



UNIVERSITY OF  
WEST GEORGIA

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Area Employment  
(Procedures)  
Chief Or Chief Human  
Responsible Resources  
Office Officer

## Background Investigations

Authority for Procedure granted by [UWG Policy #4001, Human Resources Administrative Practice and Services](#)

This procedure establishes Background Investigation requirements and a process for UWG to ensure adherence to applicable laws, University System of Georgia (USG) Board of Regents (BOR) policies and procedures, and compliance with the following requirements and standards. All UWG departments, employees (i.e., full-time, part-time, temporary, and student), and affiliates (e.g., contractors, volunteers, etc.) are covered by this procedure.

- A Background Investigation that conforms to the standards of this procedure is a condition of employment with UWG.
- All offers of employment or affiliate opportunities by UWG are conditional, pending the results of a Background Investigation, and shall align with the USG [Human Resources Administrative Practice \(HRAP\) Manual](#) for Background Investigations.
- Background Investigations shall be initiated through the Office of Human Resources (OHR) and conducted by the approved vendor, following any mandatory requirements and applicable laws and regulations.
- By state law, Public Safety Officers may not conduct Background Investigations for UWG employees other than the additional requirements associated with sworn and civilian (non-sworn) law enforcement positions as required by state law and Georgia Peace Officer Standards and Training (P.O.S.T.) certification requirements.
- UWG's OHR shall maintain an up-to-date Positions of Trust listing (defined in this procedure) and, when appropriate, evaluate positions and make determinations based on related responsibilities.

### A. Applicability

Background Investigations are required and apply to positions as follows:

1. **Prior to Hire:**

- **All newly hired faculty, staff, and administrators** (including regular full and part-time).
- **Student employees, temporary employees, and affiliates (e.g., volunteers) when serving in Positions of Trust.**
  - **For student employees, temporary employees, and affiliates (i.e., volunteers) not in a Position of Trust**, UWG reserves the right to perform reference checks and/or Background Investigations. The process must be documented and applied consistently. (See [UWG PL7007, Volunteering](#))
  - **Exclusion:** Students who require a Background Investigation as part of their academic program shall follow the requirements and instructions of the academic program. (See academic department/program webpages for further information.)
- **For Contractors**, reference [BPM 3.1.3 Background Checks of Supplier Employees](#).

2. **Existing Employees who move to a Position of Trust** are subject to a Background Investigation unless the check conforming to this procedure is performed within 12 months.

**Current employees charged with or convicted of a criminal offense** must disclose such information per the [USG HRAP](#), General Criteria for Employment.

3. **Rehired Employees:** Before reemployment, the hiring institution must complete the eligibility for rehire verification process (Reference the [HRAP](#) Eligibility for Rehire). Rehired Employees not subject to a new Background Investigation upon rehire must disclose any charges or convictions sustained during their employment separation or break.
- Employees who separate from UWG and are subsequently rehired at UWG will undergo a Background Investigation if rehired into a Position of Trust unless one was completed within the preceding 12 months.
  - If rehired within 120 days and a Background Investigation occurred in the last 12 months, a new Background Investigation is not required unless aspects pertinent to the job were not previously reviewed (i.e., credit or academic credentials check or Position of Trust).
  - Faculty returning to their position within the next consecutive academic term are not considered separated from the institution.
4. **Credit Checks and Purchase Card (P Card) Holders.** In addition to the required Background Investigation, employees in Positions of Trust with financial/fiduciary responsibilities and P-Card Holders must have a credit check.
- An existing employee must submit a credit check when transferred, reassigned, reclassified, or promoted into a position requiring a P-Card Card. Existing cardholders are subject to a credit check before each card renewal.

**Exclusion:** Students who require a Background Investigation as part of their academic program shall follow the requirements and instructions of the academic program. (See academic department/program webpages for further information.)

## B. Standard Background Investigation Requirements

Background Investigations shall, at a minimum, include the following:

1. **Social Security Verification:** validates the Applicant's Social Security number, date of birth, and any former addresses.
2. **Prior Employment Verification:** confirms the Applicant's employment with the listed companies, including dates of employment, position held, and additional information (e.g., performance rating, the reason for departure, and eligibility for rehire).
3. **Educational Verification:** confirms the Applicant's claimed educational institution, including the years attended, the degree/diploma received, and a review of any disciplinary actions (e.g., suspensions and revocations).

**For positions that require an academic or professional certification or licensure,** a copy of a current document must be obtained and verified with the accrediting or licensing authority that the selected Candidate is duly accredited or licensed and that such accreditation or licensure or certification is current and without related disciplinary actions, including suspensions and/or revocations.

