SO-BF Conducting Background Investigations

Policy/Guideline Area

System Office Policies, Guidelines and Procedures

Applicable Division

System Office

Purpose

This policy is designed to provide the Tennessee Board of Regents System Office with the guidance and instructions necessary to conduct successful background investigations. This policy is for internal use only.

Policy/Guideline

I. Introduction

A. It is the policy of the TBR to hire the best-qualified applicant for any available position. This policy is consistent with our commitment to providing the highest level of quality care and to take reasonable measures to ensure the safety of our clients, staff, customers and property.

B. The Tennessee Board of Regents will conduct background investigations on all applicants recommended for employment in sensitive positions identified.

C. TBR reserves the right to conduct background investigations on employees during the term of their employment for the following purposes: criminal offense investigation; sexual harassment investigation, and any other legitimate reason.

D. The type and extent of each background investigation will be determined by the nature of the position to be filled by the applicant/employee.

E. Prior to implementation, the Human Resources Department will designate an individual (s) within the organization to process all background investigation orders, receive results, and communicate results to applicant/employees where appropriate and to contact the Office of General Counsel with any questions and/or problems.

II. Background Checks for Candidates

A. Pursuant to Tennessee Board of Regents Guideline P-010, Personnel Transactions and Recommended Forms, background checks of candidates recommended for employment will be conducted on positions that include, but are not limited to, those that have access to money, security-sensitive areas, and confidential information; and positions that have the capability to create, delete, or alter records. This applies to the following positions: Chancellor, all Vice Chancellor positions; General Counsel; Director of System Wide Audit; Chief Information Officer; Executive Director for Facilities Development; all Internal auditor positions; all Human Resources positions; Director for Fiscal Services; Coordinator for Payroll, Associate Vice Chancellor for Research and Effectiveness, Associate Vice Chancellor for TN eCampus (formerly RODP/ROCC); Director Finance for TTCs; and the Director Finance for TN eCampus Program.

III. Background Check for Current Employees

A. Circumstances may also arise for which background checks of current employees will be necessary in order to determine whether their employment status with the institution should be changed. This process is necessary to ensure that individuals are selected or retained who possess the qualifications to perform the duties of the position most effectively and who are best able to serve the institution. Background checks may include, but not be limited to, Financial Report, Related Misdemeanor, Statewide Felony and Misdemeanor, Motor Vehicle Record, Military Record, DTEC (social security number verification), and Credential Verification, Education Verification, Employment Verification, and Reference Verification.

IV. Notification

A. The individuals subject to background checks must be made aware of this practice at the earliest possible stage in the process. Appointment of or continued employment in a specified position is contingent upon an acceptable background check, and any written offer of employment must contain notice of this contingency.

V. Types of Background Checks

A. The System Office has determined what types(s) of checks will be required for each position based upon the responsibilities of the position. The Human Resources office will maintain a list of the types of checks that will be required of the specified positions based upon the responsibilities of the position.

VI. Forms and Procedure

A. The Human Resources office is responsible for ensuring that the Disclosure and Authorization Form required by the Fair Credit Reporting Act (FCRA) is completed and forwarded to the Human Resources office. No background check may be requested until this form is completed. If the candidate/employee refuses to sign the Disclosure and Authorization Form, no further consideration will be given to this candidate/employee. The third party vendor conducting the background check is required to provide all necessary forms to be used in the process.

B. The Human Resources office will fax or send via software the background check request to the background check agency. The background check agency will normally respond within 24 to 48 hours of receipt of the form.

C. Once received, the Assistant Vice Chancellor of Human Resources, in conjunction with the appropriate Chancellor's Staff, will review and evaluate the information. If the background check contains information upon which it is determined that the candidate/employee does not possess the qualifications or characteristics necessary to perform the duties of the position most effectively or would not be the best candidate to serve the institution in the position, an offer of employment, promotion, reclassification, or transfer should not be made.

VII. Disqualification of Candidate/Employee

A. In all instances where information is obtained that would disqualify the candidate/employee or, make him/her a questionable risk for hire, promotion, reclassification, transfer or continued employment, the Assistant Vice Chancellor of Human Resources will discuss the information with the General Counsel to ensure the decision is fair and legal based upon the information.

B. Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision-making process. Only criminal convictions or pleas of nolo contendre will be considered in determining candidate's/employee's suitability for employment or continued employment. In determining suitability for employment where there is a record of criminal conviction, consideration shall be given to such issues as the specific duties of the position, the number of offenses and circumstances of each, how long ago the conviction occurred, whether the circumstances arose out of an employment situation, and the accuracy of the explanation on the application.

C. 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 FCRA must be followed. Prior to taking adverse action, the Human Resources office must provide the candidate/employee with a copy of the background check report, along with a summary of rights. After the adverse action is taken, the candidate/employee must be given an adverse action notice.

VIII. Background Check Fees

A. The background check agency conducting the background check will charge a fee for each check conducted. The total cost of each background check will be charged to the hiring department's account. The invoice, once received, will be forwarded to the department for processing.

IX. Retention of Results

A. Background check results on individuals who become employees should be kept in the employees' personnel file. Background checks on individuals who are not placed in the position should be kept with the application materials.

Sources

History

August 20, 2014; October 11, 2016, changed RODP reference to TNeCampus.

Related Polices

[5.01.00.00 General Personnel Policy]

[5.01.00.10 Personnel Records]

[P-010 Personnel Transactions & Recommended Forms]