

Policy Number/Title: 4.32 Background Check Policy
Effective Since: 09/01/2019
Last Revision Approved: 09/01/2019
Responsible Office: Human Resources

1. Scope:

This policy applies to current employees of Winthrop University, individuals applying for employment with Winthrop University, and prospective representatives of Winthrop University who, in the course of representing the University, may be responsible for the direct care of minors or vulnerable adults. This policy also applies to individuals associated with camps or similar activities allowed to use Winthrop facilities and who may be responsible for the direct care of minors or vulnerable adults while on Winthrop's campus. All individuals hereinafter referred to as Candidates.

2. Definitions:

This section is intentionally left blank.

3. Policy:

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT

Implementation

All background screening, with the exception of personal reference checks, shall be conducted through the Office of Human Resources. The Office of Human Resources shall conduct all background screening in accordance with the guidelines outlined herein.

Violation of Policy



Violations of this policy will result in disciplinary action up to and including termination of employment.

Policy Guidelines

Upon completion of the background screening process, the results will be reviewed by the Office of Human Resources and any appropriate decision-makers.

The discovery of any false statements or the omission of information on the employment application or any other University document is a sufficient basis on which to discharge an employee or reject an application.

Current employees, representatives of Winthrop, or individuals who have had a break in service of one year or less must report any conviction of a felony or misdemeanor to the Office of Human Resources within three (3) days of the pending offense or conviction or upon application for reinstatement. Winthrop will evaluate the individual's suitability for employment or representation with the University in a manner consistent with its Progressive Discipline Policy, where applicable, and based on the position in issue, job-relatedness, and the nature/gravity of the offense. Failure to timely disclose a pending offense or conviction will result in disciplinary action, up to and including termination of employment.

4. Procedures:

Policy Implementation

In conducting background checks on Candidates, the procedures enumerated below shall be followed:

1. Winthrop will certify to any consumer reporting agency used by Winthrop that the requested information will be used for employment related purposes (including the provision of services by representatives of the University), and Winthrop will follow all applicable laws with respect to the use of such information.
2. Before conducting a background check on a Candidate, Winthrop will obtain written authorization from the Candidate. The authorization may be obtained by the campus department responsible for interviewing the Candidate. All authorizations should be provided to the Office of Human Resources for purposes of initiating and processing the background check. Criminal background checks will only be conducted on Candidates who are otherwise qualified for the position for which they are applying.
3. At least five (5) business days prior to questioning a Candidate on information obtained



through a background check or making an adverse decision on the basis of such information, Winthrop will provide the Candidate with a complete copy of the report in issue, a copy of a summary of the Candidate's rights under the Fair Credit Reporting Act, and a letter stating that Winthrop has received the results of a background check which, if accurate, will disqualify the Candidate from employment. It is the Candidate's responsibility to resolve any inaccuracies in the report(s) directly with the consumer reporting agency.

4. Winthrop will not question a Candidate about an arrest, detention, or disposition regarding any violation of law in which no conviction resulted and with respect to which charges are not pending, unless the Candidate has been arrested, detained, or convicted of another offense within the preceding five years.

5. Winthrop will disseminate information contained in a background check only to individuals who have a need to know the information.

6. Winthrop will retain in a confidential manner all authorization forms for one year after the request for background information is submitted, or as otherwise required by law.

7. Winthrop will retain all criminal background information obtained for two years from the final decision on the applicant, or as otherwise required by law. After that time, the criminal background check information will be destroyed.

Disqualification from Consideration or Employment

A Candidate will not automatically be disqualified on the basis of a criminal record.

Winthrop will consider the following factors in making its determination:

- Relevance of the record to the position sought;
- The nature of the work performed;
- The time elapsed since the conviction;
- Age of the Candidate at the time of conviction;
- Seriousness and known circumstances of the offense;
- Number of offenses;
- Any pending offenses;
- Relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information.

Campus Police / Dispatchers

Police Officers and Dispatchers may be subject to additional background screening through the South Carolina Criminal Justice Academy.

Conditional Employment



In certain instances, with notice to and approval from the Office of Human Resources, Candidates may be temporarily placed in a position pending final receipt and review of the results of a background check.

5. Resources:

Background Check Frequently Asked Questions:

<https://www.winthrop.edu/hr/policybackgroundcheckfaqs.aspx>

6. History of Revisions:

09/01/2019	Minor Revisions
12/01/2013	Policy first established

7. Approvals:

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:

President Signature/Date: