

COLORADO STATE UNIVERSITY
POLICY REGARDING BACKGROUND CHECKS
September, 2008

Policy Statement

Colorado State University strives to provide a safe study, work and living environment for its faculty, staff and students. In support of its efforts, CSU requires a background check to be completed for many of its new employees, current employees seeking promotional or transfer opportunities, and current employees being assigned new duties (collectively referred to herein as Candidates). For state classified employees, normal progressions within the same class series without a substantive change in duties will not require background checks. Similarly, faculty promotions that are built into a current position, e.g., academic progression from Assistant Professor to Associate Professor to Professor, will not require background checks.

Applicants will know in advance the type of background check that will be conducted of the finalist for the position. The type of background check conducted varies by position and can include, but is not limited to, criminal history and driving record. Background checks shall be required of only the final Candidate for the position, i.e., the person to whom the University wishes to offer the position, and not the final pool of candidates. Candidates will be asked to consent to such check prior to finalization of the employment decision. The Appointing Authority may not make an offer of employment until Human Resource Services ("HRS") has received and reviewed the results of the background check from the third-party vendor. Based on that review, HRS will either inform the Appointing Authority to proceed with the offer of employment or confer with the Appointing Authority regarding information resulting from the check that could impact the hiring decision.¹

Failure to consent to a background check will disqualify the final Candidate from further consideration. Additionally, a final Candidate who fails to provide the necessary information or who provides false or misleading information may also be disqualified from further consideration. Later discovery of false or misleading information related to the background check may subject the employee to disciplinary action, up to and including termination.

Basic Screening Practices

The University Appointing Authority, or designated search committee, is required to complete Basic Screening Practices as appropriate for ALL new hires, including all employment categories, students and volunteers. Basic Screening Practices typically include the following:

- Employment reference checks
- Personal interviews
- Confirmation of education history (if relevant/required)
- Review of written application
- Confirmation of license or certification status (if applicable)

¹ While the University expects that the time required to complete the background check process will not cause any substantial delay in the hiring process, if specific circumstances require that the Appointing Authority be able to offer a position to a Candidate before the completion of the check, the cognizant Vice President or the Vice Provost for Faculty and Academic Affairs (in the case of Faculty hires) may approve extending offers for employment, contingent on the future results of the appropriate background check.

Required Background Checks²

- I. The following background checks must be completed for new hires for all Faculty, Administrative Professional, State Classified and non-student Temporary Hourly positions:
 - A. A criminal history background check.
 - B. A motor vehicle record check if the position:
 - 1) is responsible for operating a University owned or controlled vehicle; or
 - 2) requires driving of children, patients, students, clients or others in a private vehicle; or
 - 3) requires renting a vehicle on a regular or routine basis to conduct University business.

A severance of an individual's employment, contract, or other relationship with the University of six months or less does not necessitate a new background check unless the individual returns to an assignment requiring a check(s) which was not previously required. Sabbatical leave, maternity leave, or other types of University-approved leave do not constitute "severances" in the relationship.

- II. New hires in Student Employee positions, Post Doctoral Fellowships, Graduate Assistants, Clinical Psychology Interns, Veterinary Residents and Interns, and Fellowship Grant Trainee opportunities are required to have the following background checks:
 - A. A criminal history background check IF the position:
 - 1) works with vulnerable populations (e.g., children, animals);
 - 2) works with controlled substances, select agents or other sensitive research materials/information;
 - 3) has unsupervised access to buildings, resident halls or other secure facilities; or
 - 4) has access to sensitive information.³
 - B. Motor vehicle check IF the position:
 - 1) is responsible for operating a University owned or controlled vehicle;
 - 2) requires driving of children, patients, students, clients or others in a private vehicle; or
 - 3) requires renting a vehicle on a regular or routine basis to conduct University business.

² The University will bear all costs associated with the background checks.

³ Sensitive information is defined as information or knowledge essential to the University's mission and functions, the loss of which would have an unacceptable impact. Sensitive information includes, but is not limited to, personally identifiable information such as social security numbers, financial account numbers, student identification numbers, home addresses and telephone numbers, passport numbers, computer account/password information, health/medical and health plan information, or information that would constitute an increased risk of identity theft including date of birth or information of a personal nature known primarily by the individual such as mother's maiden name, father's middle name, etc., and written communications regarding personnel matters.

A severance of an individual's employment, contract, or other relationship with the University of six months or less does not necessitate a new background check unless the individual returns to an assignment requiring a check(s) which was not previously required. Sabbatical leave, maternity leave, or other types of University-approved leave do not constitute "severances" in the relationship.

III. Criminal history background checks are required for existing employees (Faculty, Administrative Professionals and State Classified staff) who are offered a transfer opportunity from one department to another or are being promoted to a new position that includes a change in duties. Under the following circumstances, these individuals are required to have a motor vehicle check IF the new position or change in duties requires:

- 1) operating a University owned or controlled vehicle;
- 2) driving children, patients, students, clients or others in a private vehicle; or
- 3) renting a vehicle on a regular or routine basis to conduct University business.

IV. Background checks are required for persons offered a Faculty Affiliate position or a Volunteer opportunity when the individual is new to the University and is expected to be in that status for more than one semester.

For individuals meeting these criteria, the following checks are required:

A. Criminal history background check IF:

- 1) the position works with vulnerable populations (e.g., children, animals);
- 2) the position works with controlled substances, select agents or other sensitive research materials/information;
- 3) the position has unsupervised access to buildings, resident halls or other secure facilities;
- 4) the position has access to sensitive information.

