

Regulation Governing Fraudulent Job Applications

I. Purpose. The 1987 Session of the North Carolina General Assembly enacted legislation prohibiting the fraudulent disclosure and willful nondisclosure of information relating to applications for State employment (N.C.G.S. § 126-30). The statute authorized the Board of Governors to issue regulations to implement this law for all University employees exempt from the North Carolina Human Resources Act (Chapter 126 of the North Carolina General Statutes). Pursuant to that mandate, the following regulations are hereby adopted.

II. Procedures

A. Each application to be used for EHRA employment shall contain the following statement to be signed, or electronically acknowledged, by the applicant:

North Carolina law requires notice to every applicant for State employment that willfully providing false or misleading information or failing to disclose relevant information shall be grounds for rejection of an application or later disciplinary action or criminal prosecution. Discharge for cause from employment shall be mandatory in any case in which a false or misleading representation is made in order to meet position qualifications. The employer is required by law to verify an applicant's representations about credentials and other qualifications relevant to employment. By executing this employment application, you authorize the release to [institution] of any document or information within the possession of a third party, such as an educational institution or licensure board, that may serve to verify any representations made by you in this employment application.

B. With respect to EHRA employment, each constituent institution shall establish procedures for verifying representations made about credentials and other qualifications pertinent to the position. These procedures shall include the following:

1. Based upon an examination of the position description, the employer must verify credentials and other information significantly related to job qualifications. "Credentials" may include degrees awarded, professional licenses, professional registrations, and professional certifications. "Other information" may include prior work or study experience or other information with a reasonable correlation to employment.

2. A written record of the verification(s) shall be made and maintained in the employee's personnel file. This record shall include the date of verification, the method of verification, the name of the official requesting the verification and the name of person or entity responding to the request, with copies of any documents procured incident to the verification process.

3. All verifications should be completed within ninety (90) calendar days from the date of initial employment.

C. Each constituent institution shall establish sanctions for the willful falsification of credentials or other information significantly related to job qualifications or responsibilities or the willful nondisclosure of information significantly related to job qualifications or responsibilities. These sanctions shall include the following:

1. Upon discovery of any such falsification or nondisclosure prior to employment, the applicant shall be disqualified from any further consideration for the position in question.
2. Upon discovery of the falsification or nondisclosure after employment:
 - a. If the employee was determined to be qualified and was selected for a position based on false representation about credentials or other requirements for the position, the employee shall be discharged from employment.
 - b. For all other willful falsifications or willful nondisclosures, the discipline imposed shall be based upon the circumstances of each case. Sanctions may include discharge for cause from employment, demotion, reduction in pay, and/or written reprimand. In determining the level of the sanction to be imposed, the following criteria maybe relevant: sensitivity of the employee's position; effect of the false information on the hiring decision; advantage gained by the employee over other applicants; effect of the false information on the starting salary; and the advantage gained by the employee in subsequent promotion and salary increases. The employee's performance in the position, whether satisfactory or unsatisfactory, should not be considered in determining the level of sanction.
 - c. Penalties will be imposed by the university only in accordance with procedural safeguards applicable to disciplinary actions against faculty members, administrators, and other employees, as required by Section 603 of *The Code*, and by Board of Governors policies applicable to other employees exempt from the North Carolina Human Resources Act.

III. Other Matters

A. Effective Date. The requirements of this regulation will be effective on the date of adoption of this regulation by the president.

B. Relation to State Laws. The foregoing regulation as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern the activities of public officials.