex and violent offender registry check" means 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.
8. "Social Security verification check" means 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.
9. 10-Year "Driver's License check" means validation of driver's license and name verification.
10. 7 Year Residential History- Means obtaining the 7-year address history of the applicant.
11. "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. Departments must ensure that if a position requires a current driver's

license or CDL license as a condition of employment, that the applicant/position holder has the valid, appropriate license. The department must provide this review to Vehicle Management.

12. “Key Leadership, Finance, and Access Positions” are positions whose responsibilities include one or more of the following:
  - a. Master key access to all, or the majority of, offices/facilities within buildings (including residences, dormitories, or other on-site or off site facilities);
  - b. Direct access to or responsibility for cash, cash equivalents, checks, credit card account information, or university property disbursements or receipts;
  - c. Extensive authority for committing the financial resources of the University;
  - d. 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;
  - e. Senior administrative personnel which include chancellors, vice chancellors, vice provosts, associate vice-presidents, deans of colleges, campus deans, 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;
  - f. Anyone who works with minors.
13. Minor is defined as anyone under the age of 18 years, who is not enrolled or accepted for enrollment at the University.
14. An “Employment Reference Check” is information obtained from a current or former employer, preferably the immediate supervisor about a candidate’s job knowledge, work habits (dependability/reliability), integrity, ability to work with others, quality and quantity of work, and other factors relevant to specific jobs. See Section II.E.

#### D. Background and Employment Verification Checks

Background and employment verification checks include a number of 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. Employment Reference Check (to be completed by Department - See Sec. II.E.)
  - e. Employment Verification (optional for non-academic affiliates, student affiliates, and selected non-academic temporary employees\*)
2. Optional Background Check - 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. Employment Verification: Employment verification is not required for temporary positions when previous experience is not relevant to position or the temporary employment is for a period of 3 months or less.
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.
5. Any employee who handles money, or who has master key access may require the appropriate background recheck every three years.
6. Background checks should be completed prior to an offer of employment; however, a conditional offer of employment may 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.

E. Employment Reference Checks

1. An employment reference check is conducted to obtain information from a current or former employer, preferably the immediate supervisor about a candidate's job knowledge, work habits (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 an employment 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 an employment 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 that an employment reference check has been conducted for the individual being hired and that the result of the employment verification check was satisfactory. Hiring officials may consult the USC Human Resources web-site for information concerning conducting employment reference checks for staff employees and may use the Telephone Reference check form, ([http://www.sc.edu/about/offices\\_and\\_divisions/human\\_resources/managers/recruiting\\_interviewing/checking\\_references/index.php](http://www.sc.edu/about/offices_and_divisions/human_resources/managers/recruiting_interviewing/checking_references/index.php)).
7. Hiring departments are responsible for maintaining records of employment reference checks in a secure manner, and for retaining employment verification information along with other records of the hiring process for a minimum of three years after the date the position is filled.
8. Hiring officials must maintain confidentiality of employment reference information.



## F. Applicant Consent

1. The employment application authorizes the routine inquiry into an applicant's employment history. Once the employment references are obtained, and a department reaches the final selection stage in the hiring process, the Background Check Authorization form ([http://sc.edu/about/offices\\_and\\_divisions/human\\_resources/docs/authorization\\_background\\_check.pdf](http://sc.edu/about/offices_and_divisions/human_resources/docs/authorization_background_check.pdf)) and Disclosure form ([http://sc.edu/about/offices\\_and\\_divisions/human\\_resources/docs/background\\_check\\_disclosure.pdf](http://sc.edu/about/offices_and_divisions/human_resources/docs/background_check_disclosure.pdf)) should be completed so that the applicable background checks may be obtained. The HR representative for that college/division should also complete the Department Request for Background Check form ([http://sc.edu/about/offices\\_and\\_divisions/human\\_resources/docs/background\\_check\\_request.pdf](http://sc.edu/about/offices_and_divisions/human_resources/docs/background_check_request.pdf)) and forward all forms to the Human Resources Employment Office. The Division of Human Resources will coordinate the applicable background check with the outside vendor before an employment offer is made. The HR representative for the department/campus will be notified of any criminal convictions or other information discovered relevant to the hiring decision.
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. Background checks for applicants for permanent employment will have priority over applicants for temporary employment.

## G. Hiring Department Responsibilities

Hiring departments/campuses must ensure that all applicable checks are conducted on candidates. The department/campus are required to request that the Division of Human Resources coordinate these checks as part of the overall background check. In addition, the department/campus should ensure individuals not paid by USC obtain a comparable background check through the contractor/agency or USC HR if needed. (See Section II. A.3, above). The signed job application form and the Background Check Authorization and the Disclosure form ([http://www.sc.edu/about/offices\\_and\\_divisions/human\\_resources/managers/hiring/criminal\\_background\\_checks/index.php](http://www.sc.edu/about/offices_and_divisions/human_resources/managers/hiring/criminal_background_checks/index.php)) authorizes the University to request information pertinent to the candidate's work history, criminal history, employment history, education, and other checks noted in the policy.

## H. 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 before an employment offer is made. 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. 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.

#### I. 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 issues and disputes
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.

#### J. 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 for resolution which may include termination for falsification of the employment application.
2. Should an individual be found to falsify their application, the applicant will be barred from any employment with the university for a period of 3 months from initial notification to the applicant.
3. For current employees, confirmed falsification of criminal history, required educational credentials or professional licenses/certificates may result in disciplinary action consistent with the Disciplinary Action and Termination for Cause Policy, University Policy HR 1.39.

## K. Applicant Rights

1. Before an adverse action is taken based upon background check information obtained from the university's vendor, the Human Resources Employment Office 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 Human Resources Employment Office 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.

## L. Drug Testing

Should the position require drug and alcohol testing of the final applicant prior to employment, University Policy HR 1.95, Drug and Alcohol Testing, would apply.

## III. Related Policies

University Policy HR 1.39 Disciplinary Action and Termination for Cause  
University Policy HR 1.95 Drug and Alcohol Testing Policy

## IV. Reason for Revision

- 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