BACKGROUND CHECK POLICY

1. PURPOSE
   1.1. Background checks are an integral part of Clemson University’s (“University”) effort to provide a safe and secure working and learning environment, as they help protect the safety and well-being of students, employees, and visitors, as well as the University’s physical property, proprietary information, and other assets.
   1.2. This policy sets forth the rules and requirements by which background checks must be conducted for individuals prior to beginning employment with the University or being rehired by the University.

2. SCOPE
   2.1. This policy, related guidelines, and procedural documents are effective throughout the University and apply to the following:
      2.1.1. University employees and volunteers in all colleges and divisions
      2.1.2. University boards and commissions that regularly participate in University-sponsored activities
      2.1.3. Certain University student workers, as indicated in this policy
      2.1.4. Certain non-paid contingent or affiliate workers, as indicated in this policy
      2.1.5. Contractors retained through Clemson University Procurement and Business Services (“University Procurement”)
      2.1.6. Temporary staffing agencies conducting business with the University

3. POLICY STATEMENT
   3.1. Required Background Checks
      3.1.1. Background checks must be completed on the following individuals prior to their beginning work/service with the University:
          3.1.1.1. All paid University faculty and staff upon hire or rehire as outlined in this policy.
          3.1.1.2. All University volunteers (for further information, reference the Volunteers Policy).
          3.1.1.3. University students who are hired or volunteer for any of the following:
             3.1.1.3.1. Teaching courses (in-person or online)
             3.1.1.3.2. Working with and having independent access to children less than 18 years of age
             3.1.1.3.3. Working with vulnerable adults as defined by South Carolina Code of Laws Omnibus Adult Protection Act
             3.1.1.3.4. Working in a safety- or security-sensitive position
          3.1.1.4. Other student workers/volunteers as determined by the applicable department chair.
3.1.5. Non-paid contingent or affiliate workers, if the services they provide for the University involve any of the following:
  3.1.5.1. Teaching courses (in-person or online)
  3.1.5.2. Working with vulnerable adults as defined by South Carolina Code of Laws Omnibus Adult Protection Act
  3.1.5.3. Working in a safety- or security-sensitive position

3.1.6. All paid and unpaid pre-collegiate program (or youth program) staff who may have custodial care of or reasonably expect to have frequent interaction with minors in the course of his or her regular University responsibilities in accordance with the Protection of Minor’s Policy.

3.1.7. Individuals serving on a University board or commission that regularly participates in university-sponsored activities.

3.2. If the individual is under the age of 18, they must complete the Background Check Disclosure and Authorization Form and obtain parent/guardian consent before a background check can be initiated.

3.3. Background checks are also required for individuals performing work for the University in the following capacities:
  3.3.1. Individuals employed by contractors retained through University Procurement or staffing agencies.
    3.3.1.1. Contractors and staffing agencies are responsible for conducting background checks on their employees.
    3.3.1.2. The background checks conducted for individuals employed by contractors or staffing agencies must be consistent with those conducted for University employees in similar positions, as outlined in this policy and associated policies.
    3.3.1.3. Verification must be sent to the Office of Human Resources (“Human Resources”) and approved prior to the date the individual begins work on the University project or job.

3.4. Offers of employment are contingent upon the new/rehired employee authorizing a background check, submitting any required disclosures, and successfully meeting the requirements established in this policy, as determined by Human Resources.
  3.4.1. Human Resources will consider factors including, but not limited to:
    3.4.1.1. the nature and expected duties of the position
    3.4.1.2. the nature of any conviction
    3.4.1.3. the length of time since a conviction occurred
    3.4.1.4. discrepancies between the results of the background check and what the individual self-disclosed.
  3.4.2. A charge or criminal conviction does not necessarily disqualify an individual for employment/volunteer consideration.
    3.4.2.1. Making untrue statements or otherwise failing to report a charge or criminal conviction disqualifies an individual for consideration.
3.1.4.3. If the results of a background check adversely impact an individual's eligibility to be employed by the University, Human Resources will notify the individual of the decision and associated information, as required by law.