4. **Professional and Personal References:** contact individuals listed as references by the Applicant. UWG reserves the right to contact any individual believed to have pertinent information about the Applicant's job performance. For employees with a professional license related to the performance of job responsibilities, a review of any disciplinary actions, including suspensions and revocations, will be conducted;
5. **Nationwide sex offender search:** a search for any Sexual Offenses in any state.
6. **Criminal History:** includes a state and federal criminal history check covering seven years. International criminal history checks are required as applicable.

## C. Comprehensive Background Investigation Requirements

Employees with significant fiscal responsibility (e.g., financial aid, disbursing checks, accounting and business functions, budgeting, cashier duties, etc.) and positions classified as a Position of Trust may be subject to the following additional searches at the time of hire and on an ongoing basis.

1. **Motor Vehicle Records (MVR):** reports on an individual's driving history in the state. An MVR is essential when driving is a requirement of the position (e.g., operating a mail delivery van, plant operations maintenance vehicle, media delivery vehicle, etc.)
2. **Credit History Report:** confirms an individual's credit history (e.g., debt load, payment history, and any public record information, liens, judgments, bankruptcies, etc.) Credit history is

essential for positions involving the management of funds on behalf of UWG and UWG Foundations and/or handling cash or processing credit card information.

3. **Georgia Peace Officer Standards and Training (P.O.S.T.):** Candidates for a sworn and civilian (non-sworn) law enforcement position shall undergo and meet additional requirements associated with sworn and non-sworn law enforcement positions as required by state law and Georgia Peace Officer Standards and Training (P.O.S.T.) certification requirements.

The **University Police Department (UPD)** is responsible for conducting these Background Investigations separate from those required by OHR.

Access to this information is strictly limited to UPD employees and others on a need-to-know basis to ensure the Candidate's privacy. UWG's Chief of Police or designee will review the information obtained, assess the Candidate's job readiness, and shall have the final hiring determination of the Candidate.

UPD will evaluate internal departmental positions and make determinations based on related responsibilities when applicable

4. **Healthcare-related Sanctions:** employees responsible for the health and welfare of faculty, staff, and students (providing medical services, such as physical trainers, rehabilitation coordinators, counselors, etc.) will undergo a Comprehensive Background Investigation.

For this procedure, all healthcare-related employees licensed as physicians, registered nurses, etc., will be checked for sanctions. Sanctions may result in ineligibility for employment or dismissal at UWG. (See U.S. [Dept. of Health and Human Services, OIG Background Information](#))

## D. Disclosure of Criminal Record History

Noncompliance with the below-stated requirements and/or misrepresenting the circumstances relating to the events may result in discipline, up to and including termination, revocation of an offer of employment, or a temporary or permanent ban from University property.

### 1. Applicants/Candidates

Criminal History self-disclosure forms must be completed by Candidates and affiliates (e.g., contractors and volunteers) prior to the Background Investigation being complete and in compliance with relevant laws and USG policies.

- **Applicants** may not be asked to disclose their Criminal Record History unless selected for hire and have received a conditional employment offer.

**Exception: Applicants for an identified Position of Trust** may be asked to disclose their Criminal Record history during the initial screening process and before a conditional employment offer. *Positions of Trust must be identified before posting the*

position and made known to Applicants. (Reference [USG HRAP](#), *Employment Applications, and Background Investigations*).

2. **Current employees charged with or convicted of a criminal offense** must disclose such information per the [USG HRAP](#), General Criteria for Employment.
3. **Current employees who wish to use State of Georgia Vehicles, institution-owned or controlled vehicles, or rental vehicles** for USG/Institution business usage should be appropriately licensed and meet acceptable driving standards and disclose any license expiration, suspension, or revocation as defined [in the USG HRAP](#), Motor Vehicle Use.

## E. Disclosure of Conflicts of Interest and Other Employment

**Candidates, Existing, and Rehired Employees** must disclose potential, actual, or apparent conflicts of interest regarding compensated outside activities related to the Candidate's expertise or responsibilities as a UWG employee. Failure to disclose any charges, convictions, or conflicts of interest will result fully and properly in disciplinary action up to and including termination. (Reference the USG [HRAP provision on Conflict of Interest](#) and UWG PL 4001 associated procedure [Conflict of Commitment and Interest](#)). UWG will notify Candidates, Existing and Rehired Employees of disclosure requirements.

## F. Disqualification of Employment

Candidates may be disqualified from employment for any of the following reasons.

- The Candidate has been convicted of a crime involving a felony or crimes involving Moral Turpitude unless the Applicant has been pardoned.
- Any confirmed criminal history may result in disqualification.
- Any false statement of material fact during the screening process.
- The Candidate is or has been a member of an organization advocating the violent overthrow of the United States or State of Georgia government.

