



<b>Policy Title:</b>	<b>Job Reference and Background Checks</b>
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<b>Policy Management Area(s):</b>	Human Resources and Equal Opportunity

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**SUMMARY:**

This policy provides guidance on job reference and background checks for employees and volunteers as well as certain university affiliate and student positions.

**POLICY:**

- I. DEFINITIONS
  - A. Engaging department-the department interested in seeking a volunteer or university affiliate.
  - B. Hiring department- the department interested in hiring an individual.
  - C. Individual- an employee, volunteer, or university affiliate who is subject to a background check.

## II. JOB REFERENCE AND BACKGROUND CHECKS

Job reference and/or background checks will be conducted for selected candidates for FTE, other funded and temporary positions at Coastal Carolina University. Provisions also apply to volunteers and certain university affiliate and student positions.

### A. Job Reference Checks

As a part of the selection and pre-employment process, it is expected that hiring officials will conduct job reference checks. Job reference checks are performed 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.

1. Prior to making an offer of employment, the hiring official is required to conduct job reference checks for the candidate under consideration. If a candidate asks that the candidate's current employer not be contacted during the selection process, a conditional offer of employment may be made pending receipt of a satisfactory reference from the current employer.
2. The hiring department should complete at least two (2) job reference checks. Job reference checks should normally be conducted with employers from the previous seven to ten-year period.
3. Job reference checks should include current and/or prior work experience at CCU when considering suitability for employment. Hiring officials/supervisors should follow guidance provided on HREO's website and/or consult with the HREO Office directly.
4. For faculty positions, the department chair or designee usually conducts the job reference check prior to making an offer of employment. Reference checks are in addition to any written letters of recommendation submitted on behalf of a candidate.
5. Candidates will be required to sign an Employment Background Information Release Form as described in Section I. D. 1. of this policy.
6. In conducting job reference checks, the hiring official 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, disability, genetic information or any other matter not directly related to the position are prohibited.
7. At the time hiring documents are submitted, the hiring official should certify that job reference checks have been completed for the individual being hired and that the results of the reference checks were satisfactory. References on the individual to be hired should be forwarded to the Office of Human Resources and Equal Opportunity (HREO) with the hiring paperwork. Hiring officials may consult the HREO website for guidance. An Employment Verification form is available for use at [University Forms](#).
8. Hiring departments should submit records of job reference checks to HREO at the conclusion of the search process.

9. Under the South Carolina Freedom of Information Act, information collected about finalists for positions, including reference and background check information, may be considered public information and could be subject to disclosure.

B. Driver's License Verification and Driving Record Check

1. Pre-hire/engagement: HREO will initiate a Driver's License Verification or Driving Record Check for individuals if it is a condition of employment/engagement
2. Post-hire/engagement: HREO may initiate a Driver's License Verification or Driving Record Check if the employee's role changes at the university or if there is any indication that a problem may exist.
3. At any other time, if an individual needs to drive a university owned or leased vehicle, it is the individual's responsibility to submit their driving record to Transportation Services. University affiliates may not drive university owned or leased vehicles unless there is an existing contract, authorized by all parties, allowing such.

C. Background Checks and Credit Reports

The background check process is coordinated through HREO. HREO or a designated third-party provider may perform the following background checks for all current faculty and staff, candidates, volunteers, designated university affiliate and student positions:

1. Social security number verification and fraud detection
2. Criminal conviction record – county, state, federal, international (if applicable)
3. Sex offender registry
4. Driver's license verification and driving record check (annually, if applicable)
5. Credit check (University Officers, financial, cash handling and other positions of security/trust)
6. Prior employment verification
7. Education and other credentials (including professional licenses) verification

D. General Provisions

1. All background checks and credit reports will be conducted in accordance with the Fair Credit Reporting Act (FCRA). Prior to conducting background checks, the individual will be required to sign an acknowledgment and an authorization form.
2. HREO has a contract with a third-party provider to conduct background checks.
3. Background checks are initiated for a ten-year period. Any findings contained in the report given by the third-party provider may be considered. Information disclosed on any CCU application for employment or CCU Background Release form may also be considered.
4. Information contained in the background check may be used in part or in whole to determine suitability for employment or engagement at the University.

