



BACKGROUND CHECK AND PRE-EMPLOYMENT PROCEDURE

- SCOPE:** All campuses served by Louisiana State University (LSU) Finance and Administration
- REVISED:** July 1, 2023
- PURPOSE:** The purpose of this Background Check and Pre-Employment Screening Procedure is to establish requirements and guidelines for prospective employees of Louisiana State University in order to promote a safe and secure environment for employees, students and assets. Any questions regarding this procedure should be directed to the campus Human Resource Management (HRM) office.

I. DEFINITIONS:

- A. **Applicants** are prospective employees who submit information to be considered for positions at Louisiana State University. This procedure shall apply to all Applicants at all locations.
- B. **Background Check** means the process of gathering and reviewing criminal history records, financial history records, motor vehicle records, National Sex Offender Registry (NSOR) checks, and/or civil suit records.
- C. **Certification** means an earned credential verifying a specific skill set or knowledge.
- D. **Conviction** means a guilty verdict, a guilty plea or a plea of Nolo Contendere ("No Contest") of felony or misdemeanor, other than minor traffic offenses. (DUI is not considered a minor violation).
- E. **Criminal History Check** means the process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or third-party vendor in the business of obtaining and providing criminal history records relating to an individual's criminal convictions. The criminal history check may include sex offender records. A criminal history record does not include an individual's conviction records that have been sealed by court order. Criminal records may include in state, out-of- state, and/or international criminal history, including misdemeanor and felony convictions.
- F. **Drug Screen** means the technical analysis of a biological specimen to determine the presence or absence of specified parent drugs or their metabolites.
- G. **Education Verifications** are pre-employment screenings that verify the veracity of certifications, trainings, and educational histories submitted by the applicant.
- H. **Final Candidate** means a current, former, or prospective employee recommended for hire, transfer, or promotion and to whom a contingent offer may be made.
- I. **Financial History Check** means the process of gathering and reviewing financial history records or information furnished by any court of civil law, credit reporting agency (credit report), or a third-party vendor in the business of obtaining and providing credit reports.
- J. **Foreign Education Credential Evaluation** refers to the process in which academic and professional degrees earned in one country are compared to those earned in the United States.
- K. **Foreign adversary** means any foreign government or foreign non-government person determined by the United States Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as listed in CFR 14 §7.4 Determination of Foreign Adversaries, as amended or renumbered.

- L. **Foreign government** means the government of any country, nation, or group of nations, or any province or other political subdivision of any country or nation, other than the government of the United States and its states or political subdivisions, including any agent of the foreign government.
- M. **Former Employee** refers to an individual who previously held employment with Louisiana State University including all locations.
- N. **Gratis Employee** means a current employee who does not receive any remuneration from Louisiana State University for work performed for the benefit of Louisiana State University.
- O. **Hiring Authority** refers to the individual in a campus department, office unit, or program with the authority to make hiring decisions. For Civil Service/Classified positions, this refers to the delegated appointing authority. The hiring authority for FLSA exempt professional and academic positions is comparable to an appointing authority for classified positions (ex. director or academic department head/associate dean).

The hiring authority is accountable for the personnel actions occurring within a department, college, school, unit, or institute.
- P. **License** means a verification by a government agency that a professional is able to perform a particular occupation in a particular location.
- Q. **Motor Vehicle Check** means the process of gathering and reviewing motor vehicle and/or driver's license records or information, including motor vehicle records from any state where the individual has resided.
- R. **Official Transcript** refers to the certified record of a student throughout a course of study having full enrollment history at an educational school, including all courses attempted, grades earned, and awards conferred.
- S. **Pre-Employment Physical Exam** means the collection of medical exams to evaluate if a person is fit for duty.
- T. **Reference Check** means the process of contacting individuals directly or through a third party vendor, including current and former employers, companies, and educational institutions.
- U. **Safety Sensitive Position** refers to any job that includes tasks or duties that the university reasonable believes could affect the safety and health of the employee performing the task or others.
- V. **Social Media Check** means the process of screening social media content within the public domain of the Internet.
- W. **Volunteer** means a gratis affiliate who may perform services for a governmental entity without compensation, other than reimbursement for actual expenses incurred.

II. BACKGROUND CHECKS

A. Guiding Principles for Background Checks:

- A. The background and social media check processes are intended to help the university evaluate whether a candidate is suitable for the position.
- B. The university desires to promote fair and consistent methods to obtain, analyze, apply, and retain background check information.
- C. Hiring practices must emphasize campus safety and the prevention of discrimination and harassment.

