

Policy on Background Checks

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 serve a vital role in the employment hiring process and supports the University's effort to maintain a safe environment and protect its assets. Background checks are utilized as a condition of employment in adherence to Auburn University policies, procedures, and in compliance with applicable federal and state laws.

II. Policy Principles

The policy establishes background check requirements and consistent processes for Auburn University Faculty, Administrative & Professional, Staff, Temporary, Contract, Graduate Student, Student, and Volunteer employees. Auburn University utilizes third-party vendors to conduct applicable pre-employment background checks on all final candidates prior to beginning employment and may conduct periodic and random background checks when issues of safety and/or security are of concern. Various checks are run depending upon the position type and required job duties.

Candidate Rights and Obligations

Candidates must consent to applicable background check(s) to be considered for employment at Auburn University. Any candidate who refuses to consent to the background check, refuses to provide information necessary to conduct the background check, or provides false information will not be considered for the position for which he/she has applied. Any candidate who has already been hired, promoted, or transferred, and is subsequently found to have provided false information related to the background check may be subject to disciplinary action, up to and including termination.

Employment Offers

Departments shall only extend offers of employment to the final candidate contingent upon a satisfactory result of the required background check. Individuals are not permitted to perform work for Auburn University prior to the completion of the applicable background check and subsequent review of information and satisfactory recommendation for hire from Human Resources.

Applicable Position Types

As a condition of work engagement, the following position types must submit to the standard background check investigations plus, any applicable a-la-carte checks required to operate within the given position, prior to engaging in any activities or services on behalf of Auburn University.

1. Final candidates (new hires) for regular faculty, administrative & professional, and staff
2. Temporary Employment Services (TES) employees
3. Contract Positions
4. Graduate Students

As a condition of work engagement, the following position types are not required to submit to the standard background check investigations. However, the standard background check or additional a-la-carte checks may be required depending upon the nature of the position duties.

5. Student Workers
6. Volunteers

As a condition of work engagement, internal candidates/existing Auburn University employees who, through Employment Services' recruitment and selection process, are identified as the final candidate for a different position within the university are only required to submit to the National Sex Offender Public Registry Search. Additional a-la-carte checks may be required depending upon the nature of the new position's duties.

A terminated employee, who is later rehired by the University, may use the result of their initial background check only if the check is less than twelve months old. A National Sex Offender Public Registry Search will be initiated regardless of the length of time that has passed.

Third party vendors are required to conduct background checks on individuals who will be performing work for Auburn University. These investigations must be in compliance and consistent with University standards.

Type of Background Checks

1. Standard Background Check

- a. Criminal Search (Federal) – crimes committed at the federal level, includes but is not limited to, cases involved with fraud, high-level drug offenses, embezzlement, and other white collar crimes
- b. Criminal Search (Statewide) – crimes committed at the state level, search is run by state of residence
- c. Criminal Search (County) – crimes committed at the county level and reported from county courthouses
- d. National Sex Offender Public Registry – provides information involving criminal convictions that are sexual in nature in which registry in a database is required.
- e. ID Trace – validates social security numbers, reveals current and former residences, and aliases

2. A-la-carte Checks

- a. Motor Vehicle Report (MVR) – validates a driver's license and reports driving violations
- b. Academic Verification – verifies academic degrees
- c. Professional License Verification – confirms the validity and active status of license and/or certification
- d. FACIS Verification – identifies disciplinary action that has been taken within the healthcare field
- e. Criminal Search (International) – searches crimes and offenses occurred in an individual's previous country of residence
- f. Credit History

Application of Background Check Information

As part of Title VII of the Civil Rights Act of 1964, background check information cannot be used as a basis for denying employment, unless it is determined to be due to job-related issues or business necessity. Auburn University ensures that all background checks are conducted in compliance with applicable federal and state statutes. Evidence of criminal conviction(s) or other adverse information will not automatically disqualify candidates from consideration. Human Resources will assess the relevance of convictions with consideration to job duties, the date of the offense(s), and the nature of the offense(s).

Compliance with the Fair Credit Reporting Act

The Fair Credit Reporting Act (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 that a report may be obtained and to obtain the applicant's consent before they obtain a consumer report on a job applicant or employee. All background-screening reports are classified as consumer reports, and requirements include notification and certification before and after an adverse action.

In the event that a consumer report uncovers information that may disqualify an applicant from employment consideration, the University (Human Resources) shall notify the applicant of the information and provide a minimum of five business days for the applicant 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 from which the selected final candidate has to refute, explain or correct the information.

Employee Self-Disclosure Requirements

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 business days of the conviction. 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.

III. Effective Date

May 2020

IV. Applicability

This policy applies to all individuals performing work for Auburn University.

V. Policy Management

Responsible Office: University Human Resources; Employment Services

Responsible Executive: Associate Vice President, Human Resources

Responsible Officer: Director, Employment Services

VI. Definitions

1. Candidate – a current, former, or prospective employee who has submitted information to be considered for employment at Auburn University.
2. Final Candidate – a candidate who has been extended a contingent offer of employment
3. Conviction – a guilty verdict, a guilty plea or the result of a trial that ends in judgment or sentence that the person is guilty as charged

4. Third Party Vendor – a company or entity with whom you have a written agreement to provide a product or service on behalf of the organization
5. Volunteer – an individual who performs hours of service for the University for civic, charitable, educational or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered.

VII. Policy Procedures

University Human Resources has the primary authority to initiate and process the background investigations as specified by this policy. As such, they are responsible to assure that all information that is attained will only be used as part of the work engagement process and kept strictly confidential. Only under specific and controlled conditions will appropriate Human Resources personnel, Campus Safety and Security, and/or other University department personnel have access to this information.

Final candidates for positions will grant their consent and enter their personal identification information into a secure, web-based portal prior to initiation of the order for a background check.

Cost of background checks are the responsibility of hiring departments and will be invoiced on a monthly basis for the cost(s) incurred.

VIII. Sanctions

Failure to successfully complete a background check or comply with this policy will result in the inability for a candidate to be hired into a position and may result in disciplinary action, up to and including termination.

IX. Exclusions

N/A

X. Interpretation

Director, Employment Services