

# Background Check Policy & Procedural Supplement

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***This procedural information is supplemental to the policy [Background Checks for Faculty and Non-Faculty Employees, Student Employees and Affiliates](#)***

## Collecting Candidate Information

If a background check is required (see policy's Audience section), the appointing department supervisor or manager will submit a request to the appropriate HR representative to initiate an online background check invitation to the candidate or appointee. Pursuant to [North Carolina Session Law 2013-53](#), any State entity requesting disclosure of information concerning any arrest, criminal charge or criminal conviction of the applicant must first advise the applicant that State law allows the applicant to not disclose any arrest, charge or conviction that has been expunged.

If a recruitment or hire is deemed to be time-sensitive, an appointing department may choose (but is not required) to request a background check for more than one candidate after interviews have been completed and in advance of a final selection. A background check should only be conducted on the top one to two candidates for a position.

**Note: Please be certain to complete all required fields when initiating a background check invitation in the online portal. Failure to provide essential information accurately will result in delays in the background check process.**

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## Initiating a Background-Check Request

The appointing department will submit a request to the appropriate HR representative to initiate a background-check invitation to the candidate or appointee.

The department representative will send a welcome email to the candidate with instructions for completing the online background check via the secure, web-based process hosted by the University's background-check service provider. The departmental representative will then initiate an online invitation to the candidate via the appropriate school or division portal, also hosted by the University's background-check service provider. Refer to the [Background Check Desk Reference for HR Representatives](#) to access step-by-step instructions for portal use and package options.

The departmental representative is responsible for completing all required fields in the online background-check request form. The background-check request form accommodates the necessary chartfield variables. Please note that chartfield account, fund, and source numbers are required for all background checks. Please refer to your school or division for specific instructions concerning the use of the chartfield program and cost codes.

*Effective December 4, 2015, the OHR Background Check Unit no longer accepts emailed Background-Check Request Forms. After that date, the former "paper request process" will only remain available under extreme circumstances. In the rare instance where an individual is unable to complete the online process, please contact the background-check unit for guidance.*

## Conducting the Background Check

Once the University's background-check service provider receives the completed online candidate submission, the following background checks will be conducted:

- a criminal convictions check for all municipal and state jurisdictions in which the covered individual has lived or worked within the last seven (7) years (results reported by the consumer reporting agency beyond this time frame may be considered)
- a criminal convictions check of federal court records
- a national sex-offender registry check
- a check of applicable federal debarment databases for covered individuals in paid appointments
- a driver's license record check of applicable state motor-vehicle licensing agencies for any covered individual whose formal duties include driving
- an education credential check for any covered individual whose position requires a degree from an accredited educational institution
- a professional licensure check for any covered individual whose position requires a professional license

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## Driver's License Check

The University has incorporated a mandatory driver's-license check as part of the background check for covered individuals for whom driving is required as part of their formal duties, or who could be reasonably expected to drive a University- or State-owned vehicle while performing those duties. This requirement does not apply to individuals who may routinely drive their own vehicles to meetings or events while performing their duties in the course of their jobs. The online background-check request includes the following field for the appointing HR representative:

- Motor Vehicle History (choose "Yes" only if driving is required for this position).
- If this question is answered "No," then a driver's-license check is not required, and the departmental representative will select a background-check package that does not include a driver's-license check when initiating the online invitation to the candidate, and a driving check will not be conducted. If the driving-related question is checked "Yes," then the department representative will select the appropriate background-check package, to include a driver's-license check in the state(s) that issued the covered individual's driver's license(s), and a driving check will be conducted. For guidance regarding background-check packages, please refer to the Background Check Package Selection Matrix.

## Federal Debarment Check

The University has incorporated mandatory checks for federal debarment through the System for Award Management (SAM) and Office of Inspectors General (OIG) exclusion databases as part of the background-check process for all candidates for paid appointments. Individuals in unpaid appointments are exempt from the federal debarment checks.

Under the Federal Acquisition Regulations, the University may not employ an individual who is currently debarred from employment with a federal contractor. If the background check reveals that an individual is currently debarred from employment with a federal contractor, OHR will notify the appointing department head and the school's or division's Human Resources officer or his or her designee.

## Credentials Check

As per the [Recruitment and Hiring Policy](#) and the [Background Check Policy](#), State laws (G.S. 126-30 and 14-122.1) require the verification of certain education and professional credentials. These laws further require appropriate action up to and including termination of employment for falsification of qualification statements.

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Credentials requiring verification are:

- the highest post-secondary degree, diploma or certificate listed on the selected candidate's Application for Staff Employment; and
- any professional license, registration or certification, indicated on the selected candidate's Application for Staff Employment, used to qualify the candidate or set the salary of an applicant or as required by regulation for the position.

When a permanent SHRA (SPA) employee transfers from another University department or State agency, credentials that have already been verified and documented in his/her personnel file do not have to be verified again.

If a foreign degree is the highest post-secondary degree, then the department must verify the degree. Departments are required to submit documentation (e.g., certified transcripts, employee-provided proofs of degrees, etc.) of any foreign-degree verification to the Office of Human Resources (OHR) Background Check Unit at [backgroundcheck@unc.edu](mailto:backgroundcheck@unc.edu) either as part of the background-check submission process or within 90 days of the employee's hire effective date, if the documentation is not complete at the time of hire. Applicants who have obtained their education outside of the U.S. and its territories must have their academic degrees validated as being equivalent to the Baccalaureate, Master's, or Doctoral degrees confirmed by a regionally accredited college or university in the U.S. A list of approved agencies performing this specialized service appears in the table on the next page.

Applicants may directly contact any of these organizations for current information, procedures, and costs.

Agency	Mailing Address	Telephone Number	Fax Number	Website
Educational Credential Evaluators, Inc.	P.O. Box 514070 Milwaukee, WI 53203-2470	414-289-3400	414-289-3411	<a href="http://www.ece.org">www.ece.org</a>
Educational Perspectives, Inc.	P.O. Box 618056 Chicago, IL 60661-8056	312-421-9300	312-421-9353	<a href="http://www.educational-perspectives.org">www.educational-perspectives.org</a>
Educational Records Evaluation Services, Inc.	601 University Avenue, Suite 127 Sacramento, CA 95825	916-921-0790	916-921-0793	<a href="http://www.eres.com">www.eres.com</a>
Evaluation Service, Inc.	P.O. Box 85 Hopewell Jct., NY 12533	845-223-6455	845-223-6454	<a href="http://www.evaluationservice.net">www.evaluationservice.net</a>

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Foundation for International Services, Inc.	21540 30 <sup>th</sup> Dr. SE, Suite #320 Bothell, WA 98021	425-258-9451	310-342-7086	<a href="http://www.ierf.org">www.ierf.org</a>
Global Services Associates, Inc.	2554 Lincoln Boulevard, #445 Marina del Rey, CA 90291	310-828-5709	310-828-5709	<a href="http://www.globaleval.org">www.globaleval.org</a>
International Education Research Foundation, Inc.	P.O. Box 3665 Culver City, CA 90231-3665	310-258-9451	310-342-7086	<a href="http://www.ierf.org">www.ierf.org</a>
Josef Silny & Associates, Inc.	7101 S.W. 102 Avenue Miami, FL 33173	305-273-1616	305-273-1338	<a href="http://www.jsilny.com">www.jsilny.com</a>
SpanTran Educational Services, Inc.	7211 Regency Square Blvd., Suite 205 Houston, TX 77036-3197	713-266-8805	713-789-6022	<a href="http://www.spantran-edu.org">www.spantran-edu.org</a>
World Education Services, Inc.	P.O. Box 745 Old Chelsea Station New York, NY 10113-0745	800-937-3895	212-966-6395	<a href="http://www.wes.org">www.wes.org</a>

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## Charging Fees

Appointing departments will be charged the University's current background-check fees based on

- a basic, administrative background-check fee
- the types of jurisdictions that must be consulted
- the degrees and professional licenses that must be verified
- the driver's-license check (if applicable).

For a schedule of these fees, refer to the [UNC Background Check Pricing Schedule](#).

## Time Frame

The OHR Background Check Unit strives to notify appointing departments of clear background checks (i.e. those revealing no adverse results) within seven business days after the background check is initiated. This time frame may be exceeded, however, depending upon the number of names of record and the number and location of out-of-state jurisdictions that need to be checked.

## Offer of Employment

### Contingent Offer

A contingent offer of employment is a formal job offer that is dependent on the employee completing certain hiring requirements such as a background check. The contingent offer must be made in writing and indicate that the offer of employment is contingent on satisfactory outcome of the background check process. The contingent offer may be rescinded should the background check results reveal adverse results. Once all hiring requirements are met, the job offer can be finalized, and the candidate may begin work with the university. Contingent offers of employment are allowed under the following guidelines.

### Permanent Faculty Appointments

With approval from the Academic Personnel Office, the appointing department may extend a contingent offer of employment to a fixed-term or tenure track Faculty candidate after the background check has been initiated. A contingent offer of employment is a formal job offer that is dependent on the employee completing certain hiring requirements such as a background check. The contingent offer must be made in writing and indicate that the offer of employment is contingent on satisfactory outcome of the background check process. The contingent offer may be rescinded should the background check results reveal adverse results. Once all hiring requirements are met, the job offer can be finalized, and the candidate may begin work with the university.

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An appointing department **may not** extend a contingent offer of employment to the following Faculty appointees:

- Unpaid and paid adjunct faculty
- Centers of Disease Control (CDC)/United States Department of Agriculture (USDA) Select Agents
- Anyone who will have contact with minors other than students enrolled at UNC-Chapel Hill as outlined in the Protection of Minors [policy](#)

## Permanent SHRA and EHRA Non-Faculty Appointments

The appointing department may extend a contingent offer of employment to a permanent SHRA, EHRA Non-Faculty or Post Doc candidate after the background check has been initiated.

An appointing department **may not** extend a contingent offer of employment to the following Non-Faculty appointees:

- Centers of Disease Control (CDC)/United States Department of Agriculture (USDA) Select Agents
- Anyone who will have contact with minors other than students enrolled at UNC-Chapel Hill as outlined in the Protection of Minors [policy](#)

## All Other Appointments

For all other appointment types including temporary, UNC independent contractors, unpaid volunteers, interns and visiting scholars, CDC/USDA Select Agents and anyone who will have contact with minors, the appointing department must receive the final results of a background check (with the exception of the credentials verification) prior to extending an offer of employment or appointing an unpaid affiliate. However, if a background check remains incomplete seven (7) business days after being initiated and the appointing department head deems it essential to extend an offer of employment, the appointing department may seek approval from the Associate Vice Chancellor of Human Resources to extend a conditional offer of appointment, pending receipt of final background-check results. In exceptional circumstances, approval may be sought to extend a conditional offer prior to this time.

## Effective Date/Report for Duty

An appointment-effective date must be no later than six (6) months after the background check is completed with no disqualifying results. If this time frame is exceeded, a new background check

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must be completed before the covered individual reports for duty.

Departments may not have an individual report for duty unless the background check has been completed with no disqualifying results. However, if a background check remains incomplete 30 business days after being initiated and the appointing department head deems it essential for an individual to report for duty, the appointing department may seek a special exception from the Associate Vice Chancellor of Human Resources or his/her designee for a covered individual to conditionally report for duty prior to completion of the applicable check. In this circumstance, a conditional report-for-duty will not be approved for individuals working in appointments that involve contact with sensitive populations or that otherwise have access to or control of sensitive University resources (e.g., select agents, large amounts of University funding) or sensitive facilities.

## Assessing Convictions/Infractions

If a background check reveals prior criminal convictions, serious driving infractions (when applicable), or falsification of credentials, then OHR or the designated central office, in consultation with the appointing department head and/or the school's or division's Human Resources officer or his or her designee, will assess the potential risks and relevance of each applicable conviction or infraction to the proposed appointment of the covered individual.

In considering whether a criminal conviction or driving infraction rises to the level of potentially barring a covered individual from appointment, OHR, in consultation with the appointing department head and the school's or division's Human Resources officer or his or her designee, may exercise discretion in determining whether there are mitigating factors which may still permit the appointment to proceed. Such factors may include:

- the relationship of the conduct to the specific job duties and responsibilities that would be performed by the covered individual, if appointed
- the nature, gravity, and context of the events surrounding the conduct, as evidenced by the background-check results and any supplementary information that can be obtained by the University or that is promptly provided by the covered individual
- the time that has elapsed since the conduct occurred and/or completion of any sentence served
- the individual's demonstrated behavior since any conviction and the future potential for illegal activity by the individual, as might be inferred from a past pattern of conduct
- any other extenuating circumstances documented by the covered individual or otherwise known to the University (e.g. the age of the candidate at the time of the conduct, the totality of the circumstances, etc.)

The Office of the University Counsel, the Office of Postdoctoral Affairs, the Academic Personnel Office, Protection of Minors Program and/or the Department of Public Safety may (but are not required to) be



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consulted when assessing the job- relatedness and relevance of prior convictions or driving infractions to

a possible future appointment. For federally regulated, select agent appointments, the Department of Environment, Health & Safety may be consulted.

If education and/or professional licensure credentials cannot be verified, OHR, in consultation with the hiring official, may determine whether a covered individual may be employed or continue to be employed on the basis of falsification of stated credentials.

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Any adverse results that indicate the need for further assessment and decision making will be routed as follows depending on the appointment type:

<b>If a covered individual of this type has an adverse background check . . .</b>	<b>. . . the results will be routed to . . .</b>
EHRA (EPA) non-faculty permanent and temporary appointments	OHR EHRA (EPA) Non-Faculty Human Resources Consultant
Faculty permanent and temporary appointments <sup>1</sup>	Academic Personnel Office
Independent contractors	OHR Background Check Supervisor
Postdoctoral fellows <sup>2</sup>	OHR EHRA (EPA) Non-Faculty Human Resources Consultant or, if necessary, the Office of Postdoctoral Affairs
SHRA (SPA) permanent appointments	OHR Employment Consultant assigned to the appointing department
SHRA (SPA) temporary appointments	OHR Background Check Supervisor
Unpaid affiliates	OHR Employment Consultant
All other special checks: <ul style="list-style-type: none"> <li>• federally regulated select agent requirements<sup>3</sup></li> <li>• federal debarment checks</li> </ul>	OHR Background Check Supervisor
Programs serving minors	Protection of Minors Program Coordinator

<sup>1</sup> In the case of a proposed faculty appointee, the Academic Personnel Office in the Office of the Provost, in consultation with the appointing department head and the school's or division's Human Resources officer or his or her designee, will assess the potential risks and relevance of each applicable conviction or infraction to the proposed appointment of the covered individual.

<sup>2</sup> In the case of a proposed postdoctoral fellow appointee, the Office of Postdoctoral Affairs in the Office of the Vice Chancellor for Research, in consultation with the appointing department head and the school's or division's Human Resources officer or his or her designee, will assess the potential risks and relevance of each applicable conviction or infraction to the proposed appointment of the covered individual.

<sup>3</sup> OHR will inform the Director of Environment, Health & Safety (EHS) or his or her designee of any adverse background-check results for covered individuals who work with federally regulated select agents.

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## Notifying Covered Individuals of Adverse Background Check Results

In the event of an adverse background check that results in a potential determination that bars appointment, a covered individual is entitled to certain notification rights under the federal [Fair Credit Reporting Act](#).

The “pre-adverse” and adverse-action notifications described in this section shall be communicated by the University official noted below:

<b>“Pre-adverse” and adverse-action notifications to this appointment type . . .</b>	<b>. . . will be communicated by this University official:</b>
EHRA (EPA) non-faculty permanent and temporary appointments	Director, EHRA (EPA) Non-Faculty Human Resources, OHR
Faculty permanent and temporary appointments	Director, Academic Personnel Office in the Office of the Provost
Independent contractors	Senior Director, Employment & Staffing, OHR
Postdoctoral fellows	Director, Office of Postdoctoral Affairs, Office of the Vice Chancellor for Research
SHRA (SPA) permanent and temporary appointments	Senior Director, Employment & Staffing, OHR
Unpaid affiliates	Senior Director, Employment & Staffing, OHR
All other special checks: <ul style="list-style-type: none"> <li>• federally regulated select agent requirements</li> <li>• federal debarment checks</li> </ul>	Senior Director, Employment & Staffing, OHR
Programs serving minors	Protection of Minors Program Coordinator

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## Pre-Adverse Notification

If a background check produces adverse results that could bar appointment of a covered individual, the appropriate University official designated in the table above will notify the covered individual prior to taking any adverse action based in whole or in part on the background-check results. This "pre-adverse" notification shall include the following items:

- a letter sent by U.S. certified mail, a courtesy copy of which may also be provided by electronic mail and/or regular mail or another means deemed appropriate by the Senior Director, Employment & Staffing or his/her designee
- a copy of the background check results used to reach a potential determination that would bar appointment
- a copy of the document "[A Summary of Your Rights Under the Fair Credit Reporting Act](#)"

The covered individual must be allowed five (5) business days from receipt of the notification to offer any written explanation regarding the adverse results in question or to challenge the accuracy of the results with the consumer reporting agency.

Taking into account any supplemental explanation or information that is provided by the covered individual, the designated University official will finalize his or her decision in this matter, in consultation with the appointing department head and the applicable school's or division's Human Resources officer or his or her designee and/or the Office of the University Counsel and Department of Public Safety, as necessary.

## Adverse Action Notification

If an adverse background check affects the decision not to hire a covered individual, the appropriate University official designated in the table above will, within five business days of the expiration of the covered individual's five-day response period, notify the covered individual. This "adverse action" notification must include the following:

- a letter sent via certified mail
- a copy of the document "[A Summary of Your Rights Under the Fair Credit Reporting Act](#)"
- information on rights to dispute the accuracy of the information on the consumer report through the consumer reporting agency

Any decision to bar appointment due to an adverse result from the University's background check process will be considered final.

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## Related Regulations, Statutes and Related Policies

[Background Checks for Faculty and Non-Faculty Employees, Student Employees and Affiliates](#)

[Fair Credit Reporting Act](#)

[Independent Contractor Policy](#)

[North Carolina Session Law 2013-53](#)

[Policy on Unpaid Volunteers, Interns and Visiting Scholars](#)

## Other Related Documents

[Background Check Frequently Asked Questions](#)

[A Summary of Your Rights Under the Fair Credit Reporting Act](#)

[Quick Reference: How to Initiate a Background Check Using the Online Background Check Process](#)

[UNC Background Check Pricing Schedule](#)

[Background Check Packages](#)

## Document History

- Effective Date: September 15, 2014
- Revision Date: August 1, 2018