



3.2.3 Background Investigations

Policy Statement

This policy was approved by the University Cabinet on December 7, 2007.

It shall be a condition of employment with any institution of the University System of Georgia to submit to a background investigation. Background investigations shall be performed on regular full-time and part-time new hires and rehires, temporary employees (including student workers occupying positions of trust), and "**borrowed servants". Student workers who are not hired into positions of trust are not required to undergo a background investigation. In addition, a background investigation shall be performed on existing employees being transferred, reassigned, reclassified or promoted into a position of trust, and in accordance with O.C.G.A. §50-5-83(b)(12), which requires background investigations and credit checks for purchasing card (P-Card) holders. Background Investigations shall be conducted on a post offer/pre-employment basis.

* Borrowed servants work under the supervision of the University of Georgia but are paid by other entities, e.g., some county extension personnel.

In circumstances where non-minor students and volunteers are used for the benefit of the University in its delivery of programs and services, or volunteers and non-minor students routinely work with minors (children) under the direction, control, and supervision of University employees, a background investigation should be conducted.

Background investigations shall include, at a minimum, the following checks:

- A state and federal criminal history check covering a minimum of seven (7) years.
- A nationwide sex offender search.
- A social security number check using the Form I-9 and the federal E-Verify system.
- An educational/academic credentials check for exempt positions including executive, administrative, professional, contract, and academic positions.
- A credit check for positions that have access to financial resources such as handling money, checks, purchasing cards, etc.

Offers of employment or promotion to a position of trust are "conditional" pending the result of a background investigation. "Positions of Trust" include those that involve interaction with children, after-hours access to facilities, and access to financial resources (ex: handling money, checks, credit cards, etc.), or otherwise identified by the University to require a more extensive background investigation.

[Note: While all positions on a campus may be considered positions of trust for various reasons, this phrase is a term defined by the state, and in short, means a position that has responsibility for "cash, keys, and kids (minor children)." The USG policy allows institutions to define those positions considered **positions of trust**, but generally, it would mean a promotion to a position that has some degree of fiscal responsibility, responsibility for maintaining the security of an area, and/or responsibility for minor children.

Some examples to illustrate the point:

- Promotion from assistant to associate professor –*no BI required*
- Promotion from associate professor to department chair –*yes, BI is required*
- Promotion from department chair to dean –*yes, BI required*
- Promotion from counselor to senior counselor –*no BI required*

- Promotion from program coordinator to center director –yes, *BI required*; etc.

Positions of trust include programs that routinely serve minor children (dual enrollment, advanced academy, etc.) However, this would not mean if there are sometimes minor children in someone's classes, but it would mean yes, if someone were promoted to director of a program primarily serving minor children.]

Procedures

All background investigation shall be conducted through the University Human Resources Division. Departmental units are **not** authorized to conduct background investigations, with the exception of the University Police Department.

University Human Resources will pay the cost of performing a background investigation.

DETERMINING EMPLOYMENT ELIGIBILITY FOR CANDIDATES, HIRES, RECLASSIFICATIONS, TRANSFERS, REASSIGNMENTS, PURCHASING CARD HOLDERS, OR PROMOTIONS TO POSITIONS OF TRUSTS WITH CRIMINAL CONVICTIONS

Information in background investigation reports relating to a candidate's detention and/or arrest without conviction by itself does not constitute valid grounds for adverse employment decisions. Only convictions for criminal activity shall be considered when determining an individual's employment eligibility for a specific position, or promotion to positions of trust, or employment as a whole.

An institution may consider employment of candidate's with a felony conviction, provided the applicant is **not** seeking a "position of trust." The University will consider felony convictions as it does all criminal convictions in making a decision whether to hire an applicant for a position that is not a position of trust.

Failing to disclose a criminal conviction history, where required in employment application materials, is considered a falsification of documents and will disqualify a candidate for employment, a conditional hire for continued employment, or promotion to a position of trust with an institution of the University System of Georgia.

When determining whether an individual with disclosed convictions is eligible for employment or promotion to a position of trust, the BIO and/or BIC will consider the specific responsibilities of the position for which the individual is being considered; the nature, number, and gravity of crimes for which the individual was convicted; and the amount of time passed since the conviction. A determination of ineligibility for a specific position or promotion to a position of trust as the result of a criminal background does not necessarily mean an individual is ineligible for all employment or a promotion to a position of trust with the institution. Each such determination will be made on a case-by-case basis.

DETERMINING EMPLOYMENT ELIGIBILITY FOR CANDIDATES, HIRES, OR PROMOTIONS TO POSITIONS OF TRUST USING CREDIT REPORTS

The results of credit checks shall be considered when determining an individual's employment eligibility, or promotion to positions of trust, or employment as a whole for positions that have access to financial resources such as handling money, checks, purchasing cards, etc., or make significant financial decisions regarding the use of financial resources.

A determination of ineligibility for a specific position or promotion to a position of trust as the result of a credit check does not necessarily mean an individual is ineligible for all employment or a promotion to a position of trust with the institution. Each such determination will be made on a case-by-case basis.

When determining whether an individual with disclosed bad credit reports is eligible for employment or promotion to a

position of trust, the BIO and/or BIC will consider the specific responsibilities of the position for which the individual is being considered and the nature of incidents identified in credit report.

NOTICE TO CANDIDATES

Official Notice to Candidates: Notice should be included in job postings subject to this policy that candidates will be required to submit to a background investigation. The Hiring Department is responsible for confirming the employment history, conducting reference checks, and checking the credentials of a candidate before having University Human Resources initiate the background investigation and before extending an offer of employment or promotion to a position of trust.

Once the appropriate processes are completed, a conditional offer of employment or conditional promotion to a position of trust may be extended, pending satisfactory completion of a background investigation.

Offers of employment for regular faculty positions should be made in writing and include the following statement: "This offer of employment is contingent upon completion of a background investigation including a criminal background check, a Social Security number check, and other checks as appropriate demonstrating your eligibility for employment with the University of Georgia, as determined by the University of Georgia in its sole discretion, confirmation of the credentials and employment history reflected in your application materials and, if applicable, a satisfactory credit check."

Hiring Departments should access the [background investigation Web page](#) on the University Human Resources Web site. This site contains paperwork including the Background Request Form that can be given to the conditional hire or employee being conditionally promoted to a position of trust if their hire will not be processed through iPAWS or FacultyJobs.

TIME FRAME FOR INITIATING A BACKGROUND INVESTIGATION (POST-OFFER/PRE-EMPLOYMENT), BREAK-IN-SERVICE, OR INACTIVE STATUS

As a condition of employment, conditional candidates for employment or promotion to positions of trust must successfully complete a background investigation prior to starting work or being promoted to a position of trust. Background investigations will be completed on a post-offer/pre-employment basis.

Break-in-Service and Inactive Status:

In circumstances where a temporary employee is not terminated but placed on inactive status, and does not receive a pay check for a period greater than 120 days, a new background investigation shall be conducted prior to the temporary employee's status being changed from inactive to active status. Similarly, volunteers who work with minors (children) who do not perform voluntary work for 120 days in the program/service for which a background investigation had previously been performed, then a new background investigation shall be conducted.

Employees who held regular positions and break service will require a background investigation, even those less than 30-days, unless they had a background investigation within 30 days from the break-in-service date.

Leaves-Without-Pay (LWOP):

Do not require a background investigation.

Faculty & Staff Hires or Promotions to Positions of Trust:

All applicants for faculty & staff positions are required to agree to a background investigation as part of the on-line employment application process through the University's Integrated Position, Applicant and Workforce System

(iPAWS/FacultyJobs). In certain situations, it may be necessary to require additional information on a background Request Form to complete a background investigation.

For all hires, the Hiring Department will be required to submit the necessary information to University Human Resources to initiate a background investigation as soon as the conditional offer of employment or conditional offer of promotion to a position of trust is accepted.

If the Hiring Department needs to select a different candidate, University Human Resources will work with the Hiring Department to determine if another candidate in the preferred applicant pool is to be selected and proposed for hiring through iPAWS. The Hiring Department may wish to reopen/repost the position. University Human Resources will initiate the background investigation once a Hiring Proposal is received.

HOW CRIMINAL BACKGROUND CHECK INFORMATION IS PROCESSED

The result of Background Investigation reports will be accessible via a secure Web site by the entity performing the investigation. These reports will be accessible by the BIO or authorized designee. The BIO may consult with members of the BIC or convene the BIC on specific cases for determining the eligibility of the conditional hire or individual promoted to a position of trust. University Human Resources will notify the Hiring Department and/or the appropriate senior administrator of this determination. The BIO and/or BIC will make its decision about the conditional hire or conditional promotion to a position of trust as follows:

The BIO will determine, consult with the BIC, and/or senior administrators, or convene the BIC to determine whether the individual is eligible for the involved position based on the job description and the nature of the crimes for which the candidate was convicted.

If it is determined the conditional hire or the conditional promotion to a position of trust is eligible, then University Human Resources will so notify the Hiring Department.