An individualized assessment, as outlined in this procedure, must be conducted to determine potential disqualification.

## G. Background Investigation Process

The Office of Human Resources (OHR) shall provide the final Candidate with the required employment paperwork, including the Consent Forms, via the approved background check vendor. A conditional employment/promotion offer may be made at this time.

**Important:** All employment offers must be made in writing and must include the following statement: *"Offers of employment are contingent upon completion of a background investigation, including a criminal background check demonstrating your eligibility for employment with the University of West Georgia as*

*determined by the University of West Georgia in its sole discretion; confirmation of the credentials and employment history reflected in your application materials, reference checks; and, if applicable, a satisfactory credit check. Applicants may be subject to a pre-employment drug test. Offers are made expressly subject to the applicable federal and state laws, to the statutes, rules, and regulations of this institution, and to the Bylaws and Policies of the Board of Regents (BOR) of the University System of Georgia (USG), which are available for your inspection upon request."*

Upon receipt of a signed conditional employment offer acceptance, Consent Form, and the criminal history self-disclosure form, the OHR will start the Background Investigation process. Should the initial Candidate not be hired due to reasons such as a disqualifying criminal conviction or declining the job offer, the Hiring Department may choose another Candidate for the position. Upon acceptance of the offer and signing of the Consent Form by the subsequent Candidate, the OHR will initiate the investigation process.

Hiring Managers and/or Search Committee Chairs shall utilize the UWG Hiring Guide to provide best practices for ensuring fairness and effective selection during all stages of the hiring process. This guide applies to Classified, Administrative & Professional Staff and Faculty positions. To access the UWG Hiring Guide and all Staff / Faculty Hiring Resources, visit the [Talent Services Resources](#) webpage, which is available on the OHR Work West Webspace (one USG login is required).

**Note:** The **Office of the Vice President for Academic Affairs** is responsible for completing academic and professional credentials checks for all professional, faculty, and academic positions following accreditation and professional standards and requirements.

## H. Evaluating Criminal Background Investigation Information

Background Investigation reports are sent to OHR by the approved vendor for background checks. The Background Investigation Officer (BIO) reviews the Background Investigation findings against the Candidate's Criminal History self-disclosure to determine the Candidate's eligibility. In consultation with senior administrators and the Background Investigation Committee (BIC), the BIO, where applicable, makes eligibility decisions following the [USG HRAP](#), Background Investigations, Section *Evaluating and processing Criminal Background Check Information*. OHR will notify the Hiring Department of the determination.

For information on evaluating Criminal Background Check eligibility and Background Investigation Scenarios, see [USG HRAP](#), Background Investigations Appendix - *Conducting Background Investigations*.

## I. Notification of Adverse Background Investigation

Before making a final determination of eligibility for employment based on the results of a Background Investigation, the OHR shall provide the Candidate with a **Pre-Adverse Action Disclosure** and **Adverse Action Notice**.

## 1. Pre-Adverse Action Disclosure

If **Background Investigation results show a conviction**, OHR will review and provide a verbal Pre-Adverse Action Disclosure notification to the Candidate before a final determination of ineligibility for employment and shall include:

- i. A copy of the Candidate's Background Investigation report,
- ii. Contact information (name, address, and telephone number) of the Credit Reporting Agency (CRA) that conducted the Background Investigation,
- iii. Information on how to dispute information in the report, and
- iv. A copy of "A Summary of Your Rights under the Fair Credit Reporting Act."

Candidates have five business days to provide a written explanation of the circumstances surrounding the results of the Background Investigation or credentials check, including any mitigating factors, and have this explanation considered before finalizing the employment eligibility decision. *UWG is not responsible for discovering, researching, or verifying possible mitigating factors; the burden of proof rests entirely with the Candidate.* A copy of the report shall be given to each Candidate or Employee as applicable.

Employment decisions are as outlined below.

- **Background Investigation reports show no convictions:** The selected Candidate is determined to be eligible for employment, and the Hiring Department and the Candidate are notified.
- **The Background Investigation report shows an arrest or pending criminal charges but no conviction:** The selected Candidate's employment eligibility will be determined based on the nature of the charge and position.
- **The Background Investigation report shows convictions:** The selected Candidate is ineligible for employment with the institution in a Position of Trust but does not necessarily disqualify the Candidate from all employment with the University. Employment eligibility will be determined based on the nature of the conviction and position.
- **The Background Investigation report shows Undisclosed Convictions:** The selected Candidate is removed from consideration due to misrepresentation and falsifying application materials.

