Policy: Background Investigation

Policy Statement

It shall be a condition of employment with College of Coastal Georgia to submit to a background investigation. Offers of employment shall be conditional pending the result of the background investigation, which shall include, at a minimum, the following:

- A state and federal criminal history check covering a minimum of seven (7) years. Institutions may require state and federal criminal history check covering more than the minimum of seven (7) years for specified positions of trust;
- A nationwide sex offender search;
- A social security number check;
- For all professional, faculty and academic positions, an academic credentials check; and
- For all positions with access to or responsibility for money and/or a Purchase Card, a credit check.

A background investigation shall also be performed on:

- Any existing employee being transferred, reassigned, reclassified or promoted to a position of trust unless a background investigation conforming to this procedure has been performed within the past year. See also, current employee disclosure requirements under USG General Criteria for Employment Policy.
- All part-time, student or temporary employees and volunteers with primary responsibilities involving the direct interaction or care of children under the age of 18.
- Any existing employee that is transferred, reassigned, reclassified or promoted into a position requiring a Purchase Card, when they have not been assigned a Purchase Card previously, must submit to a credit check. Existing cardholders are subject to a background check before next renewal of card.

An institution may elect to perform reference checks and/or background investigations on part-time, student or temporary employees and volunteers who do not have primary responsibilities that include direct interaction or care of children under the age of 18.

Disqualification of Employment: A candidate will be disqualified for employment for any of the following reasons:
a. Conviction of a criminal drug offense shall disqualify a candidate for not less than three (3) months. Any candidate who has been convicted of a second or subsequent criminal drug offense shall be ineligible for employment or re-employment for a period of five (5) years from the most recent date of conviction.

b. Any false statement of material fact during the screening process.

c. The candidate is or has been a member of an organization advocating the violent overthrow of the government of the United States.

d. The candidate applying for a position of trust has been convicted of a felony or crime involving moral turpitude, unless the applicant has been pardoned.

The Office of Human Resources within each institution is required to evaluate and maintain an up to date listing of positions of trust as defined in this policy.

All background investigations shall be conducted through the Institution’s Office of Human Resources. Background investigations must be conducted by qualified vendors in accordance with applicable laws and regulations.

**Reason for Policy**

Criminal background checks are an important part of the pre-employment screening process, to protect the workplace and make better hiring decisions. This policy ensures consistency among institutions in accordance with applicable laws, policies and procedures.

**Entities Affected By This Policy**

All persons seeking full of part-time employment with the College of Coastal Georgia as well as all employees with the College of Coastal Georgia.

**Who Should Read This Policy**

All employees of the College of Coastal Georgia as well as all persons interested in employment with the College of Coastal Georgia should be aware of this policy.

**Contacts**

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone</th>
<th>E-mail/URL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Resources</td>
<td>(912) 279-5740</td>
<td><a href="mailto:hr@ccga.edu">hr@ccga.edu</a></td>
</tr>
<tr>
<td>Business Affairs</td>
<td>(912) 279-5756</td>
<td><a href="mailto:jpreston@ccga.edu">jpreston@ccga.edu</a></td>
</tr>
</tbody>
</table>
Website Address for This Policy

http://www.ccca.edu/uploaded/Policy/files/BackgroundInvestigation.pdf

Related Documents/Resources

None

Definitions

These definitions apply to these terms as they are used in this policy:

- **Board of Regents**: The governing body of the University System of Georgia.

- **Background Investigation**: An investigation comprised of a criminal background check (including social security number check and, for positions with access to or responsibility for financial resources, such as a purchase card, a credit check.), confirmation of credentials and confirmation of employment history.

- **Background Investigation Officer (BIO)**: The Hiring Official or his/her designee charged with reviewing the results of background investigations and making determinations as to the suitability of employment and promotions. The BIO consults with the Background Investigations Committee (BIC) and senior administrators as necessary in making determinations as to suitability of employment.

- **Background Investigation Committee (BIC)**: The Administrative Committee charged with determining questions of suitability of hire. Each institution of the University System of Georgia may form such a committee, as necessary. It is suggested that such committee have a maximum of four members and include a representative from the institution’s Hiring Office, the institution’s legal advisor (if on campus), public safety department, and academic affairs. The applicable hiring department will be consulted as necessary in the assessment of position responsibilities. All information must be kept confidential.

- **Consent Form**: A form authorizing the institution to conduct a criminal background check.

- **Consumer/Credit Reporting Agency (CRA)**: An entity that collects and disseminates information about an individual’s credit standing, character, general reputation, which is used (or expected to be used) for credit evaluation and certain other purposes outlined in the Fair Credit Reporting Act (FCRA), including employment background investigations.
• **Hiring Department**: The department hiring a new employee (whether internally or externally), or promoting an existing employee.

• **Hiring Office**: The institution’s employment office that handles all new hires at the institution.

• **Hiring Official**: An employee of the institution’s employment office that handles all new hires at the institution.

• **Positions of Trust** are sensitive positions that involve responsibilities demanding a significant degree of public trust with significant risk for causing damage or realizing personal gain. Primary responsibilities to include but not limited to:
  
  o The direct interaction or care of children under the age of 18 or direct patient care
  
  o Security Access (e.g., public safety, IT security, personnel records, or patient records)
  
  o Operation, access, or control of financial resources (e.g., P-Card, handling of checks or cash, or Budget Authority in making significant financial decisions)

Each institution’s hiring office is responsible for identifying and maintaining a list of positions of trust within their organization.

• **Moral Turpitude**: Crimes of moral turpitude are generally those involving vileness or depravity with respect to the duties a person owes to other members of society or to society in general. In particular concern are those crimes involving violence, dishonesty or breach of trust Examples include but are not limited to murder, rape, fraud, embezzlement, and child abuse.

**Process/Procedures**

**Determining Employment Eligibility for Applicants with Criminal History**

Only criminal convictions may be considered when determining a candidate’s eligibility for a specific position or employment as a whole. Detention and/or arrest without conviction do not constitute valid grounds for adverse employment decisions and do not play a part in the decision-making process. However, if an individual has a criminal case pending, his or her suitability for continued employment will be reviewed upon disposition of the case.

1. Conviction of a criminal drug offense shall disqualify an individual for employment with the University System of Georgia in accordance with state law.
Background Investigation Policy

a. The first conviction shall disqualify a person for not less than three (3) months
b. Any person who has been convicted of a second or subsequent criminal drug offense shall be ineligible for employment or re-employment for a period of five (5) years from the most recent date of conviction

2. Failing to disclose a criminal conviction history where required will disqualify a candidate for employment with an institution of the University System of Georgia.
3. Felony convictions and convictions involving crimes of moral turpitude shall immediately disqualify an individual for employment with the University System of Georgia in a position of trust.
4. When determining whether a candidate with disclosed criminal convictions is eligible for employment or promotion, the BIO will consider the specific responsibilities of the position for which the candidate is being considered, the nature, number and gravity of crimes for which the candidate was convicted and the amount of time that has passed since the conviction. A determination of ineligibility for a specific position as the result of a criminal conviction does not necessarily mean that an individual is ineligible for all employment with the institution and each such determination will be made on a case by case basis.

Guidelines for Determining Eligibility for Employment or Continued Employment or eligibility for a purchase card When Verifying Credit History

The following are guidelines for institutions to interpret the information obtained in the credit report for each applicant and/or existing employee. Each institution is expected to establish guidance that is in the range of the guidelines below.

1. Student loans currently in default should be considered bad credit. However, incidence of bad credit followed by good credit established (i.e. after filing a Bankruptcy), indicates an attempt to rectify past credit problems and may be considered acceptable if the incident occurred over three years ago.
2. One or more unpaid collections and judgments are considered to be bad credit. Collections and judgments appear under “Public Records.” Collections and judgments can be paid, marked paid or satisfied but will not be removed from the credit report for 7 years. If collections and judgments have been paid and all other credit is satisfactory, the institution may approve, at their discretion.
3. Mitigating factors regarding an applicant’s credit report, such as hardships and disputes with creditors, will be considered by the institution upon submission of objective written evidence, as long as the evidence presented, in the sole opinion of the institution, represents reliable evidence beyond the applicant’s control.
4. It is not the responsibility of the institution to discover research or verify that there are possible mitigating factors. The burden of proof to present mitigating factors rests entirely with the applicant.
5. A determination of ineligibility for a specific position as the result of his or her credit report results does not necessarily mean that an individual is ineligible for all employment with the institution and each such determination will be made on a case by case basis.

6. If the institution determines the employee is not eligible for employment, continued employment or to receive a purchase card, an adverse action notice must then be sent to the candidate. This notice must include:

   a. the name, address and telephone number of the CRA that supplied the Background Investigation report;

   b. a statement that the CRA 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 CRA furnished in the Background Investigation report and the right of the individual to obtain an additional free report from the CRA upon request within sixty days.

Process for Conducting Background Investigation

- Notice should be included in all job postings that finalists will be required to submit to a background investigation. The institution shall set guidelines for assigning the cost of performing a background investigation. The Hiring Department is responsible for confirming the employment history and credentials of an applicant before having the Hiring Office initiate the Background Investigation and before extending an offer of employment.

- The Hiring Office shall give the Hiring Department all required employment paperwork, including the Consent Forms, to be given to the final candidate. With respect to the promotion of existing employees, the institution shall implement a procedure for obtaining the Consent Form from the employee prior to initiating the Background Investigation. A conditional offer of employment/promotion may be made at this time. Important: All offers of employment must be made in writing and must include the following statement: “This offer of employment is contingent upon completion of a background investigation including a criminal background check demonstrating your eligibility for employment with [the institution], as determined by [the institution] in its sole discretion, confirmation of the credentials and employment history reflected in your application materials and, if applicable, a satisfactory credit check.”

- Upon receipt of a signed Consent Form of the Hiring Department’s selected candidate, the Hiring Office will initiate the Background Investigation into that candidate. If the top candidate is not hired for the involved position (e.g. criminal conviction precludes hiring, other criminal convictions render applicant ineligible for the specific position, candidate
does not accept the job offer, etc.), the Hiring Department may select another candidate for the position. If the candidate next selected for the position has already signed the Consent Form, then the Hiring Office will immediately initiate the investigation process. If the next applicant identified as the Hiring Department’s top candidate has not signed a Consent Form, then the Hiring Office will initiate the Background Investigation as soon as the Hiring Department submits a signed Consent Form.

How Criminal Background Check Information is Processed:

Background Investigation reports are submitted directly to the Hiring Office by the entity performing the investigation. The BIO is responsible for determining the eligibility of the selected candidate for employment with the institution. The Hiring Office should notify the Hiring Department of this determination. The BIO makes its decision about the selected candidate’s eligibility as follows:

1. The Background Investigation report shows no convictions: the selected candidate is eligible for employment.
2. The Background Investigation report shows one or more felony convictions or conviction of one or more crimes of moral turpitude: the selected candidate is ineligible for employment with the institution in a position of trust.
   
   a. Prior to making this final determination, the Hiring Office must give a pre-adverse action disclosure to the candidate. This pre-adverse action disclosure must include a copy of the candidate’s Background Investigation report, together with the name, address and telephone number of the Credit Reporting Agency (CRA) 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. This summary will be typically provided by the CRA performing the Background Investigation.
   
   b. The candidate must 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.
   
   c. If the candidate successfully shows that s/he has no felony convictions or convictions of crimes of moral turpitude, then the candidate shall be eligible for employment. The Hiring Office will notify the Hiring Department of this determination.
   
   d. If the candidate is unsuccessful in showing no felony convictions or convictions of crimes of moral turpitude, then the candidate is ineligible for employment in a position of trust. An adverse action notice must then be sent to the candidate. This notice must include:
the name, address and telephone number of the CRA that supplied the Background Investigation report;

- a statement that the CRA that supplied the Background Investigation report did not make the decision to take the adverse action and cannot give specific reasons for it; and

- a notice of the individual’s right to dispute the accuracy and completeness of any information the CRA furnished in the Background Investigation report and the right of the individual to obtain an additional free report from the CRA upon request within sixty days.

3. **The Background Investigation report shows one or more criminal convictions and the applicant is not applying for a position of trust:**
   
a. *The criminal convictions were all disclosed by the selected candidate.* The BIO will determine whether the candidate is eligible for the involved position based on the job description and the nature of the crimes for which the candidate was convicted.

   1) If the BIO determines the candidate is eligible, then the Hiring Office will so notify the Hiring Department.

   2) If the BIO determines the candidate is not eligible, then prior to making this final determination, the Hiring Office must give a pre-adverse action disclosure to the candidate.

   - This pre-adverse action disclosure must include a copy of the candidate’s Background Investigation report, together with the name, address and telephone number of the CRA 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. This summary will be typically provided by the CRA performing the Background Investigation.

   - The candidate must 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.

   - If the candidate successfully shows that s/he does not have the criminal convictions that led the BIO to determine that the candidate was ineligible for employment, then the candidate shall be eligible for employment. The Hiring Office will notify the Hiring Department of this determination.

   - If the candidate is unsuccessful in showing that s/he does not have the criminal convictions that led the BIO to determine that
the candidate was ineligible for employment, then the candidate is ineligible for employment. An adverse action notice must then be sent to the candidate. This notice must include:

a. the name, address and telephone number of the CRA that supplied the Background Investigation report;
b. a statement that the CRA 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 CRA furnished in the Background Investigation report and the right of the individual to obtain an additional free report from the CRA upon request within sixty days.

b. The criminal convictions were not disclosed by the selected candidate. The Hiring Office will notify the candidate in writing that the Background Investigation revealed criminal convictions that were not disclosed and that s/he will be removed from consideration for the involved position due to misrepresentation and falsifying application materials unless s/he contacts the Hiring Office and corrects any inaccuracies contained in the report within a minimum of three (3) days. This notification will be accompanied by a pre-adverse action disclosure.

1) The pre-adverse disclosure must include a copy of the candidate’s Background Investigation report, together with the name, address and telephone number of the CRA that conducted the Background Investigation, and information on how to dispute the 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. This summary will be typically provided by the CRA performing the Background Investigation.

2) The candidate must 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.

- If the candidate successfully shows that s/he has no criminal convictions, then the candidate shall be eligible for employment. The Hiring Office will notify the Hiring Department of this determination.
- If the candidate is unsuccessful in showing no criminal convictions, then the candidate is ineligible for employment due to misrepresentation and falsifying application materials. An
adverse action notice must then be sent to the candidate. This notice must include:

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

4. It is not the responsibility of the institution to discover research or verify that there are possible mitigating factors. The burden of proof to present mitigating factors rests entirely with the applicant.

A copy of his or her report shall be given to each applicant and/or employee as applicable.

Record Retention and Disposing of Background Investigation Reports

Background investigation reports on new or existing employees shall remain with the Hiring Office until the determination on employment or promotion eligibility has been made and then stored separate from the employees personnel file. HR will place a certification in the employee’s personnel file stating the date the report was obtained, the name of the person who reviewed the report and a statement that the report showed that the employee was or was not eligible for employment or promotion. Criminal and financial background checks on employees must be securely stored and destroyed in accordance with applicable laws and the USG records retention schedule for a period of five (5) years.

Reports for all non-successful applicants for employment and applicants for promotion must be stored and destroyed in accordance with applicable laws and the University System of Georgia (USG) record retention guidelines for documents three (3) years.

In an effort to protect the privacy of information and reduce the risk of fraud and identity theft, institutions must take appropriate protective measures to properly store and dispose of sensitive information gathered from background investigations.

Responsibilities

The responsibilities each party has in connection with the Policy on Background Investigation are:
<table>
<thead>
<tr>
<th>(Party)</th>
<th>(Responsibility)</th>
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<tbody>
<tr>
<td>Director of Human Resources</td>
<td>Policy Implementation</td>
</tr>
<tr>
<td>All College of Coastal Georgia Employees</td>
<td>Adhering to the Policies of the College of Coastal Georgia</td>
</tr>
</tbody>
</table>

**Forms**

- [Background Release Form](#)

**Appendices**

None