

University Policy 200.04
BACKGROUND CHECKS:
CRIMINAL CONVICTIONS AND CREDIT CHECKS

Responsible Administrator: Office of the President

Responsible Office: Office of Human Resources

Originally Issued: August 2006

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Authority: Office of the President

Policy Statement

It is the policy of Claflin University to hire highly qualified professional faculty, administrators, staff, and hourly employees who contribute to the overall success of the strategic goals. This policy allows the University the right to obtain additional information to assist in evaluating the applicant's qualifications and suitability for employment. Background checks (both criminal history and/or credit) are conducted for all new hires, key students, and summer camp counselors.

Statement of Purpose

This policy establishes guidelines for conducting background checks. Background checks serve as an important part of the process of weighing applicants' qualifications and determining their suitability for employment prior to the final selection process. The information obtained through this resource will serve as a means of promoting a safe and a secure work, living and learning environment for students, faculty, and staff members.

Applicability

This policy is applicable to administrators, faculty (including adjunct faculty), staff, key students (students in practicum, student teachers, students working with minors), and summer camp counselors (volunteer or employee) who have been recommended or made a job offer for hire on or after January 1, 2011. Contract services (Sodexo, Kelly, i.e.) are required to obtain criminal conviction background investigations on potential employees. When required, the Provost, appropriate Vice President, and the Director of Human Resources will recommend to the President potential employees who will require a credit check in accordance with the guidelines of the Federal Credit Reporting Act (FCRA).

PROCEDURES

The Senior Director of Human Resources is responsible for conducting criminal conviction and/or credit checks on top candidates and those to whom an offer of employment is extended. Applicants are required to disclose all criminal convictions on the application for employment. Convictions will be reviewed on a case-by-case basis, considering the nature of the position, the seriousness of the offense, the date of the conviction, and the honesty of the applicant in completing the application form.

The applicant will be required to complete a form which authorizes the University to have a criminal conviction check performed. If convictions are found, the job-relatedness of the convictions will be determined by the Director of Human Resources in consultation with the Provost, the appropriate Vice President (hiring supervisor, optional), and President or designee. The decision will be documented in writing. The University's decision will be based on the following factors:

- The nature or gravity of the offense or conduct;
- The time that has passed since the offense, conduct, and/or completion of the sentence; and
- The nature of the job sought.

Credit History Check

Request for credit checks must be approved prior to the commencement of the recruitment process. If a credit check is approved, the Office of Human Resources has responsibility for the following:

- Certifying to the reporting credit bureau that it is in compliance with the Fair Credit Reporting Act (FCRA) and will not discriminate against the applicant or employee or otherwise misuse the information, as provided by an applicable federal or State equal opportunity laws or regulations;
- Disclosing to the applicant that it plans to obtain a consumer or investigative consumer report and the information received will be used solely for employment purposes;
- Obtaining written authorization from the applicant;
- Informing the individual of his or her right to request additional information on the nature of the report and the means through which such information may be obtained; and
- Providing the individual with a summary of his or her rights under the FCRA.

The Fair Credit Reporting Act imposes specific disclosure requirements on employers that use consumer credit reports to establish an individual's eligibility for employment

or evaluate an employee for promotion, reassignment, or retention. These requirements apply to both regular consumer reports and investigative consumer reports.

If the result of the credit check is negative, before taking any adverse action, the University must provide the candidate with a copy of the report and a list of the individual's rights. Applicants shall be granted five days to contest the accuracy of the credit information the University has received.

The acceptance or rejection of the final offer will be determined by the Director of Human Resources in consultation with the Provost, the appropriate Vice President (hiring supervisor, optional), and President or designee. The decision will be documented in writing and retained in the Office of Human Resources.