## 2. Adverse Action Notice

Candidates deemed ineligible for employment or an affiliate position following the Pre-Adverse Action Disclosure period will receive an Adverse Action Notice from the Background Investigation vendor. This notice includes the following:

- i. Contact details (name, address, and telephone number) of the Credit Reporting Agency (CRA) that conducted the Background Investigation,
- ii. A statement clarifying that the CRA did not make the decision for the adverse action and

cannot provide a specific reason for it, and

- iii. Notification of the individual's right to dispute the accuracy and completeness of information in the Background Investigation report. Additionally, the right to obtain an additional free report from the CRA upon request within 60 days of the adverse action.

**Note:** *An ineligibility determination for a specific position due to a criminal conviction or Credit History Report does not necessarily disqualify the individual from all employment with the University. Each case is evaluated individually.*

## **J. Requests for “Start Before Completion/ Review of Background Investigation”**

In certain critical or hard-to-fill positions, offers may be extended to Candidates on a conditional basis before the Background Investigation process is finished.

Background Investigations are completed within three business days, dependent upon the state, county, or government agency. Individuals will be permitted to perform duties or responsibilities for the University once any such Background Investigations are completed and reviewed.

Requests for start prior to the completion and review of the Background Investigation will only be considered based on the following criteria:

1. Unexpected illness or unplanned absence of a current employee that requires an immediate replacement;
2. Immediate need to fill a position based on a safety or compliance issue;
3. Immediate need to fill a position related to patient care (if allowed by regulatory compliance) or laboratory supervision;
4. Urgent business needs that could result in a financial issue or otherwise inhibit the University's ability to deliver a significant service.

The decision to grant a “start before the completion and review of a Background Investigation” can only be granted by the University's Chief Human Resource Officer or their designee, in consultation with the University General Counsel and, where appropriate, the Hiring Department supervisor. The new employee or affiliate must complete and sign an affidavit confirming employment, or their affiliate position is based upon the successful completion of a Background Investigation.

If a position has direct contact with minors as part of the duties or responsibilities for the University, the individual will only be permitted to start performing duties or responsibilities for the University after all Background Investigation requirements are completed and reviewed.

## **K. Recordkeeping**

Background Investigation reports shall be considered confidential and protected as such. Background Investigation reports are housed within the USG Background Investigation vendor system in accordance



with the applicable laws and records retention schedule (i.e., BI Vendor). The BIO or designee will maintain all communications related to the decision.

Reports for non-successful Applicants or Candidates for employment and promotion shall be stored and destroyed in compliance with applicable laws and the [USG Records Retention Schedules](#). UWG shall take protective measures to properly store and dispose of sensitive information gathered from Background Investigations. For audit purposes, UWG must store an independent record of the completion of a Background Investigation.

## Definitions

**Applicant** - a person who expresses written interest in a posted vacancy via the employer's published application process, meets the minimum qualifications, and, at no point in the selection process, removes themselves from further consideration or otherwise indicates that they are no longer interested in the position.

**Background Investigation** – a criminal background check (including social security number check and, for positions with access to or responsibility for money, a credit check), credentials verification, and employment history confirmation.

**Background Investigation Committee (BIC)** – an administrative committee charged with determining hire suitability. The BIC may have a minimum of three (max. of four) and includes representatives from the Office of Human Resources, the Office of Legal Affairs, and the University Police Department (UPD), where appropriate. The applicable Hiring Department may be consulted as necessary to assess position responsibilities.

**Background Investigation Officer (BIO)** - The Chief Human Resource Officer or their designee reviews background investigation results and makes suitability determinations for employment and promotions. The BIO consults with the Background Investigations Committee (BIC) and senior administrators as necessary in making employment eligibility determinations.

**Candidate** - an individual vetted through the hiring process and to whom a conditional offer of employment has been extended.

**Consent Form** - a form authorizing the University to conduct a criminal background check on a Candidate, which includes criminal history self-disclosure.

**Consumer/Credit Reporting Agency (CRA)** - an entity that collects and disseminates information about an individual's credit standing, 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 moral background investigations.

### Criminal Record

- Conviction of a crime (any felony; such as aggravated assault; aggravated battery; rape; theft by taking; theft by deception; forgery in the first or second degree; murder and felony murder; a criminal attempt that concerns attempted murder; robbery; armed robbery; or any offense committed in another jurisdiction, which, if committed in Georgia, would be deemed to be such

a crime without regard to its designation elsewhere);

- Arrest, charge, and sentencing for a crime where: (a) a plea of nolo contendere was entered to the charge; (b) first offender treatment without adjudication of guilt pursuant to the charge was granted, or (c) adjudication or sentence was otherwise withheld or not entered on the charge; or
- Arrest and being charged for a crime if the charge is pending unless the time for prosecuting such crime has expired (statute of limitations).