5. The background check and credit report, where applicable, should be completed prior to an offer of employment; however, in extenuating circumstances, a conditional offer may be made contingent upon receipt of a satisfactory background check and/or credit report.
6. If a problem is detected in the background check or credit report, the determination of fitness for employment or fitness for the performance of a volunteer or university affiliate assignment will be made by the appropriate Vice President, in consultation with HREO and/or University Counsel. Factors to be considered include, but are not limited to, the nature of the offense, the relevance of the offense to the position sought, the time that has elapsed since the offense occurred and evidence of rehabilitation.
7. 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 execution of a sentence, any period of probation or parole and/or any other action or documented information involving a finding that an individual committed or attempted to commit a crime. Incident reports, arrests, and/or pending legal actions may be considered in determining suitability for employment or engagement.
8. In accordance with the Fair Credit Reporting Act, Section 604, HREO will provide the candidate, before taking any adverse action based on the contents of the background report, a pre-adverse action notification letter, a copy of the actual report, and a Summary of the Consumer's Rights. The candidate will be given the opportunity to explain the background check results in writing. The pre-adverse action notification letter will include:
  - (a) The name, address and phone number of the consumer agency that furnished the report;
  - (b) A statement that the consumer reporting agency did not initiate the adverse action and is unable to provide reasons for the action to the candidate;
  - (c) A notice of the candidate's right to obtain a free copy of the report from the consumer reporting agency within sixty (60) days; and
  - (d) A statement that the candidate has the right to dispute the accuracy or completeness of any information in the report, but must do so directly with the consumer reporting agency.
9. A final adverse action notification letter will also be sent to the candidate if CCU decides not to hire the candidate based in whole or in part on the results of the background check. The final adverse action notification letter will include:
  - (a) The name, address and phone number of the consumer agency that furnished the report;
  - (b) A statement that the consumer reporting agency did not initiate the adverse action and is unable to provide reasons for the action to the candidate;
  - (c) A notice of the candidate's right to obtain a free copy of the report from the consumer reporting agency within sixty (60) days; and

- (d) A statement that the candidate has the right to dispute the accuracy or completeness of any information in the report, but must do so directly with the consumer reporting agency.
- 10. If an individual did not disclose a criminal record on the application or during the search or engagement process, and is later found to have such a record, an offer of employment or engagement may be rescinded or employment may be terminated.
- 11. Candidates for faculty positions must provide certified copies of their transcripts verifying receipt of their terminal degree in compliance with requirements of the Southern Association of Colleges and Schools.
- 12. New background checks will be conducted following a break in service of one year or more.
- 13. Full background checks will be conducted when an individual takes a break in service greater than twelve (12) months. Refer to II.C. of this policy for positions covered.
- 14. In the event a CCU retiree is rehired within twelve months following retirement, a background check is not usually required at the time of rehire.
- 15. 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, upon change of assignment, or other individual circumstances in which the University deems it necessary.
- 16. The cost of the background check and credit report for employees will be charged to HREO and funded by the University. The cost of the background checks and credit report for volunteers and university affiliates will be charged to HREO, but reimbursed by the department.
- 17. Background check and credit report information will be maintained in a secure file in HREO and retained in accordance with records retention guidelines unless the information is part of an ongoing dispute or investigation.

### III. STUDENT BACKGROUND CHECKS

- A. If a Coastal Carolina University student is taking part in any activity that involves interaction with minors, individuals under the age of 18, without University or organizational supervision, a background check must be completed by the institution, on the student, prior to engaging in the activity.

An organization is defined as a group registered through and affiliated with the University. This includes, but is not limited to, athletic teams, intramural clubs, and all organizations registered through the Office of Student Life.

- B. If the organization with which the student or organization is partnering requires background checks be completed through their own procedures, notice should be provided to the University and our internal requirement may be waived.

#### IV. SELF-DISCLOSURE OF PENDING OFFENSE OR CONVICTION

Current and prospective employees (including students) and any individuals (paid or unpaid) who are engaged by CCU as volunteers or university affiliates who will be in the proximity of minor children, vulnerable adults or in positions that are safety and/or security sensitive positions, or other similar positions, must provide written reporting and self-disclosure of any pending offense or conviction of a misdemeanor or felony within three (3) days after the pending offense or conviction (e.g. DUI, DWI, and Driving under Suspension; excludes minor traffic offenses). Failure to disclose pending offense and conviction information shall be considered as non-compliance and subject to disciplinary action, up to and including termination. While this policy allows for up to three (3) days to notify CCU of a pending offense or conviction, an individual is not authorized to perform duties that may be in violation of federal or state law, regulation or otherwise create potential harm to constituents served. Individuals are encouraged to immediately contact HREO for guidance if a pending offense or conviction occurs. Refer to UNIV-443 Alcohol and Drug Policy.

The Self-Disclosure of Pending Offense or Conviction form may be found on the University's forms page.

#### V. OTHER RELEVANT POLICIES AND RESOURCES

UNIV-443 Alcohol and Drug Policy