3.1.4.4. All information received by departments in connection with the pre-employment or rehire screening process must be treated as confidential and can only be used for purposes of evaluating an applicant for employment/rehire.

3.1.4.4.1. The information must not be distributed to anyone other than as intended by this policy and the related procedures.

3.1.5. Clemson University is an Affirmative Action/Equal Employment Opportunity Employer and complies with the University’s Non-Discrimination and Anti-harassment policy.

3.1.6. Background checks for break in service (rehire)

3.1.6.1. Individuals hired by the University with a clear background check who subsequently separate and are rehired by the University within one calendar year of the date of the original clear background check are not required to complete a new background check for rehire unless the University determines such additional background check is necessary.

3.1.6.2. Prior to rehire, such individuals must self-disclose any criminal conviction or charges (misdemeanor or felony) and applicable moving traffic violations filed against them since the date of the original clear background check by completing the Background Check Disclosure Statement for Limited Break in Service.

3.1.6.2.1. A self-disclosure for rehire purposes is not a “clear background check” for purposes of subsequent application of this policy.

3.1.6.2.2. A complete new background check may be required by the University in its sole discretion based on information provided in the self-disclosure or as otherwise required by applicable law or policy. The program or activity bears the cost of conducting checks.

3.1.7. Individuals who have had a break in service of more than one calendar year from the date of the original clear background check must complete a new background check.

3.1.7.1. The program or activity bears the cost of conducting checks.

3.1.7.2. University-affiliated programs and activities may perform checks more frequently and must do so if legally required.

3.1.8. Dually employed law enforcement officers

3.1.8.1. Certified law enforcement officers from another state agency who are working for the University in a dual employment capacity do not require a background check before beginning work for the University if they already have a clear background check on file with the other state agency that meets University standards.

3.2. Components of Background Checks

3.2.1. The following checks are conducted on all individuals for whom a background check is required:

3.2.1.1. Criminal record check.

3.2.1.2. National Sex Offender Registry check.

3.2.2. Motor Vehicle Record Check (MVR)
3.2.2.1. If a position requires a valid driver's license with an acceptable driving record as defined by the South Carolina Fleet Safety Program standards, Human Resources will conduct a motor vehicle record (MVR) check.

3.2.2.2. Hiring departments must notify Human Resources when a position to be filled requires an employee or student worker to drive a vehicle or if a current employee's or student worker's job duties are changed to require them to drive a vehicle.

3.2.3. Default Student Loan Check

3.2.3.1. State law (S.C. Code § 59-111-50) requires that a default student loan check be conducted on all candidates who have education beyond high school.

3.2.3.2. Human Resources will conduct the student loan check (i.e., credit check).

3.2.3.3. Should a selected candidate be in default on a student loan, the candidate cannot be hired and begin work with the University until they have made repayment arrangements with the listed creditor and produced documentation of that satisfactory repayment arrangement to Human Resources.

4. DEFINITIONS
4.1. Access the Office of Human Resources’ Glossary of Terms for definitions.

5. ADDITIONAL RESOURCES
5.1. Background Check Disclosure and Authorization Form
5.2. Background Check Procedures
5.3. Background Check Disclosure Statement for Limited Break in Service
5.4. Drug and Alcohol Policy
5.5. Drug and Alcohol Testing Policy
5.6. Non-Discrimination and Anti-Harassment Policy
5.7. Operating Standards for Youth Programs
5.8. Procurement Policies, Procedures and Guidelines
5.9. Volunteers Policy

6. RESPONSIBLE DEPARTMENT/DIVISION: Office of Human Resources


8. APPROVAL & REVISION HISTORY
8.1. President Approval: November 8, 2021
8.2. Last Date of Revision: April 6, 2017
8.3. Originally Issued: May 13, 2013