

BLACK HILLS STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Employment Background Checks

NUMER: 4:4

Office/Contact: Human Resources

Source: [SDBOR Policy 4:47](#)

1. Purpose

In accordance with SDBOR Policy 4:47, Black Hills State University identifies positions of employment that require a background check. The following University policies and procedures are designed to promote a safe and secure environment for faculty, staff, students, volunteers, and visitors and to lessen unnecessary risk. This policy supports the verification of credentials, criminal history, credit status, and other information related to employment decisions.

2. Definitions

- a. “Background Check” means the process of acquiring records regarding a final candidate that is used to determine suitability for employment. This may include, as defined by SDBOR Policy 4:47:
 - i. Credit History Check,
 - ii. Criminal History Check,
 - iii. Educational Verification,
 - iv. Employment Verification,
 - v. License Verification,
 - vi. Limited Criminal History Check,
 - vii. Limited Sex and Violent Offender Registry Check, and/or
 - viii. Sex and Violent Offender Registry Check.
- b. “Fair Credit Reporting Act” is the federal law that regulates collection, dissemination, and use of consumer credit information.

- c. “Final Candidate” is an internal or external applicant identified as the finalist for the position of employee or volunteer.
- d. “Satisfactory Background Check” is a background check that does not indicate any criminal record, information inaccuracies or discrepancies, or other position related concerns.

3. Policy

- a. All offers of employment, including transfers and promotions, for employees or volunteers with certain responsibilities in full or part-time student, volunteer, civil service, non-faculty exempt, and faculty positions (including interim or acting appointments) will be contingent on the successful completion of a background check conducted by the SDBOR’s identified vendor.
- b. As a condition of employment or appointment as a volunteer, the University may perform the following background check components on positions with the following responsibilities in conformity with applicable laws, regulations, and standards (This includes, but is not limited to, both emergency hire and temporary positions. Positions are listed by way of example, not exclusion):
 - i. The University will perform Criminal History Checks, Sex and Violent Offender Registry Checks, or combinations thereof for all positions for which entail:
 - 1. Direct access to, or responsibility for, controlled substances (e.g. Fitness Center or research laboratories);
 - 2. Direct access to, or responsibility for, hazardous materials or hazardous biological agents (e.g. laboratories);
 - 3. Control of confidential data files, essential electronic information resources, confidential information, or combinations thereof (e.g. HR, auditing, information technology, faculty);
 - 4. Master key access to multiple buildings or large amount of space, or control of University facilities (e.g. maintenance, custodial or technology staff);

5. Extensive authority for committing the financial resources of the University, or direct access to large amounts of cash (e.g. VPs, cashiers, and other staff with responsibility for handling cash, approving purchases or committing financial resources);
 6. Direct responsibility for care, safety, or security of human beings, including vulnerable individuals, minors, or disabled persons (e.g. instructional faculty, health and counseling staff, residence hall staff, coaches, professional advisors, camp staff, public safety, and other staff directly related to students and/or transporting staff or students);
 7. Senior administrator able to have credibility in conveying campus policy on the University's drug and alcohol issues (e.g. VPs, Deans, Head Coaches and Directors);
 8. Operating a vehicle or motorized equipment as an essential function of the position;
 9. Any other position funded by a contract which lawfully requires a background check.
- ii. The University may perform Education Verification and Employment Verification on pre-employment candidates who accept a verbal offer consistent with the job requirements of the position (e.g. all teaching positions, Deans, Directors, managers, information technology, fiscal affairs positions, VPs).
 - iii. The University will perform License Verifications for all positions for which it is a requirement for the individual to perform their job duties, and the absence of which would expose the University to legal liability, adverse public reaction, or both (e.g. electricians, counselors, drivers).
 - iv. Human Resources may determine additional background checks are required for a position not designated in this Policy in conformity with applicable law and SDBOR policy.
- c. A Final Candidate's failure to submit to a required background check will result in withdrawal of the conditional offer of employment or volunteer designation.

- d. Failure to fully and accurately disclose requested information to conduct a background check may result in withdrawal of the conditional offer of employment or volunteer designation.
- e. Human Resources maintains the confidential records of the background check results as part of the individual's official personnel file. Records will be maintained and destroyed in accordance with applicable record retention schedules.
- f. The hiring department will be charged for the cost for the background check.
- g. Determinations, sanctions for violation, confidentiality, appeals and all other provisions of SDBOR Policy 4:47 apply to the University's Employment Background Check Policy. Where there is a conflict the SDBOR Policy shall control.
- h. Human Resources is responsible for application, notifications, and training related to this policy and its procedures.
- i. Human Resources may, at its discretion, elect to rely on background checks recently conducted by other means and forgo requiring an additional background check. Situations of this nature include, but are not limited to, the following:
 - i. Human Resources may elect to rely on the criminal background check conducted during the U.S. Government VISA process if a candidate has entered the United States on a VISA less than thirty (30) days prior to the offer of employment and forgo requiring an additional criminal background check.
 - ii. Human Resources may elect to rely on the criminal background check conducted for University programmatic entry and forgo requiring an additional criminal background check.

4. Procedures

- a. The hiring unit will initiate recruitment effort and submit position duties information in accordance with applicable hiring procedures.

- b. Human Resources will determine appropriate background check requirements for the position in accordance with applicable law and job-related functions for the position in question and consistent with business necessity.
- c. Notice that a position requires a background check will be included in the job announcement.
- d. All offers for volunteer appointments, employment, or promotion where a background check is required, verbal or written, shall state: “This offer is contingent upon a satisfactory background check.”
- e. Human Resources will initiate the background check after the candidate has accepted the initial offer. The hiring proposal is then in a “Conditionally Hired” status. Candidate may not begin duties until the University has received the results of the background check and given final approval of the candidate.
- f. The candidate must sign an appropriate electronic release for the background check. The Background Check Disclosure, Authorization, and Release form as well as the Summary of Your Rights under the Fair Credit Reporting Act will be used and applicable laws will be followed.
- g. Human Resources will review the final results of the background check and contact the hiring manager upon completion of the required background check.
 - i. Background check information is considered sensitive and confidential. Human Resources will only release results to hiring managers or administrators if there is a potential concern about the results of the background check in relation to the essential functions of the job and on a need-to-know basis.
 - ii. Upon receipt of a Favorable Background Check, the hiring manager will be notified that the conditional offer may be confirmed.
 - iii. Upon receipt of information that gives rise to potential concern, Human Resources will notify the Final Candidate in conformity with applicable law, including notice of right to dispute the accuracy of reports.
 - 1. Final Candidate will be provided the opportunity to provide additional clarifying information.

2. Human Resources and the hiring manager will evaluate each identified concern, including any additional information provided by the individual. Factors will be considered in conformity with applicable law and SDBOR Policy 4:47. As a conviction does not give rise to an automatic disqualification, consideration may include, but is not limited to, the nature and number of convictions, dates of convictions, and the relationship of the conviction to the duties and responsibilities of the position.
3. The candidate will be notified of acceptance or rejection of the conditional offer after this review.

5. Responsible Administrator

The Director for Human Resources is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for the approval of this policy.

SOURCE: Approved by President Laurie Nichols on 9/7/2020.