**Hiring Department** – The department hiring a new employee (whether internally or externally) or promoting an existing employee.

**Hiring Manager** – The supervisor hiring a new employee (whether internally or externally) or promoting an existing employee.

**Moral Turpitude** - Crimes that involve vileness or depravity concerning the duties a person owes to other members of society or society in general and may include but are not limited to murder, manslaughter, rape, fraud, embezzlement, larceny, the sale and trafficking of illegal drugs, soliciting for prostitutes, and child abuse. Those crimes involving violence, dishonesty, or breach of trust are of particular concern.

The following have been held to be not crimes involving Moral Turpitude:

- Public drunkenness
- Driving under the influence
- Carrying a concealed weapon
- Unlawful sale of liquor
- Fighting
- Simple Battery or Simple Assault
- Misdemeanor criminal trespass
- Child abandonment
- Misdemeanor offense of escape
- Misdemeanor offense of obstructing a law enforcement officer
- Possession of less than one ounce of marijuana

**Positions of Trust** - involve responsibilities demanding a significant degree of public trust with significant risk for causing damage or realizing personal gain as defined in [USG HRAP](#), Background Investigation.

- Senior Executive Officers/Administrators with financial/fiduciary responsibilities (see USG Job Classification System - [BCAT](#) 100 series).
- Direct interaction or care of non-student minors or direct patient care. This includes employees

and volunteers who are reasonably anticipated to have direct contact or interaction with minor program participants or medical patients. This category does not include faculty or instructional academic staff performing regular teaching responsibilities. For additional information, see BOR 6.9, [Programs Serving Minors](#), and UWG PL 7004, Minors in Sponsored Programs.

- Law enforcement officers as required by regulations.
- Other positions deemed by the University President to involve responsibilities demanding a significant degree of public trust. (See [USG HRAP](#), Background Investigation for the primary responsibilities for each category.)

**Reference Check** - generally involves an institution contacting a job Candidate's previous employers, schools, and other sources to verify previous employment and educational background and to obtain information about the individual's knowledge, skills, abilities, behaviors, and qualifications for the job. Reference check questions should be consistent across all Candidates and must relate directly to the position. Questions about age, race, sex, religion, marital status, national origin, or other legally protected characteristics should not be asked as they have nothing to do with past or future job performance. (See UWG PL 4002 Associated Procedure, [Non-Discrimination / Anti-Harassment \(NDAH\)](#))

**Search Committee** - an administrative committee that determines hire suitability and recommends qualified Applicants based on the job description.

**Sexual Offenses** - any sexual act directed against another person, including instances when the person is unable to give consent.

## Forms

- [Volunteer Agreement Form](#)

## Appendices/ Other Resources

- Positions of Trust Designation by Job Title are available on the OHR Work West Webpace (*one USG login is required*).
- For Staff and Faculty Hiring Resources, visit the [Talent Services Resources](#) webpage, which is available on the OHR Work West Webpace (*one USG login is required*).
- UWG PL 7007, [Volunteering](#)
- UWG PL 4001 Associated Procedure, [Conflict of Commitment and Interest](#)

## Related Documents and Resources (external links)

- [USG HRAP](#) Employment Application
- [USG HRAP](#) General Criteria for Employment

- [USG HRAP Eligibility for Rehire](#)
- [Background Check Process Workflow](#)
- [BOR Policy 6.15 Campus Security and Police](#)
- [BOR Policy Manual, Section 8](#)
- [BOR Policy Manual 6.9 Programs Serving Minors](#)
- [BPM 3.1.3 Background Checks of Supplier Employees](#)
- [BPM 3.3 Purchase Cards](#)
- [FCRA – Sample Preliminary Notice of Adverse Action](#)
- [O.C.G.A. §45-23-5 Ineligibility for Public Employment](#)
- [O.C.G.A. §35-8-8](#)
- [Ga Post Background Manual](#)
- [O.C.G.A. §50-5-83 P-Card Holder Background Checks](#)
- [US EEOC Background Checks](#)
- [US EEOC Enforcement Guidance](#)
- [Ga Professional Standards Commission - Moral Turpitude](#)
- [US Bankruptcy Code 525A](#)
- [Consumer Financial Protection Bureau - A Summary of Your Rights under the Fair Credit Reporting Act](#)

## Approval Signatures

Step Description	Approver	Date
	Teresa D'Emilio	06/2023
Chief Human Resources Officer	Terri Walthour [TD]	06/2023