

PURPOSE: TO DESCRIBE THE BRENAU POLICY REGARDING THE USE OF VARIOUS BACKGROUND SCREENING TOOLS PRIOR TO HIRE, OR SUBSEQUENT TO EMPLOYMENT BY THE UNIVERSITY.

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Brenau University is committed to providing a safe and secure environment for its students, faculty, staff, volunteers, visitors, and other constituents. In order to ensure the hiring of employees of the highest integrity, effective October 23, 2009, Brenau University will conduct criminal background checks on all persons being considered for initial employment. Background checks may be necessary for current employees for reasonable cause or by virtue of a position change. Students who work (secondary to their primary role as a student at Brenau University) are not subject to background/credit checks under this guideline. In some circumstances, an additional check may be required due to the fact that certain states do not distribute criminal history background reports for the purpose of hiring. In this case, an FBI fingerprint report may be necessary to satisfy the requirement.

Credit checks will be performed on employees who are selected for a position that regularly engages in handling credit cards or other company monies. This includes new employees, existing employees who are transferring to such a position, or temporary help. Information obtained as part of a credit check is handled in accordance with the requirements of the Fair Credit Reporting Act.

#### A. TYPES OF REPORTS:

1. Background Checks: Residence History Trace, Social Security Alert, Georgia Statewide Criminal Records, Nationwide Federal Criminal Records, and Nationwide Sexual Offenders Registry.
2. Credit Reports: Credit reports will be obtained from one or more of the three primary credit reporting bureaus: Equifax, Experian and TransUnion.

#### B. COST

The cost associated with performing the criminal history background/credit report is at the candidate's expense. An additional fee may be assessed if the candidate has lived in more than one county (outside the state of Georgia). Appropriate costs will be collected from the candidate/employee, typically via payroll deduction, once all reports have been completed.

#### C. ELIGIBILITY

1. Background checks: A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with the University. Candidates' eligibility will depend on a variety of factors, such as the nature of, and circumstances surrounding, any crime(s); the time elapsed since conviction and the rehabilitation record; the actions and activities of the individual since the crime(s), including the individual's subsequent work history; the truthfulness and completeness of the candidate's disclosure of the conviction(s), and any other relevant information.
2. Credit Report: The information obtained from the credit report will be used to determine: (1) whether to extend or retract an offer of employment to a job applicant or (2) with respect to a current employee of the University, whether the employee should be removed from his or her position, or alternatively, whether the employee's access to or responsibility for money should be eliminated; or whether the employee's use of a University credit card should be revoked.

A determination of ineligibility for a specific position as the result of an individual's credit report result does not necessarily mean that the individual is ineligible for all employment with the University and each such determination will be made on a case-by-case basis.

Decisions not to hire or not to transfer may be based on bad credit, among other reasons. The following guidelines will be used by the University to interpret the information obtained from the credit report to determine credit worthiness for each applicant and/or current employee.

- a. Candidates with bad debt will not be considered for positions that handle money. Bad debt is defined as debt that has been referred for collection, has a balance past due more than 60 days or has been written/charged off by the creditor. Bad debt is not considered a risk if it is more than three years old, the result of extensive medical care or other hardship. Bad debt is not considered a risk if it is less than 10% of the employee's gross salary.
- b. Bankruptcies will be considered bad credit, however, a bankruptcy followed by good credit established after filing, indicates an attempt to rectify past credit problems and may be considered acceptable if the bankruptcy occurred over three years ago.
- c. Credit reports indicating high installment and revolving credit minimum monthly payments in relation to gross monthly income will be considered bad credit. Installment debt is debt issued on the condition of regularly occurring payments until the principal and interest are paid in full. Examples include, but are not limited to, car loans, student loans and mortgage payments (principal and interest only). Revolving credit is a line of credit that can be borrowed against. After the money is paid back, the credit limit revolves back up to what it was originally. Examples include credit cards and equity lines of credit.
- d. One or more unpaid collections and judgments are considered to be bad credit. However, if collections and judgments have been paid and all other credit is satisfactory, the University may approve the applicant's credit history, at its discretion.
- e. Mitigating factors regarding an applicant's credit report, such as hardships and disputes with creditors, will be considered by the University upon timely submission of objective written evidence, as long as the evidence presented, in the sole opinion of the University, represents reliable evidence beyond the applicant's control.
- f. It is not the responsibility of the University to discover, research, or verify that there are possible mitigating factors for an adverse credit report. The burden of proof to present mitigating factors rests entirely with the applicant.

#### D. PROCEDURES:

1. An offer of employment will be contingent upon a satisfactory background check and/or credit report. No candidate may commence work until the report(s) are complete, except in an emergency hiring situation---such as filling a vacancy to perform critical work or to ensure campus safety. Continued employment is contingent upon the completion of such reports and may be terminated upon receipt of the results of an unsatisfactory report.
  - a. Elimination of a candidate for a staff position based on information revealed in an unsatisfactory report must be reviewed and approved or denied by a screening committee consisting of the Director of Human Resources, the Director of Campus Safety and Security, the Senior VP for Administration/CFO, and the VP for Financial Services when it involves a credit report.

- b. Elimination of a candidate for a faculty position based on information revealed in an unsatisfactory report must be reviewed and approved or denied by a screening committee consisting of the Director of Human Resources, the Director of Campus Safety and Security, the Provost & Vice President for Academic Affairs, the Senior VP for Administration/CFO, and the VP for Financial Services when it involves a credit report.
2. Background Checks: An applicant who receives notification of an unsatisfactory report will have 5 working days to contest the accuracy of the report. The dispute must be initiated within 5 working days, otherwise the report will be considered to be accurate. Upon completion of the report the Office of Human Resources will communicate one of three outcomes to the hiring supervisor: 1) an Endorsement of the candidate's acceptability for hire; or 2) a disqualification based on falsification of information in the application materials or background check release/credit report; or 3) a non-endorsement based on the report as it relates to the position. (No confidential information will be released to the hiring supervisor. If a non-endorsement is the result of an unsatisfactory background check, the Director of Human Resources will notify the candidate-
3. Credit Reports: If a credit report provides adverse information, a copy of the credit report will be provided, upon request, to the Candidate free of charge. The Candidate has the right to dispute the accuracy or completeness of any information contained in the credit report with the credit reporting agency. In general, the reporting agency has thirty (30) days from the date it receives written notice of the disputed information, to respond. The Candidate should contact the credit reporting agency directly to obtain the credit agency's procedures for disputing the accuracy of the credit report. The University will not participate in the dispute.
4. A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration.
5. The Office of Human Resources will maintain background check records and credit reports in accordance with records retention guidelines.

#### E. CURRENT EMPLOYEES:

1. Brenau University reserves the right to require at its expense an employee to submit to a criminal background screening process at any time during the course of employment should it reasonably appear that the employee has been charged with a crime.
2. The Director of Human Resources or the Senior VP for Administration/CFO shall inform the employee of the suspicion that the employee may have been charged with a crime and allow the employee to respond. After listening to the response, the Director of Human Resources or the Senior VP for Administration/CFO may authorize a criminal background investigation or such other investigation as will reveal the facts.
3. Employees must, as a condition of employment, report any arrest to the Office of Human Resources. A report of an arrest must be made within five (5) days of its occurrence. Subsequent legal action (conviction, dismissal of charges, etc.) must be fully disclosed to the Office of Human Resources and will be evaluated in consideration of continued employment with the immediate supervisor.
4. If the employee has been charged with or pled guilty or *nolo contendere* to a criminal offense and in the opinion of the University, the employee may be placed on unpaid leave pending the resolution of the charge, or terminated, then the process set out in the Guidelines will be applied.

5. Brenau University reserves the right to require at its expense an employee that regularly engages in handling credit cards or other company monies, to agree to a credit check at any time during the course of employment should it reasonably appear that the employee's credit standing has significantly deteriorated (ie. bankruptcy filings, etc. that come to the attention of the University). If a credit check on a current employee provides adverse information, the employee will be referred to the Director of Human Resources and the Senior VP for Administration/CFO for review and resolution.