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**Revision Responsibility:** Director of Human Resources

**Responsible Executive Officer:** Vice President for Finance and Administration

**Source/Reference:** [TBR Guideline P-010 Personnel Transactions & Recommended Forms](#)

## **PURPOSE**

To verify the accuracy of information on an employment application that has been provided by final candidates, or employees who are hired, promoted, reclassified, or transferred, to ensure that individuals selected or retained possess the qualifications to perform the duties of the position.

## **POLICY**

### **I. Application to Applicants and Employees**

- A. Background checks are required for candidates recommended for hire as listed in the Background Check Matrix. The College may require background checks for some specified positions to be occupied by employees who are to be promoted, reclassified, or transferred into specified positions, including interim/acting positions.
- B. Circumstances may arise for which background checks of current employees would be necessary in order to determine whether their employment status with the Institution should be changed.

### **II. Restrictions**

- A. Background checks may include, but are not limited to, confirmation of the individual's identity; credit information; verification of required degree, certification, or licensure for the specified position; employment and reference verification; motor vehicle record; or criminal conviction record, if any.
- B. Initial appointment or continued employment to a specified position is contingent upon the completion of an acceptable background check.
- C. Background checks are to be completed prior to appointing a person to the position. However, should a background check be initiated or the results provided after employment has begun, the results shall be used to assess the employee's suitability for continued employment.
- D. The College will only consider criminal convictions or pleas of *nolo contendere* in determining the applicant or employee's suitability for employment. Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot be considered in the decision-making process.

- E. The Human Resources office, and ultimately the Director, is responsible for reviewing and evaluating the background information. If the background check report contains information based upon which it is determined that the candidate or employee does not possess the qualifications or characteristics necessary to perform the duties of the position, or would not be an appropriate candidate to serve the Institution in the specified position, an offer of employment, promotion, reclassification, or transfer will not be made.
- F. If adverse action is to be taken based in whole, or in part, on the information obtained from the background check, additional provisions of the Fair Credit Reporting Act (FCRA) shall be followed. Prior to taking adverse action, the Human Resources Office must provide the candidate or employee with a copy of the background check report, along with a Pre-adverse Action Notice. After the adverse action is taken, the candidate or employee must be give a Rejection Notice letter.

### III. Positions Requiring Background Checks

The Human Resources Office will maintain a record of the types of background checks that will be required based on employment category and position of the candidate. (See Background Check Matrix.)

### IV. Types of Background Checks

- A. Felony and Misdemeanor Record
- B. Financial Report
- C. Motor Vehicle Record
- D. Credential or Licensure Verification

### V. Fees

The agency contracted to perform background checks will charge a fee for each check conducted. Fees charged by the background-checking agency will automatically be charged to the department or office that is hiring the position.

## PROCEDURES

### I. Responsibilities

#### A. Background Check

1. The Human Resources Office is responsible for ensuring that the Release Authorization and Fair Credit Reporting Act Disclosure Form required by the Fair Credit Reporting Act (FCRA) is completed and returned to the Human Resources Office. The Human Resources Office will provide this form to the hiring supervisor so that he/she can request that the candidate complete and return the form to the Human Resources Office. A background check

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cannot be initiated until this form is completed. If the candidate or employee refuses to sign this form, no further consideration will be given to the candidate or employee.

2. The Human Resources Office will process the background check request to the background-checking agency.
3. The Human Resources Office will notify the hiring supervisor of the job-related results.
4. In all instances where information is obtained that would disqualify the candidate or employee, or make him/her a questionable risk for hire, promotion, reclassification, transfer, or continued employment, the Director of Human Resources will discuss the information with the General Counsel's Office at the Tennessee Board of Regents (TBR) to ensure the decision is fair and legal, based upon the information obtained.

**B. Maintaining Background Release Forms**

1. The Human Resources Office will serve as custodian of the records for background check results for employees.
2. Only completed Release Authorization and Fair Credit Reporting Act Disclosure Form is retained in the Human Resources Office. Results of the background check are retained by the agency contracted to perform the background checks.

**C. Education Verification**

1. The Human Resources Office is responsible for ensuring that valid official college transcripts are received for all full-time administrative, professional, and faculty employees. Official transcripts are filed and retained in the Human Resources Office.
2. Official college transcripts showing the applicable degree are also required for part-time (adjunct) faculty and are maintained in the Faculty, Curriculum, and Programs office.

**D. Employment Verification**

The hiring supervisor is responsible for ensuring that prior employment and reference checks are completed on applicants for employment. Offers of employment must be approved by the Human Resources Office prior to commitment and include notice that appointment to the position is contingent upon completion of an acceptable background check.