SPECIAL NOTE

- The advance notice duties do not apply when an employer requests an investigative consumer report for purposes other than verifying a job candidate's credit history and financial trustworthiness. In particular, FCRA exempts employers from any duty to provide advance notice when a report is requested to investigate possible employee misconduct, such as workplace thefts, sexual harassment complaints, or violations of employment policies. However, an employer taking adverse action based on the results of an investigative consumer report must provide the employee in question with a summary explaining the nature and substance of information obtained from the investigation.
- The University reserves the right to conduct criminal conviction investigations when a current employee is charged with any crime that reflects on his/her suitability for continued employment.



**Letter to Applicant When a Pre-employment Background Check
Discloses Information That May Prevent Hire**

Date _____

Name _____ Address _____ City, State, Zip _____

Dear _____:

As you authorized in your employment application, Claflin University has recently completed a pre-employment background credit check as part of our employee selection process. The purpose of this letter is to inform you that there is information in the report we received which, if accurate, would prevent us from offering you employment at this time. A copy of the report is enclosed.

After reviewing the report, (1) if you believe that information contained in it is inaccurate and/or (2) you want to know what information in the report falls outside of our guidelines, we ask that you contact us directly within five days. Otherwise, we will assume that you no longer wish to pursue employment with us.

This report was furnished to us by _____ Please understand that while _____ provided the report, they did not make this decision, and they are unable to provide you the specific reasons why Claflin University made this decision.

Enclosed along with the report is a description of your rights under the Federal Fair Credit Reporting Act. Under the law, you have the right to dispute, directly with _____ (vendor), any information in this report. They will reinvestigate the disputed information free of charge and either record the current status of the disputed information or delete the item(s) within 30 days of receiving your dispute. If the information is found to be inaccurate or incomplete or cannot be verified, they will promptly delete that item or modify it. They will provide notification of the dispute to any person who provided the information within five business days of receiving your notice of dispute. The enclosed Summary of Rights provides additional information about your rights.

You have the right to obtain an additional free copy of the enclosed report if you request it from _____ (vendor) within 60 days of when you receive this notice.

Sincerely,

Shirley A. Biggs
Senior Director of Human Resources

Enclosures: Credit Report
Summary of Rights

CLAFLIN UNIVERSITY

**DISCLOSURE TO EMPLOYMENT APPLICANT REGARDING PROCUREMENT
OF A CRIMINAL RECORDS CHECK AND/OR CREDIT REPORT AND/OR
EDUCATIONAL ATTAINMENT**

In connection with my application for employment with Claflin University, I hereby authorize Claflin University to obtain:

_____ Criminal Records Check
You will need to complete the Criminal Records Check Address Form Below

_____ Credit Report
You will receive a summary of the Fair Credit Reporting Act

_____ Report Verifying Educational Attainment (as indicated below)

You will need to complete the Educational Attainment Form Below

Signature _____ Date _____

Position applying for: _____

IDENTIFICATION INFORMATION

Name: _____

(PLEASE PRINT) Address: _____

City/State/Zip code: _____

Signature: _____

Social Security Number: _____

*Date of Birth: _____

*Federal and state law protects you from discrimination in employment on the basis of age, sex, and minority status. This information is not part of your employment application nor will it be used in considering your employment application.

**POLICY ON BACKGROUND CHECKS:
CRIMINAL CONVICTIONS AND CREDIT CHECKS**

**CRIMINAL RECORDS CHECK ADDRESS
FORM**

List All of the Addresses Where You Have Resided for the Past Seven Years (Please Print):

(Street)

(City, State, Zip Code)

(Country if other than United States)/ Dates of Residency

(Street)

(City, State, Zip Code)

(Country if other than United States)/ Dates of Residency (Street)

(Street)

(City, State, Zip Code)

(Country if other than United States)/ Dates of Residency

EDUCATIONAL ATTAINMENT VERIFICATION FORM

Name of College or University _____

Address: _____

Type of Degree Received: _____

Year Degree Received: _____

PLEASE USE ADDITIONAL PAGES OF THIS FORM AS NECESSARY