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Background Checks

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I. REASON FOR THIS POLICY

It is the policy of the University and the SD Board of Regents (BOR), to promote a safe and secure environment for its faculty, staff, students, volunteers, and visitors. Therefore, the system will take reasonable steps to ensure hiring decisions effectively contribute to lessening unnecessary risk. The University has established this background check policy and minimum standards to accomplish this background check policy and minimum standards to accomplish this purpose.

II. STATEMENT OF POLICY

All offers of employment for new employees in Civil Service, Non-Faculty Exempt, Faculty, Adjunct and Graduate Assistant positions will be contingent on the favorable results of a background check conducted by the BOR's recommended vendor. Background checks from sources other than the BOR approved vendor (such as South Dakota Division of Criminal Investigation check or the South Dakota Sex Offender Registry) may be considered sufficient as determined by USD Human Resources.

Special attention is given to employees of the USD Childcare Center, USD Head Start, and summer camp staff, including all student employees and volunteers with unsupervised direct access to minors.

Certain positions require credential, criminal and other background information verified as a condition of employment, volunteer status or as required in BOR Policy 1:35 (Minors on Campus). For youth programs sponsored by USD departments or external organizations, all authorized adults affiliated with the youth program must pass a criminal background check and a sex offender registry check within the past previous twelve months, unless the authorized adult is a university employee and has undergone a background check.

The University reserves the prerogative to conduct independent background checks of prospective employees using BOR or institutional personnel, and such checks may include the review of information accessible by the public through the Internet.

Failure to submit to a required background check will result in withdrawal of the offer of employment. Failure to fully and accurately disclose requested information to conduct a background check will result in withdrawal of the offer of employment.

Assigned Human Resources staff will review the results of the background checks. All results of a background check are considered confidential. The results will only be released by Human Resources staff to hiring managers or other administrators on a need-to-know basis.

Electronic records of the background checks will be maintained by Human Resources.

Violations of policies, including providing false or misleading information used for any of the above background checks, will be handled in accordance with applicable institution or BOR policies and procedures, which may include disciplinary action up to and including termination from employment.

If the employee is terminated as the result of an unreported conviction, sanction list, or debarment, the employee may appeal the termination pursuant to BOR policy and procedures.

III. DEFINITIONS

In accordance with [BOR Policy 4:47](#), Employment Background Checks:

1. "Credit history check" means checking the credit history of the selected applicant or employee. (Federal laws prohibit discrimination against an applicant or employee as a result of bankruptcy.)

2. "Criminal history check" means verifying that the selected applicant or employee does not have any undisclosed criminal history in every jurisdiction where the applicant or employee currently resides, has resided, or has been employed.
3. "Educational verification" means ensuring that the selected applicant or employee possesses the educational credentials beyond high school listed on the application, resume, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought.
4. "Employment verification" means ensuring that the selected applicant or employee actually worked in the positions listed on the application, resume, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought, as well as all employment during a period of at least seven (7) years immediately preceding application. This verification should include dates of employment and reasons for leaving each position.
5. "License verification" means ensuring that the selected applicant or employee possesses all the licenses listed on the application, resume, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought and verification of any license required for the position, including verification of the disposition of such licenses. This includes any motor vehicle drivers' licenses required for the associated position.
6. "Limited criminal history check" means verifying that the selected applicant or employee does not have any undisclosed criminal history in the jurisdiction where the applicant or employee currently resides or has been previously employed, or where the applicant or employee last resided, if the applicant or employee only recently moved to a location near the institution or location working.
7. "Limited sex and violent offender registry check" means verifying that the selected applicant or employee does not have undisclosed convictions of certain sex and violent crimes in the jurisdiction where the applicant or employee currently resides, or where the applicant or employee last resided, if the applicant or employee only recently moved to a location near the institution or location working.
8. "Sex and violent offender registry check" means verifying that the selected applicant or employee does not have undisclosed convictions of certain sex and violent crimes in every jurisdiction where the applicant or employee currently or has resided.

IV. PROCEDURES

1. All written and verbal offers of employment for the indicated employee types will be made contingent on the favorable result of a background check.
2. Based on the duties of the Civil Service or Non-Faculty Exempt position, the hiring manager, in consultation with Human Resources staff, will determine the appropriate criteria to be checked. A standard, comprehensive background check will uniformly be used for all faculty and adjunct hires.
3. Human Resources staff will initiate the background check process upon acceptance of the conditional offer by the new employee.
 - a. As a condition of the offer of employment, the new employee must authorize the background check. The authorization may be done on paper, or electronically. New employees must provide all the information requested to complete a comprehensive background check.
 - b. The new employee or volunteer, with the exception of those whose duties have unsupervised, direct access to minors, may begin work once they have initiated the background check. Those employees whose duties include unsupervised, direct access to minors will be required to have the background check completed prior to starting their duties.
4. The results of the background check will be reviewed by appropriate Human Resources staff.
 - a. Results of the background check are considered sensitive and confidential. Results will only be released by Human Resources to the Hiring Manager if the results raise questions regarding the candidate's ability to perform the essential functions of the position.
 - b. If the background check results are deemed favorable by the appropriate Human Resources staff, no further action is required.
 - c. If Human Resources staff have concerns about the results in relation to the position requirements, the results may be communicated to the hiring manager. The hiring manager and Human Resources staff will then determine if the offer of employment should be modified or withdrawn. The appropriate Vice President, University attorney, or the President, will be notified of potential issues and may be called upon for advice or to make a final determination of the employment decision.
5. Costs for required background checks for employees or volunteers for USD sponsored events will be paid by USD out of designated funds. External organizations hosting events on campus which involve access

to minors will be responsible for the cost of required background checks for their staff or volunteers.

V. RELATED DOCUMENTS, FORMS AND TOOLS

[Background Checks, BOR Policy 4:47](#)

[Minors on Campus, BOR Policy 1:35](#)

Notifications and authorizations for background checks will be made through emails generated by the recruitment website/software of the BOR. Results will be stored in the same system. The Human Resources office has paper authorizations available if email authorization is not feasible.