

BACKGROUND CHECKS OF SUPPLIER/CONTRACTOR EMPLOYEES

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HISTORY:

BOR [policy](#) and [procedure](#) requires institutions to review and assess the risk of services provided to the institution by a supplier when the services require regular interaction with students, employees, monies, sensitive/confidential data, or regular access to secured facilities containing critical institutional-level infrastructure. In instances when the institution determines that the scope of work being performed by a supplier's employee is such that a background check should be required, the institution must seek appropriate contractual protections, including requiring the supplier to obtain appropriate background checks for all such supplier employees.

EXAMPLES WITHIN BOR POLICY:

Examples of services requiring "regular interaction," as anticipated by Board of Regents' Policy 7.7.5.1 and BPM Provision (section 3.1.3), may include the following situations that could reasonably occur; however, in each case, the assessment of risk must be an integral part of the evaluation process:

- Supplier services are provided in an area where children, students, or employees have access and are likely to be present at the same time. This might include summer camps, housing, dining, classroom, office, or recreational facilities.
- Supplier services are provided in an area where funds, credit card machines, or banking information is maintained, such as in a campus Bursar's office, Bookstore or other Auxiliary retail outlet.
- Supplier services require direct access to any personally identifiable, health, banking, or credit card information, such as in a call center.
- Supplier services require access to secured facilities containing critical infrastructure, such as a data center containing the institution's servers and other vital information technology equipment.

Other examples are provided in the policy titled "[Background Checks of Supplier and Contractor Employees](#)" within the Procurement section of UGA's Finance and Administration Policy Library.

SAMPLE RISK ASSESSMENT QUESTIONS:

Below are questions that may guide you as you make your risk assessment. Please note this is not an all-inclusive list.

Contractors coming on campus to perform work

1. Will the work be performed in a public area where anyone could have access?
2. Will the work be performed in a secured area? If yes, why is it secured – limited to residents (Housing areas), limited to badged UGA employees, secure infrastructure such as IT servers, building access systems are present, etc.
3. Will the work be performed in an otherwise private area, such as a restroom, shower room, locker room, sleeping area?
4. Is this an emergency or unscheduled service/repair? What period of time will the contractor be on campus? Will they be supervised by or work in coordination with a UGA employee if in a secure/high risk area?
5. If this is a scheduled maintenance/service – what period of time is covered under the contract and how often will the contractor be on campus? Will a UGA employee supervise them every time on campus? Are the services during the normal operation hours of the building/area or after hours? Will the contractor be in a secure/high risk area? Will employees or students, other than the employee who may be overseeing the work, be subject to interaction with the contractor if during business hours? For the purposes of this question, Housing areas are considered open for business 24/7 unless students are not occupying the space.

Guest Speakers/Conference Speaker/Entertainer/ Instructors/Consultants/Artists/Lecturers

- Is this an “in-person” engagement or a “virtual” engagement
- If virtual, who is hosting and has control of the “platform”? UGA, the speaker or a 3rd party representing the speaker? – For example, if UGA is hosting we use EITS protocol to mitigate risk.
- If students are involved, will the speaker or their representative be able to see student names on the screen or will a class list be provided? - risk is greater if the answer is ‘yes’ – minimally FERPA applies and this should be noted on the requisition in the internal notes.
- If it is an “in-person” engagement, will the speaker be escorted/supervised while on campus (faculty/staff meet speaker at the door, in attendance during the entirety of the event, escorted from the building, etc.)?
- Who is the speaker? Are they a known and trusted entity? For example: elected official, local or national celebrity with a good reputation, a professional or colleague without a reputation for violence, discriminatory actions, etc.
- Will there be any unsupervised time with students? For example, back stage passes or virtual one on one time with the speaker/entertainer. What period of time is involved? If yes, risk is higher and may warrant a decision of requiring background checks.
- Is this a one-time speaker or is this individual/company involved during the length of the conference/event or being secured for multiple presentations/events?
- Is the “Contractor” getting information that is not available to the general public? If yes, risk is higher.

OTHER FAQs

Question: UGA making a payment vs. no payment received. Does this make a difference?

Answer: This is non-factor and has no bearing on risk determination and review of regular interaction/access.

Question: Who pays for the background checks of contractor employees?

Answer: The contractor is responsible for these charges. It is assumed that most contractors, who are not already conducting background checks on their employees, may pass along the cost to the University as part of their fee for services rendered. UGA does not directly pay for the background checks, nor do we ever receive any information related to the background checks, other than the vendor warranting that they have conducted the required checks by signing an agreement that contains the provision.

Question: Does the BOR policy/procedure apply to Design Professional (DP), Project Manager (PM) and General Consulting Contracts (GCC) with BOR contract templates

Answer: BOR has determined that this does not apply to the above contracts. Companies/individuals in these professions usually require licenses that require passing of a background check in order to obtain the license.