B. Regulations for Background Checks

- A. All offers are contingent upon successful completion of the background check. All oral or written offers of employment must include a statement such as "This offer is contingent upon the university's verification of credentials and other information required by law and/or university policies or practices, including but not limited to a criminal background check."
- B. Employment MUST NOT begin without a satisfactory background check or as deemed permissible by the campus HRM office.

- C. Criminal background checks must be conducted on final candidates for the following positions:
 - a. Regular faculty and staff,
 - b. Temporary, term, seasonal and intermittent appointments (excluding graduate assistants and student employee appointments except when covered by an approved unit background check program),
 - c. Adjunct faculty,
 - d. Visiting scholars
- D. Other types of background checks may be conducted, such as Financial History Check or Motor Vehicle Check, depending on the responsibilities of the position.
- E. Employees who have a break in service and return to the university must have a satisfactory background check on file that has been conducted within the calendar year.
- F. Candidates granted a visa with a U.S. Department of State – Bureau of Consular Affairs background checks are not required to have an additional criminal search in their home country. A U.S. search must still be conducted if the final candidate established residency in the United States, Bermuda, or Canada.
- G. Candidates with affiliations to foreign governments according to LA RS 17:1826 who are applying for research or research-related support positions, graduate students for research or research related support positions or visiting researchers are subject to modified screening procedures outlined in section VI. Higher Education Foreign Security Act of 2022 below (see Appendix B for LA R.S. 17:1826 *Higher Education Foreign Security Act of 2022*). Prior to an offer, these candidates will be screened by the Office of Human Resource Management, with support from the Office of Research and Economic Development, to determine if any of the following apply to the person:
 - a. The person is a citizen of a foreign country and not a permanent resident of the United States.
 - b. The person is a citizen or permanent resident of the United States who has any affiliation with an institution or program with a foreign adversary.
 - c. The person has at least one year of prior employment or training in a foreign adversary country, except for employment or training by an agency of the United States government.
- H. An additional criminal background check and fingerprinting are required by Federal Law to be conducted on individuals holding positions with certain responsibilities (e.g., childcare professionals, law enforcement officers, faculty, staff, and volunteers who work with minors, positions requiring a federal security clearance, etc.) in compliance with applicable laws, regulations, and university and other standards. Hiring Authorities are responsible for ensuring these background checks are conducted and/or working with the necessary parties (e.g., governmental licensing, LA Department of Education, LA State Police, or regulatory agencies, etc.) to ensure compliance.
- I. Hiring Authorities have the option to require background checks on graduate assistants, student employees, volunteers, and employees of non-staffing vendors provided there is a business justification, that checks are made consistently across specific positions, and the documented background check program has been approved by the campus HRM office.

C. Disclosure and Use of Criminal Convictions during the Hiring Process

- A. Final candidates are required to disclose all criminal convictions after the interview is conducted or upon extending a conditional offer of employment (see Appendix A for LA R.S. 42:1701 *Consideration of Criminal History in Public Employment*).
- B. Applicants who fail to disclose all criminal convictions or fail to provide truthful, accurate and complete information regarding criminal convictions upon request may be ineligible for hire for the current position and may be prohibited from future employment consideration. Internal candidates may be subject to corrective action up to and including termination.

D. Procedure for Background Checks

- A. Final Candidate Authorization and Background Check Coordinator Notification

Final candidates must be provided the background check disclosure, authorization, and release information and indicate their consent prior to a background check being performed by a third-party vendor. Failure to provide consent will preclude a final candidate from consideration for a position.

B. Assessment of Background Check Information

The campus HRM office will assess the information contained within a background check using the following principles:

- a. Convictions will be taken into account when reviewing a final candidate's criminal history. An arrest without a conviction in a closed case will not be considered.
- b. Open criminal cases may preclude a final candidate from eligibility for employment. The university will assess the circumstances surrounding the arrest, as well as the time frame, nature, gravity, and relevancy of the alleged offense and charge to the job duties.
- c. A criminal conviction is not necessarily an automatic disqualification to initial employment or continued employment with the university. The university will assess the circumstances surrounding the conviction, time frame, nature, gravity, and relevancy of the conviction to the job duties.

