



OHR POLICY LIBRARY

Background Check

Background Check Policy
Responsible Executive: CHRO
Originally Issued: May 13, 2013
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POLICY STATEMENT

In order to protect the safety and well-being of its students, employees and visitors, Clemson University requires all individuals to satisfy background checks prior to beginning employment or service with the University.

Offers of employment are contingent upon the new/rehired employee authorizing a background check and successfully meeting requirements established in this policy.

All colleges/divisions of Clemson University are required to adhere to the practices and procedures established in this policy as well as those outlined in related guidelines and procedural documents.

REASON FOR POLICY

Background checks serve as an integral part of the University's effort to provide a safe and secure campus. This background check policy also helps to protect Clemson University's physical property, proprietary information and other assets.

ENTITIES AFFECTED BY THIS POLICY

- Clemson University colleges/division
- Contractors retained through the Clemson University Procurement and Business Services
- Temporary staffing agencies conducting business with Clemson University
- Clemson University boards and commissions that regularly participate in University-sponsored activities

WHO SHOULD READ THIS POLICY

- Administrative personnel, including division heads and department chairs
- Hiring managers and supervisors
- Human resources representatives
- Paid employees, student workers and volunteers of Clemson University
- Contractual service providers

WEB ADDRESS FOR THIS POLICY

http://workgroups.clemson.edu/FIN5337_HR_POLY_PROC_MANUAL/manual_index.php

CONTACTS

Subject Matter	Office	Telephone	E-mail/Web Address
Policy Clarification and Interpretation	OHR	(864) 656-2000	http://clemsont.edu/employment/contact_hr/
Contract Clarification	Procurement and Business Services	(864) 656-2390	https://www.clemsont.edu/procurement/ask-procurement.html

RESPONSIBILITIES

Responsible Party	List of Responsibilities
Hiring Manager	<ul style="list-style-type: none"> • Request background check
HR Partner	<ul style="list-style-type: none"> • Submit background check to vendor for completion • Monitor progress and status of background check • Contact hiring manager if more information/clarification is needed • Provide overall background check results to hiring manager
Performance and Learning	<ul style="list-style-type: none"> • Manage any and all drug testing required for safety- and security-sensitive positions as part of a pre-employment background check
Recruitment	<ul style="list-style-type: none"> • Manage the overall background check process • Review all background check results • Manage pre-adverse process

PROCEDURES

Positions Affected by this Policy

Background checks must be completed on the following individuals prior to their beginning work/service with Clemson University:

- All paid employees (faculty and staff) of Clemson University upon hire or rehire.
- All Clemson University volunteers (for further information, see the Volunteer Policy).
- Clemson University students who are hired or volunteer for any of the following:
 - Teaching courses (in classroom or online)
 - Working with and having independent access to children less than 18 years of age
 - Working with vulnerable adults as defined by South Carolina Code of Laws Omnibus Adult Protection Act
 - Working in a safety- or security-sensitive position

- Other student workers/volunteers as determined by the department chair.
- Non-paid contingent or affiliate workers, if the services they provide for University involve any of the following:
 - Teaching courses (in classroom or online) or interaction with Clemson University students
 - Working with and having independent access to children less than 18 years of age
 - Working with vulnerable adults
 - Working in a safety- or security-sensitive position
- All paid and unpaid pre-collegiate program (or youth program) staff with custodial care of, or routine interaction with, minors, in accordance with the Pre-Collegiate Programs Office's *Clemson University Operating Standards for Youth Programs*.
- Individuals serving on a Clemson University board or commission that regularly participates in University-sponsored activities.

Background checks are also required on individuals doing work for Clemson as described below:

- Contractors retained through the Clemson University Procurement Office must conduct background checks on their employees who are required to come to the Clemson University campus or other property in order to fulfill the terms of the agreement between the contractor and Clemson University. The background checks conducted for individuals employed by contractors must be consistent with those conducted for University employees in similar positions. Contact the Clemson University Procurement Office with any questions regarding the standard terms and conditions for procurement contracts.
- Individuals employed at Clemson University through temporary staffing agencies. Temporary staffing agencies are required to verify that criminal records checks and sex offender registry checks have been conducted on all of their employees who work on Clemson University projects or jobs. The background checks conducted for individuals employed by temporary staffing agencies must be consistent with those conducted for University employees. Verification must be sent to the Office of Human Resources (OHR) and approved prior to the date the individual begins work on the Clemson University project or job.