If it is determined that the conditional hire or the conditional promotion to a position of trust is not eligible, then prior to making this final determination, University Human Resources must give a pre-adverse action disclosure to the candidate. **Departmental units are not authorized to give pre-adverse action disclosures to individuals.**

- I. This pre-adverse action disclosure must include a copy of the candidate's Background Investigation report; the name, address, and telephone number of the company that conducted the Background Investigation; and information on how to dispute information in the report. A copy of "A Summary of Your Rights under the Fair Credit Reporting Act" must also be provided to the candidate. The company performing the Background Investigation provides this summary.
- II. The candidate shall be given an opportunity (a minimum of three days) to provide an explanation, in writing, of the circumstances surrounding the results of the Background Investigation, including any mitigating factors, and have this explanation considered prior to the finalization of the hiring decision. The company performing the Background Investigation will receive and review the candidate's written response if contracted for this service; otherwise, the written response will be sent to the BIO for review.
- III. If the candidate successfully shows that s/he does not have a conviction(s) that led to the determination that the candidate was ineligible for employment, then the candidate shall be eligible for employment. University Human Resources will notify the Hiring Department of this determination.
- IV. If the candidate is unsuccessful in showing that, s/he does not have a conviction(s) that led to the determination that the candidate was ineligible for employment, then the candidate is ineligible for employment. University Human Resources must then send an adverse action notice to the candidate. This notice must include:
 - A. the name, address, and telephone number of the company that supplied the Background Investigation report;

- B. a statement that the company that supplied the Background Investigation report did not make the decision to take the adverse action and cannot give specific reasons for it; and
- C. a notice of the individual's right to dispute the accuracy and completeness of any information the company furnished in the Background Investigation report and the right of the individual to obtain an additional free report from the company upon request within sixty days.

Forms/Instructions

[Positions of Trust](#)

[General instructions](#)

[Request form for background investigation](#)

Policy definitions

Background Investigation - --An investigation which may include a criminal background check, confirmation of credentials, credit report check, and confirmation of employment history.

Background Investigation Committee (BIC) - --The committee charged with providing advice and counsel on questions of suitability of hire or promotion to positions of trust. The BIC consists of the following officials or their appointed representative (designee):

- o Associate Vice President for Human Resources (Chair)
- o Executive Director for Legal Affairs (or designee)
- o University Chief of Police
- o Director of Faculty Affairs

Background Investigation Officer (BIO) --the Associate Vice President for Human Resources is the principal officer charged with reviewing the results of background investigations and making determinations as to suitability of employment and promotions to positions of trust. The BIO consults with the Background Investigation Committee (BIC) and senior administrators as necessary in making determinations as to suitability of employment.

Conditional Hire --An individual offered employment, but has not successfully completed a background investigation.

Hiring Department--The organizational unit within the institution authorized to hire an employee or promote an existing employee.

New Hire, Rehire, Competitive Hire, or Hire --An individual offered employment resulting from a UGA employment process.

Promotion --An administrative action that raises an employee to a higher-level position, rank, status, or title. An increase in salary does not necessarily constitute a promotion unless it involves the above changes in position status.

Position of Trust--These positions include University identified sensitive positions that involve interaction with children (minors), law enforcement (sworn police officers), access to financial resources (such as handling cash, purchasing authority e.g., p-cards), after-hours access to University facilities, or other positions identified by the University that require a background investigation.

Responsibilities

Responsible University Senior Administrator: Vice President for Finance & Administration

Responsible University Administrator: Associate Vice President for Human Resources

Policy Owner: hrweb@uga.edu

Policy Contact: Lindsey Van Note

Phone Number: 706-542-7329

Record Retention

MAINTENANCE OF BACKGROUND INVESTIGATION REPORTS

Background Investigation reports and all relevant materials will be accessible to the Background Investigation Officer (BIO) via a secure Web site by the company performing the background investigation. The report and any supporting materials will remain with the BIO until the determination on employment eligibility is made. The BI WILL not be provided to nor maintained by the hiring department.

The background investigation vendor will maintain all relevant materials in accordance with USG Policy and State law. Refer to reference # GASC-06-004 on the USG

page: http://www.georgiaarchives.org/records/state_government/schedules/70

FAQs

Who is subject to background investigations (BIs)?

- All new hires of regular and temporary staff and faculty.
- Existing staff and faculty who are reclassified, assigned, or promoted into "positions of trust" (including P-card users). (Existing staff and faculty who are promoted or reclassified to non-positions of trust will not require BIs.)
- Volunteers for the benefit of the University in its delivery of programs and services to minors, including non-minor students who routinely work with minors (children) under the direction, control, and supervision of University employees.
- "Borrowed servants," i.e., individuals who work under the supervision of the University of Georgia but are paid by other entities.

What about P-card holders?

All P-card holders are considered to be in positions of trust; therefore, new employees who will be issued a P-card (regardless of classification or title) will require a BI. Current employees who have not previously had a P-card, but will be issued a P-card, must have a BI prior to receiving the P-card.

What about students?

Only those students whose primary responsibility whose primary responsibilities involved the care of children or tasks consistent with a position of trusts, (e.g., McPhaul Center, 4-H Camps) will require a BI. Student workers who exceed the 20-hour threshold or those students working during semester breaks or in the summer will not require a BI. Graduate students will not require background checks unless their primary responsibilities include child care. Students hired as temporary employees from high schools or other higher education institutions will require a BI.

What about volunteers?

Volunteers generally will not require a BI with the exception of volunteers working with minors. See question #1 above.

What about rehired retirees?

Rehired retirees are considered newly hired temporary employees and subject to a BI.

What is a position of trust?

While all positions on a campus may be considered positions of trust for various reasons, this phrase is a term defined by the state, and in short, means a position that has responsibility for "cash, keys, or kids (minor children)." The USG policy allows institutions to define those positions considered positions of trust, but generally, it means a position that has some degree of fiscal responsibility, responsibility for maintaining the security of an area, or responsibility for minor children.

Some promotion examples to illustrate the point:

- promotion from assistant to associate professor –no BI required
- promotion from associate professor to department chair –yes, BI is required
- promotion from department chair to dean –yes, BI required

- promotion from counselor to senior counselor –no BI required
- promotion from program coordinator to center director –yes, BI required, etc.

Positions of trust include programs that routinely serve minor children (dual enrollment, advanced academy, etc). A position of trust designation would not apply if there are *sometimes* minor children in someone's classes, but it would apply if someone were promoted to director of a program *primarily* serving minor children.

Positions in other titles not included on this list may be considered positions of trust if the duties and responsibilities meet the general criteria for a position of trust. Please contact Human Resources with any questions as to interpretation of what qualifies as a position of trust.

Process

How does the process work?

There are two different processes, depending on the use of iPAWS & FacultyJobs.

For positions posted in iPAWS or FacultyJobs; the university's applicant tracking system, the department will submit a Hiring Proposal to HR. HR will then submit the Background Investigation request to SterlingONE™. The candidate will receive an email from SterlingONE™ providing them with instructions on how to access their secure portal. HR will approve the Hiring Proposal when the background investigation is successfully completed.

For positions not posted in iPAWS or FacultyJobs, the department will submit a complete Background Request Form to HR. HR will then submit the BI request to SterlingONE™. The candidate will receive an email from SterlingONE™ providing them with instructions on how to access their secure portal. HR will approve the Hiring Proposal when the BI is successfully completed.

As a hiring official, what steps should I take?

If you are filling a vacant staff position, all the necessary information for your applicants will already exist in the university's applicant tracking system (iPAWS & FacultyJobs), i.e., the completion of a Hiring Proposal will provide the information needed to conduct a background investigation. This information will be submitted to SterlingONE™ by Human Resources.

Your most important tasks are to

- I. complete the Hiring Proposal in a timely manner
- II. plan appropriately for the start date
- III. be patient!

If you are reclassifying a staff position to a position of trust, hiring a new faculty member, or promoting an existing faculty member to a position of trust, a background investigation is required.. Human Resources will work with the department to obtain the required information needed for SterlingONE™.

What happens if the BI produces positive results?

- HR will receive an alert notification from SterlingONE™
- The Associate Vice President for Human Resources will review the BI report and decide if the hire should be allowed
- As the Background Investigation Official (BIO), the AVP may discuss the case with other officials
 - If BIO approves the hire, the employment process is finalized
 - If BIO disapproves the hire, HR sends a letter to the candidate
 - The candidate has three days to respond

- If the BI facts are clarified, the hiring process continues
- If no or insufficient response, HR sends a final reject letter to candidate
 - The BIO (or designee) notifies the department that the candidate is not eligible to be hired

Time and Cost

Who pays for the background investigations?

Central administration funds the cost of the background investigations.

How long will this delay my filling a position? Most background checks will take **5-7** days, but you will be contacted as soon as the check is clear. A new employee cannot start work until the background check process is complete.

[< Employment Applications](#) | [Employment Eligibility Verification \(I-9\)](#) >

Policy Dates

Effective Date:

Date Last Updated: 12/05/2017

Date of Last Review:

Date of Approval:

Previous Version of Policy: