



Effective:	September 7, 2022 (revised) May 2020 (original)
Responsible Executive:	Director, Employment Services
Applicability:	This policy applies to all university employees and all individuals performing work, activities, or services for Auburn University.
Review By:	September 2024

I. POLICY STATEMENT

Auburn University is committed to providing a safe and secure environment for students, faculty, staff, and visitors, as well as protecting university information and physical resources. Background checks, which are also known as consumer reports or investigative consumer reports, serve a vital role in the hiring process and support the university's efforts to maintain a safe and productive work environment. Background checks may include any written, oral or other communication of information bearing on an individual's credit, character, general reputation, personal characteristics, or mode of living that is used or expected to be used or collected for employment purposes. Examples may include criminal records, driving records, and information obtained from private and public sources. Background checks, when required, are a condition of employment and service activity and will be conducted in compliance with applicable law and university policies and procedures.

II. POLICY PRINCIPLES

This policy establishes background check requirements and processes for all university employees and volunteers. The university employs third-party vendors to obtain consumer reports pre-employment for final candidates prior to their beginning employment, pre-activity for volunteers prior to their beginning service, and additionally, the university may obtain periodic or random post-employment and post-activity consumer reports as it deems necessary.

A. Candidate and Employee Obligations

Candidates are required to consent to background check(s) to be considered for employment or volunteer activity at Auburn University. Any candidate who refuses to consent to a background check, refuses to provide information necessary to conduct a background check, or provides false or misleading information in connection with a background check, may be removed from consideration for the position for which they applied or for which they intend to volunteer. If an individual has already been hired, promoted, transferred, or is already performing volunteer activity, and subsequently is found to have provided false or misleading information in connection with a background

check, that individual may be subject to disciplinary action, up to and including termination.

All current Auburn University employees are required to self-disclose post-employment criminal convictions, not including minor traffic violations, which occur on or after the employment start date. Self-disclosure must be made within three (3) business days of the conviction to the Director of Employment Services in Auburn University's Human Resources Department or their designee. Employees who fail to self-disclose may be subject to disciplinary action up to and including termination.

All current Auburn University employees who have driving responsibilities as an essential job function as demonstrated in the position description are required to self-disclose the suspension or revocation of a driver's license and/or CDL license that occurs on or after the employment start date. Employees who fail to self-disclose this information may be subject to disciplinary action up to and including termination.

Additionally, employees or volunteers who are subject to random or periodic post-employment or post-activity background checks may be subject to disciplinary action up to and including termination based upon the results of their background check in accordance with applicable law and university policy.

B. Legal Compliance

Auburn University conducts background checks in compliance with applicable federal and state law, including nondiscrimination laws and the Fair Credit Reporting Act (FCRA).

The FCRA is a federal law that regulates the activities of credit reporting bureaus. The law governs the use of third-party credit reporting agencies to investigate the background of applicants for employment and imposes notice requirements for employers as well as monetary penalties for failure to comply with its provisions.

Under the FCRA, employers are required to disclose to an individual that a consumer report may be obtained and to obtain the individual's authorization before they obtain a consumer report on a job applicant or employee. All background check reports are classified as consumer reports, and requirements include disclosure, authorization, and certain other disclosures before and after an adverse action.

Evidence of criminal conviction(s) or other adverse information revealed by a consumer report will not automatically disqualify candidates from consideration or subject an employee to disciplinary action. Rather, the relevance of this information will be assessed with consideration given to job duties, the date of the offense(s) or information, and the nature of the offense(s) or information. Employment decisions made based upon information contained in a consumer report will be job-related, consistent with business necessity, and made in accordance with applicable federal and state law.

Background checks will not include genetic information, including family medical history.

III. PROCEDURES

Individual candidates for the following position types must consent to and complete a satisfactory background check prior to working for or engaging in any activities or services on behalf of Auburn University.

1. Final candidates for faculty, administrative & professional, and staff positions
2. Temporary Employment Services (TES) employees
3. Contract positions
4. Graduate Student positions
5. Professional students

For the following position types, a background check may be required, depending upon the nature of the position's duties. To the extent a background check is required, the individual candidate must consent to and complete a satisfactory background check before the individual begins working for or engaging in any activities or services on behalf of Auburn University.

6. Student employee positions
7. Volunteers

Internal Auburn University employees and active TES employees who, through the university's competitive recruitment and selection process, are identified as the final candidate for a different position with the university, and TES employees who begin a new TES assignment, must consent to new or updated background checks as determined by the University before that employee can be hired into the new position.

When a former Auburn University employee is being considered for rehire, that individual must consent to and complete a satisfactory background check. At the University's discretion, that individual's prior Auburn University background check may be used if it is less than twelve (12) months old.

Any offer of employment or volunteer activity extended to a final candidate or volunteer must be contingent upon their completion of a satisfactory background check, as appropriate. No individual can begin working or performing activities or services for the university before the appropriate background check is completed and the results have been reviewed and approved for hire or selection by authorized personnel.

Human Resources designated personnel have the primary authority to initiate and to process background checks as specified by this policy. As a result, Human Resources designated personnel are responsible for ensuring that all information obtained will only be used as part of the employment and/or activity engagement process and kept strictly confidential. Only under specific and controlled conditions will appropriate authorized personnel, to include Employment Services, Campus Safety and Security, Human Resources Liaisons (HRLs), and/or other authorized university personnel, have access to this information.

If a consumer report uncovers information that may disqualify a candidate from consideration, appropriate authorized personnel will notify the candidate of the information and provide a minimum of five (5) business days for the candidate to refute, explain, or correct the information. Hiring departments are not permitted to move forward with the selection of a different candidate during the timeframe the selected final candidate has to refute, explain, or correct the information.

Third-party vendors who employ contract workers must conduct background checks on individuals who will be performing work for Auburn University before any such work is performed. These background checks must be compliant and consistent with university standards.

IV. DEFINITIONS

1. **Final Candidate** – an individual who has been extended a contingent offer of employment
2. **Conviction** – a guilty verdict, a guilty plea or a plea of Nolo Contendere ('No Contest') of a felony or misdemeanor

V. SANCTIONS

Failure to comply with this policy may lead to disciplinary action up to and including termination.