Components of Background Checks

- Criminal Records Check: Clemson University will conduct criminal records checks and international criminal records checks. These reports should provide information on past criminal convictions and pending charges.
- Motor Vehicle Record Check: If the position requires a valid driver's license with an acceptable driving record as defined by the South Carolina Fleet Safety Program standards, a motor vehicle record (MVR) check will be conducted through OHR. The department is required to notify OHR when a position to be filled requires an employee or student employee to drive a vehicle or if a current employee's or student's job duties are changed to require an employee to drive a vehicle.

- Default Student Loan Check: State law (S.C. Code Section 59-111-50) requires that a default student loan check be conducted on all candidates who have education beyond high school. OHR is responsible for conducting the student loan check, i.e., credit check. Should a selected candidate be in default on a student loan, the candidate cannot be hired and begin work with Clemson until she or he has made repayment arrangements with the listed creditor and produced documentation of that satisfactory repayment arrangement to OHR.
- Drug Testing:
 - Pre-employment drug testing is required for any new or rehired employee in a position that requires a commercial driver's license (CDL) or is considered safety or security sensitive. The employee must also meet all requirements as defined by the South Carolina Fleet Safety Program standards to include having a valid driver's license and an acceptable driving record prior to starting work. Any offer of employment is contingent upon the employee meeting the requirements of the pre-employment drug test, and failure to do so will result in the termination of consideration for the position.
 - Any current Clemson University employee who acquires safety- or security-sensitive or CDL duties is subject to the Drug and Alcohol testing policy prior to the assumption of the new duties and responsibilities.
- Sex Offender Registry Check: Prospective faculty, staff and volunteers are required to undergo a sex offender registry check.

General Provisions

- Quality Control: OHR determines whether a prospective employee is eligible for employment based on completed background checks and then informs the hiring department. OHR considers a variety of factors, such as the nature and expected duties of the position, the nature of any conviction, the length of time since a conviction occurred, discrepancies between the results of the background check and what the individual self-disclosed, etc. A criminal conviction does not necessarily disqualify an individual for employment/volunteer consideration. Making untrue statements or otherwise failing to report a criminal conviction, however, disqualifies an individual for consideration. If the results of a background check adversely impact an individual's eligibility to be employed by Clemson University, the individual is notified of the decision and given associated information as required by law.
- Non-Discrimination: Clemson University is an Affirmative Action/Equal Employment Opportunity Employer and does not discriminate against any person or group on the basis of age, color, disability, gender, pregnancy, national origin, race, religion, sexual orientation, veteran status or genetic information.
- Confidentiality: All information received by departments in connection with the pre-employment screening process should be treated by the hiring departments as confidential and should only be

used for purposes of evaluating an applicant for employment. The information must not be distributed to anyone other than as intended by this policy.

Procedural Considerations

- Initiating the Background Check:
The HR partner initiates the background check request, at which point the candidate is notified that a link to consent to a background check requires their action. If a candidate is under the age of 18, the HR partner must contact the candidate to complete the paper Background Check Disclosure and Authorization Form and obtain parent/guardian consent.
- Pre-adverse process: Contesting the status on a background check:
If OHR determines, based on the background check, that the candidate is not suitable for the position sought, OHR communicates with the candidate regarding information obtained during the background check by initiating the pre-adverse process, which includes the following steps:
 - OHR sends the specific details of the adverse results included in the candidate's background check with instructions on how to contest the results.
 - The candidate has five business days to contest the results of the background check.
 - OHR reviews any additional information provided by the candidate and determines if the background check results can be updated to show that the candidate meets the requirements of the background check. If no contesting information is received by OHR or if OHR deems the additional information provided by the candidate to be insufficient to resolve the adverse finding, OHR sends the candidate a final adverse letter, and the candidate is no longer eligible for consideration for the position.
- Completing the Background Check
 - OHR reviews all background check results. Neither the HR partner nor the hiring manager should contact the candidate to discuss the results of the background check.
 - Once the background check has shown that the candidate has met all requirements of the background check, the HR partner communicates with the hiring department to determine a start date.

DEFINITIONS: Click [HERE](#) to access the OHR Glossary of Terms.

RELATED RESOURCES

University Policies
Alcohol and Controlled Substances Testing Policy (CDL) Drug and Alcohol Policy Drug and Alcohol Testing for CU Police and Fire Department Policy Clemson University Operating Standards for Youth Programs
University Documentation
Background Check Procedure Candidate Email Notification CUBS HR Hiring Process User Specific Guides, FAQs, Quick References, and Reference Materials Procurement's Policies, Procedures and Guidelines
University Forms and Systems
Background Check Disclosure and Authorization Form Background Check Request Form PeopleSoft Tiger Talent

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