C. Processing Background Checks

- a. HRM is responsible for conducting background checks on all positions.

D. HRM must approve department background check processes that go beyond this procedure's requirements.

E. Background Check Records

- a. Candidates not hired due to information revealed on a background check conducted by a third-party vendor must be provided with a copy of the results and a copy of the *Summary of Your Rights under the Fair Credit Reporting Act*. HRM is responsible for offering to provide the results to the candidate.
- b. Candidates who are not eligible for future consideration for employment at the university will be notified in writing from the campus HRM office.
- c. Background check documentation must not be stored in an employee's personnel file.
- d. All information received in connection with the background check process will be treated with discretion and only disclosed as necessary.

III. Reference Checks, Official Transcripts, and Licenses/Certifications:

A. Regulations for Reference Checks, Official Transcripts, and Licenses/Certifications:

- A. Hiring departments should collect reference information from at least three (3) professional contacts prior to extending an offer of employment. If there is no current employment, then every effort should be made to contact the previous supervisor. Former job titles and work experience should be verified when conducting reference checks.
 - a. As a common courtesy, it is strongly encouraged for the hiring department to contact the current supervisor to conduct a reference check of a current LSU employee who is being considered for hire.
 - b. The hiring department must contact HRM to verify the current employee does not have a pending performance issue that would make them ineligible for hire prior to extending an offer of employment.
- B. Degree verifications are required prior to employment and will be in the form of the applicant providing an official transcript. The campus HRM office may utilize other verification methods (e.g., National Student Clearinghouse) for certain non-academic positions at their discretion. If the degree was earned in a foreign country outside of the United States, a foreign education credential evaluation must be conducted to verify education prior to employment.
- C. Any position requiring a professional license or certification must be verified by the issuing licensing board or official proof of certification produced and verified prior to employment.

IV. Pre-Employment Drug Screen & Physical Examination

A. Regulations for Pre-Employment Drug Screen and Physical Examination:

- A. For a position requiring specific physical requirements, a pre-employment physical examination will be required. Any offer of employment for such a position must be conditioned on a successful physical examination. This requirement applies for new hires as well as current employees transferring or promoting into a new position
- B. For a position determined to be safety-sensitive, a pre-employment drug screen will be required. Any offer of employment for such a position must be conditioned on the successful completion of a drug screen. This requirement applies to new hires as well as current employees transferring or promoting into a new position. If in the course of screening, the results yield more than two diluted results, the worker may be subject to hair follicle testing to determine screening results. For those positions defined as safety-sensitive, if the screening is returned with THC detected and the individual does not have licensed proof for administration, the individual may be conditionally approved for employment to include a six-month testing protocol. If the worker is found to have THC results during that provisional time, they are subject to termination.

V. Hiring Former Employees

A. Regulations for Hiring Former Employees:

- A. Former employees are eligible for re-employment if they left the university in good standing and have not been subject to corrective action for behavior. If an employee was terminated or resigned in lieu of termination, the former employee is not eligible for re-hire unless stated otherwise by HRM. Good standing is defined as an employee has complied with all job expectations, policy and procedures; has not been subject to disciplinary action or terminated as a result thereof; has not behaved in a manner that would be grounds for discharge for cause; or tendered a resignation in lieu of termination or without proper notice. A former employee must be approved for re-hire by HRM prior to an offer being extended.

VI. Higher Education Foreign Security Act of 2022

- A. In accordance with RS 17:1826, candidates who have an affiliation with a country that is considered by the Secretary of Commerce to be a foreign adversary and not a permanent resident of the United States or who have at least one year of prior training or employment in a foreign country as defined by RS 17:1826 who applying for research or research related support positions, graduate students for research or research-related support positions, or visiting researchers will need to supply the following application materials prior to the offer:
 - a. A copy of the applicant's current passport and recent DS-160
 - b. A vita or resume that lists:
 - All former institutions attended
 - Previous employment since the applicant's eighteenth birthday
 - All published material affiliated with the applicant
 - Educational history
 - A list of the applicant's current and pending research funding, and its amount, from any source, including the applicant's role on the project, and a brief description of the research; and a full disclosure of non-university professional activities, including any affiliation with an institution or program in a country that is considered by the Secretary of Commerce to be a foreign adversary
- B. Prior to any offer, the university will verify all education attendance, employment, publications, and contributions listed including but not limited to research verifications, public conflict of interest records possibly omitted from the application, employer verification from previous 10 years, education verification,

and federal sanctions.

- C. If further investigation is necessary, a second background check will be performed by the FBI, Louisiana State Police, or other local law enforcement to determine if there are any security concerns with a country that is considered by the Secretary of Commerce to be a foreign adversary.

VII. Social Media Checks

A. Regulations for Social Media Checks

- A. Social media checks may be conducted on final candidates for the following positions:
 - a. Regular faculty and staff,
 - b. Temporary, term, seasonal and intermittent appointments (excluding graduate assistant and student employment appointments except when covered by an approved unit social media check program),
 - c. Adjunct faculty, and
 - d. Visiting scholars.
- B. Social media checks should be used to support hiring decisions on applicants.
- C. Final candidates in each search should be screened by the same sites to ensure consistent practices are followed.
- D. All privacy settings and terms of services must be adhered to for individual sites.
- E. All reviews must comply with the university's Equal Employment Opportunity policy statement ([PS-1](#)) and may include:
 - a. Work history
 - b. Education
 - c. Certifications
 - d. Examples of work to support job competencies
- F. When conducting a social media check, the following is a non-exclusive list of what should be considered for further review:
 - a. Evidence of unlawful activity
 - b. Photos, language or discriminatory activity by a candidate which, if revealed during employment, would violate university policy or which demonstrates unprofessional behavior (but not directed to political or policy-related differences of opinion and subject to protections provided by law and academic freedom in appropriate circumstances)
 - c. Sexually explicit activity
 - d. Evidence of violation of a prior employer's privacy or other policies

B. Procedure for Social Media Checks

A. Final Candidate Notification

Hiring departments must notify final candidates of the social media check policy after the initial interview has been conducted. Failure to comply will preclude a final candidate from consideration for a position. Hiring departments are prohibited from requesting a candidate's access credentials as well as requesting an invitation to view a candidate's social site.

B. Processing Social Media Checks

- a. HR Analysts within the department/unit are responsible for conducting social media checks after the initial interview has been conducted to ensure candidate confidentiality.
- b. All searches must be documented with specific information outlined in Appendix C. HR Analysts are

responsible for submitting results to the hiring authority for review. The hiring authority is responsible for reviewing results and documenting the legitimate, nondiscriminatory reasons to support the hiring decision. The hiring authority is responsible for submitting results to the campus HRM office only when the results reveal information, which may affect the hiring decision.

C. Assessment of Social Media Check Information

- a. The campus HRM office is responsible for assessing results contained within a social media check submitted by the hiring authority.
- b. Findings will be taken into account when reviewing a final candidate's social media history. The university will assess the nature, gravity, and relevancy of the findings and notify the hiring department if the candidate can be considered for employment.

D. Social Media Check Records

- a. Social media check documentation must not be stored in an employee's personnel file. Records must be kept in accordance with Louisiana law and LSU procedure.
- b. All information received in connection with the social media check process will be treated with discretion and only disclosed as necessary.

APPENDIX A: Revised Statute Link

LA R.S. 42:1701 Consideration of Criminal History in Public Employment

<http://legis.la.gov/Legis/Law.aspx?d=1017837>

APPENDIX B: Revised Statute Link

LA R.S. 17:1826.1 Higher Education Foreign Security Act of 2022

<https://legis.la.gov/Legis/ViewDocument.aspx?d=1290273>

[Louisiana Laws - Louisiana State Legislature](#)

APPENDIX C: Social Media Reference Check Form



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SOCIAL MEDIA REFERENCE CHECK

Candidate: _____
Position Applying For: _____
Interview Date: _____
Social Media Sites Visited: ☐ LinkedIn ☐ Facebook ☐ Twitter ☐ Instagram
☐ Other(s) _____

Answer the following questions and attach screenshots to document/support findings.

Does the candidate's profile and background information support their employment history (degrees, training, certifications, etc.)?

What examples of work were found to support the candidate's ability to perform this job (published articles, quotes, etc.)?

Does the candidate convey a professional image? Any questionable photos, evidence of unlawful activity, offensive language or discriminatory activity, sexually explicit activity, violation of prior employer's policies, etc. must be documented via screenshot(s) and submitted to HRM for review.

Hiring Manager/Search Committee Review

Based on these findings, state reasons to support hiring this candidate, or the reasons that this candidate should not be considered for hire.