



Background Screening

LP 5.4

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Policy Owner:

Board of Trustees

Policy Administrator:

Human Resources

Affected Parties:

Employees

Volunteers

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I Summary

This policy establishes the guidelines on background screenings for potential employees, volunteers, and affiliates of Lander University, as well as current employees who apply and are selected for or transferred to other positions within the university.

II Definitions

A. Background Screening

An evaluation for employment producing a background report of an individual's prior criminal, driving, educational, and/or credit histories, as well as E-Verify and other applicable records of information as needed, depending on the position requirements.

B. Hiring Department

The department interested in hiring an individual.

C. Engaging Department

The department interested in seeking a volunteer or affiliate.

D. Individual

An employee, volunteer, or affiliate who is subject to a background screening.

E. Key Leadership, Finance, and Access Positions

Positions whose responsibilities include one or more of the following:

1. Master key access to all, or the majority of, offices and/or facilities within university and university-affiliated buildings;
2. Direct access to or responsibility for cash, cash equivalents, checks, credit card account information, and/or university property disbursements or receipts;



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3. Extensive authority for committing the financial resources of the university;
4. Officers of the university, which include the president, all vice presidents, provost, the chief financial officer, and the general counsel;
5. Senior administrative personnel, which include, vice provost, associate vice presidents, deans of colleges, department chairs, procurement officer, controller, directors of athletics, athletics coaches, and the NCAA compliance coordinator;
6. Anyone who works with minors.

III Guidelines

A. Responsibilities

The Office of Human Resources is responsible for communication of this policy to ensure compliance with all federal and state statutes regarding employment. All background screenings and credit reports are conducted in accordance with the Fair Credit Reporting Act (FCRA).

B. Background Screenings

Background screenings include a variety of inquiries into the background of an individual or a current employee and may include any, or all, of the following inquiries based on the position type and the responsibilities associated with the position.

1. Standard background screening – conducted for all individuals covered by this policy:
 - a. Criminal conviction check
 - b. Education Verification
 - c. Driving record check
2. Optional background screening – conducted primarily for key leadership, finance, and access positions
 - a. Credit history check

C. Determining Employment Eligibility for Applicants with a Criminal History

Only criminal convictions may be considered when determining a candidate's eligibility for a specific position or employment as a whole. Detention and/or arrest without conviction may not constitute valid grounds for an adverse employment action and do not play a part in the decision-making process. However, if an individual has a criminal case pending, his or her suitability for employment will be reviewed upon disposition of the case.

Failing to disclose a criminal conviction history, where required in employment application materials, may potentially disqualify a candidate for employment with Lander University.

D. Determining Employment Eligibility for Applicant with Motor Vehicle Report

A driving record check will be completed by the Office of Human Resources and should be evaluated



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on a case-by-case basis. All driving-sensitive positions must maintain a safe driving history and meet all standards and practices to drive university fleet vehicles.

E. Current Employee Promotions/Changes

Basic background screenings may be completed on university employees who apply and are selected for or voluntarily transferred to other positions within the university. If the new position is cash/fund-sensitive, a credit history check will also be completed.

The Office of Human Resources and/or the general counsel 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-reporting of a criminal activity, update of information due to designation as a key financial or access position, or upon change of assignment.

F. Individual Not Paid by Lander University

For individuals employed by contractors, other entities, temporary employment services, or volunteers/affiliates, documentation will be required to verify that applicable background checks have been conducted on these individuals before they are to begin working on Lander campus or Lander-affiliated property.

- For contractors or other entities, it will be the responsibility of the Procurement Department to have a clause in all contracts requiring the vendor to conduct background screenings, if applicable.
- For temporary employment services, the office or department will verify that the temporary employment service has conducted a comparable background check for any those workers assigned to the university.
- For volunteers and affiliates, the office or department will be required to obtain background checks.

The Office of Human Resources reserves the right to conduct its own background checks independent of the contractor, other entities, temporary employment services or the volunteers/affiliates. They will work with the office or department to obtain the applicable background check(s) for volunteers and affiliates.

G. Procedural Considerations

1. Background authorizations

An appropriate authorization from the background vendor must be completed to perform a pre-employment background screening. A refusal to authorize the background screening eliminates the applicant from further consideration for employment. All questions pertaining to specific background authorization procedures should be directed to the Office of Human Resources.



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2. Adverse action (Contesting)
 - a. If the possibility of adverse action exists, the Office of Human Resources will notify the candidate and provide a Pre-Adverse Action Notice along with a copy of the Notice of Rights.
 - b. The candidate has up to five business days to refute the information presented in from the background screening results.
 - c. If the candidate fails to respond in a timely manner to remove or clarify the disqualifying information, the Office of Human Resources will notify the hiring manager to withdraw the candidate from consideration and proceed with the hiring process.

All information received in the background screening process will be maintained in confidential, secure files, with access allowed only to those who have a need to know.

H. Self-reporting

All current employees, regardless of status or type of position, are required to report any criminal arrests and/or convictions to the Office of Human Resources within three days. Continued employment will be evaluated on a case-by-case basis considering the type of arrests and/or convictions and the type of position held by the employee. Failure to timely report any arrests and/or convictions may result in disciplinary action up to and including termination.

Self-reported information will be handled as confidential information and will be released only as appropriate to determine the suitability for continued employment.