



UCCS CAMPUS POLICY

Policy Title: Employment Background Checks

Policy Number: 300-022 (Replaces 100-004)

Policy Functional Area: Human Resources

Effective: March 27, 2017
Approved by: Venkat Reddy, Interim Chancellor
Responsible Vice Chancellor: Administration & Finance (VCAF)
Office of Primary Responsibility: Human Resources and Legal Counsel
Policy Primary Contact: Human Resources 719-255-3628
Supersedes: 100-004 Background Checks, June 26, 2012
Last Reviewed/Updated: February 8, 2016

Applies to: Current, former, student, or prospective Employees and Volunteers who submit information to be considered for positions at UCCS. This definition also includes current UCCS Employees seeking a Promotion or Transfer.

Reason for Policy: To establish process for employment background checks for all Employees and volunteers at UCCS.

I. INTRODUCTION

The University of Colorado Colorado Springs (“UCCS” or “University”) strives to maintain a safe and productive educational, research, and employment environment. All Applicants, which include Volunteers, for employment or Promotion must consent to a Background Check.

II. POLICY STATEMENT

A. BACKGROUND CHECK PROCEDURES

1. Hiring Authority Responsibilities

- a. Hiring Authorities are responsible for initiating the Background Check process by contacting the Department of Human Resources (“Human Resources”).
- b. The Hiring Authority will discuss with Human Resources, in consultation with the Office of University Counsel, what type of Background Check the position requires prior to the posting of the position.
- c. All costs incurred in conducting Background Checks are the responsibility of the Hiring Authority’s department and/or the college, as applicable.

2. Human Resources Department Responsibilities

- a. Human Resources is solely authorized to conduct and oversee the Background Check process for Applicants. Human Resources may work with law enforcement or contract with

outside agencies in executing any of the obligations set forth in this policy, in accordance with the Fair Credit Reporting Act (“FCRA”), 15 U. S.C. Sec. 1681a *et seq.* Human Resources, together with the Hiring Authority and the Office of University Counsel, determines what type of Background Check is appropriate, interprets Background Check records and information, determines whether an Applicant is eligible for employment, and makes personnel recommendations to the Hiring Authorities.

- b. Notwithstanding this policy, nothing precludes Human Resources from conducting a Background Check on an Applicant or Employee when Human Resources, in consultation with the Hiring Authority and the Office of University Counsel, determines that a Background Check is necessary.

3. Applicant Responsibilities

- a. Consent: All Applicants must consent to a Background Check to be considered for a position. Consent is provided when an Applicant submits a signed Request for Employment Background Check to Human Resources. Any Applicant who refuses to consent to the Background Check or refuses to provide information necessary to conduct the Background Check will be deemed to have withdrawn from consideration and will be removed from consideration for the position for which s/he has applied.
- b. Providing False or Misleading Information: Any Applicant who provides false or misleading information will be deemed to have withdrawn from consideration and be removed from consideration for the position for which s/he has applied. Any Applicant who has already been hired or promoted and is subsequently found to have provided false or misleading information related to the Background Check may be subject to disciplinary action, up to and including termination of employment.
- c. Final Applicant Background Check: Background Checks will be conducted for all Final Applicants as described in the section below.
- d. Final Offer Contingent on Passing the Background Check: A final offer of employment or Promotion is contingent upon the Final Applicant successfully passing the requisite Background Check. Employment or Promotion shall not be effective until Human Resources has notified the Hiring Authority that the Final Applicant has “passed” the Background Check.

4. Type of Background Check Required

- a. All Final Applicants shall be subject to the following checks:
 - 1. A Criminal History Check
 - 2. An Excluded/Denied Parties List System Check
 - 3. A Sex Offender Registry Check, and
 - 4. A Social Security Trace.
- b. A Financial History Check is substantially related to and shall be conducted for all Final Applicants for the following positions:
 - 1. Administrators and Officers at or above the Assistant Vice Chancellor level
 - 2. Leadership positions at or above the director and chair level, and
 - 3. Positions in campus departments with centralized and primary responsibility for significant University resources.
- c. A Motor Vehicle Check shall be conducted for Final Applicants for positions whose responsibilities include driving University vehicles.
- d. Educational Verification, Employment Verification, and License Verification shall be conducted by and at the discretion of the Hiring Authority or his/her designee.

- e. Promotions: Current Employees who are an Applicant for a Promotion shall be subject to a Background Check, unless Human Resources previously conducted the appropriate Background Check on the Final Applicant within the previous three years and the Promotion is within the same class series or job family.
- f. Post-Employment: UCCS may conduct post-employment Background Checks on Employees as needed, such as, but not limited to following any workplace violence incident involving the Employee or when it is required to do so pursuant to state or federal laws, rules, or regulations. Employees may be subject to an additional Background Check upon the reporting of a charge and/or conviction. As a condition of continued employment, Employees consent to any post-employment Background Check, conducted by Human Resources, the Hiring Authority, and the Office of University Counsel.
- g. Contractors: Contractors are subject to Background Checks as required by the University of Colorado Procurement Services processes.

5. Notice in Job Posting. UCCS job postings and applicable web postings must:

- a. Provide notification that Final Applicants will be subject to a Background Check;
- b. Describe the type of Background Check required for the position; and
- c. State that an Applicant must consent to a Background Check to be considered for the job posting.

B. PASS/FAIL CRITERIA

1. Criteria to “pass” a Criminal History Check: An Applicant will be considered to have “passed” the Criminal History Check if s/he meets all of the criteria listed below:
 - a. No felony convictions for drug use or distribution in the ten (10) years immediately preceding the submission of his/her application for employment or Promotion at UCCS; and
 - b. No convictions for serious or violent felonies, including but not limited to homicide or sexual assault (no time limit).
 - c. Convictions
 1. The existence of a conviction other than what is listed above does not automatically disqualify an Applicant. Relevant considerations may include, but are not limited to: the date, nature and number of convictions; the relationship the conviction bears to the position duties, responsibilities, and requirements anticipated; and successful efforts toward rehabilitation. Any decision to extend an offer of employment to a Final Applicant will be at the discretion of the Hiring Authority, Human Resources, and the appropriate Associate/Vice Chancellor, and will be made only if the Applicant truthfully self-discloses such conviction(s).
 2. Failure to self-disclose all previous convictions other than minor traffic convictions will be considered falsification of records and will be grounds for discipline, up to and including denial of employment or withdrawal from consideration for a position, and, if discovered post-acceptance, termination of employment.
2. Criteria to “pass” a Financial History Check: An Applicant’s Financial History Check will be analyzed in its totality. Judgment, wage garnishments, liens, orders for unpaid child support, collection information, current and previous negative accounts, credit history, and past due accounts will be taken into consideration.

3. Criteria to “pass” a Motor Vehicle Check: An Applicant will be considered to have “passed” the Motor Vehicle check if s/he has had no license suspensions in the five (5) years immediately preceding his/her application for employment.
4. Confidentiality: Information obtained for the purpose of completing a Background Check will be retained by Human Resources, which makes every effort to ensure that results of Background Checks are kept as confidential as possible with a limited number of persons authorized to review results.

C. APPLICANT AND EMPLOYEE RIGHTS AND OBLIGATIONS

1. Notice of Denial: If UCCS does not offer a position to a Final Applicant or takes an employment action against an Employee because of information obtained through a Background Check, UCCS will provide the individual a notice. UCCS will mail the notice to the address listed on either the Final Applicant’s Background Authorization Release, or the Employee’s address on record with Human Resources. The notice will include the following:
 - a. The action that is being taken;
 - b. The basis for the action; and
 - c. If applicable, a copy of the notice(s) sent to the University by the third party vendor regarding any part of the background information which contributed to the adverse action.
2. Disagreement with Accuracy of Information: Applicants who disagree with the accuracy of information found in the Background Check should follow the dispute processes outlined by the Background Check vendor and may also submit a written request to Human Resources that the accuracy of any disputed information be re-verified. It is the Applicant’s burden to produce substantial evidence to prove inaccuracy of the Background Check. Such accuracy disputes will be considered in collaboration with Human Resources, the Hiring Authority, the appropriate Associate/Vice Chancellor, and/or Office of University Counsel.
3. Right of Applicant to Review Information: Applicants may view their own Background Check directly through the Background Check vendor.
4. Continuing Duty to Disclose: All Employees have a continuing duty to disclose relevant circumstances subsequent to their passing a Background Check. All Employees are required to notify their supervisor upon being charged with a felony or offense of moral turpitude within five (5) business days of its occurrence. Supervisors are required to notify Human Resources immediately.

III. KEY WORDS

- A. Applicants
- B. Background Check
- C. Conviction
- D. Contractor
- E. Criminal History Check
- F. Educational Verification
- G. Employees
- H. Excluded/Denied Parties List System Check
- I. Final Applicant

- J. Financial History Check
- K. Hiring Authority
- L. License Verification
- M. Motor Vehicle Check
- N. Promotion
- O. Reference Check
- P. Security-Sensitive Position
- Q. Sex Offender Registry Check
- R. Social Security Trace
- S. Transfer
- T. Volunteer
- U. Vulnerable Population Program

IV. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

- A. Administrative Policy Statements (APS) and Other Policies
 - [Administrative Policy Statement 5050 "Background Checks"](#)
- B. Procedures
- C. Forms
 - [Background Check Authorization Form](#)
 - Summary of Applicant Rights under the FCRA: www.consumer.ftc.gov
- D. Guidelines
- E. Other Resources (i.e. training, secondary contact information)
- F. Frequently Asked Questions

V. HISTORY

Initial Policy Approval April 6, 2006

Revised April 23, 2008, January 12, 2012, February 8, 2016 (replaces #100-004)