B. Criminal history background and motor vehicle check IF the position:

- 1) is responsible for operating a University owned or controlled vehicle;
- 2) requires driving of children, patients, students, clients or others in a private vehicle; or
- 3) requires renting a vehicle on a regular or routine bases to conduct University business.

A severance of an individual's employment, contract, or other relationship with the University of six months or less does not necessitate a new background check unless the individual returns to an assignment requiring a check(s) which was not previously required. Sabbatical leave, maternity leave, or other types of University-approved leave do not constitute "severances" in the relationship.

Periodic Updating of Background Check Information or Initiating Additional Background Checks.

Colorado State University retains the right to conduct background checks of current employees when it has reasonable grounds to do so, e.g., a workplace violence incident, when it is required to do so pursuant to state or federal laws, rules, and regulations, or upon a change of assignment. Further, all employees in positions requiring a background check under this policy, whether "grandfathered" in without such a check or not, are required to notify HRS upon final conviction of a felony or a misdemeanor. HRS will notify the employee's department of the conviction only if HRS determines that the conviction is pertinent to the employee's ability to

carry out the duties or functions of his or her position. If reported to the employee's department, such convictions may subject the employee to discipline, up to and including termination, and/or additional background checks. Failure to report such incidents may result in disciplinary action up to and including termination. Such disciplinary action shall be undertaken pursuant to established Colorado State University policies.

Motor vehicle checks must be updated every 3 years and it is the Appointing Authority's or supervisor's responsibility to initiate the process. Additionally, employees subject to motor vehicle checks must report any moving violation convictions to their departments upon final disposition of a citation. Such convictions may subject the employee to discipline, up to and including termination, and/or more frequent motor vehicle checks. Failure to report such incidents may result in disciplinary action up to and including termination.

Background Checks Otherwise Required

State or federal law or regulations, professional associations, licensing entities or contracting partners may impose background check requirements upon certain individuals at the institution. In these cases the affected individual and department should coordinate the need for such a check with HRS. Under no circumstances should employees of the University conduct, or seek to have a background check conducted, without first consulting with and receiving approval from HRS.

Recruitment Notices

Notices and advertisements for open positions at the University must provide notification that final Candidates are subject to this policy.

Roles and Responsibilities in Conducting Background Checks.

Appointing Authorities-For purposes of this policy, the Appointing Authority is the academic or administrative department head.

1. Ensuring that required background checks are completed for the final Candidate prior to an official offer being extended.
2. Submitting information on the final Candidate to HRS (i.e., name, email address, etc.) and notifying the final Candidate that he/she will receive an electronic communication requesting that he/she complete a background disclosure and authorization form online. If the final Candidate does not have access to a computer, the Appointing Authority is responsible for obtaining the completed and signed forms necessary to authorize a background check directly from the final Candidate.
3. Conferring with the cognizant Dean or Vice President to determine whether to offer the position to the Candidate if HRS provides the Appointing Authority with any information resulting from the background check that HRS believes may have an impact on the hiring decision. Notifying the Office of Equal Opportunity and Diversity of the reason for any decision not to hire the final Candidate for any Academic Faculty or Administrative Professional position.

Human Resource Services

1. Securing contracts with third-party vendors for background check services.
2. Developing procedures for oversight and implementation of the background check policy.
3. Coordinating with Appointing Authorities, the final Candidate and the third-party vendor throughout the background check process.
4. Reviewing all information resulting from the third-party vendor's background check of a Candidate and determining whether the information may be relevant to the Appointing Authority's hiring decision.

Forwarding to the Appointing Authority only the information resulting from the background check that HRS determines may be relevant to the hiring decision, and conferring with the Appointing Authority and cognizant Dean or Vice President regarding such information.

5. Providing written notice to the final Candidate who may no longer be considered for a position based on the background check results, including a copy of the background check report. The written notification will include a specified period of time in which the final Candidate may respond, which will be no less than five days.
 - a. If the final Candidate fails to respond within the specified time period, issuing a second letter informing the final Candidate that he/she is no longer being considered for the position.
 - b. If the final Candidate responds within the specified time period, reviewing any appeal submitted by the final Candidate challenging the accuracy of information contained in the report.
6. Implementing and interpreting this policy.

Evaluation of Resulting Report

The following are among the factors that HRS will consider when evaluating the results of the background check:

- Nature and gravity of the offense(s),
- Time since conviction, completion of sentence or any other remediation,
- Relevancy to the University position for which the Candidate is being considered; and
- Discrepancies between the background check and what the Candidate self-reported.

HRS may consult with the Appointing Authority and when appropriate, the final candidate, to help determine whether the information resulting from the background check is relevant to the position for which the Candidate is being considered. HRS will then decide whether to forward any information resulting from the background check to the Appointing Authority and will confer with the Appointing Authority and cognizant Dean or Vice President regarding any information that HRS deems relevant to the hiring decision.

Confidentiality

Records gathered as a result of a background check are part of an employee's personnel file, however, HRS will keep such records in files segmented by the individual's name separately from the individual's general personnel file. These records related to the background check will include:

- Consent form,
- Information collected from the check,
- Analysis and decision if criminal activity substantially relates to the position; and
- Correspondence related to criminal background check

Alternatively, these records may be maintained in a secure University or vendor on-line database. Appointing Authorities should return to HRS any documentation that they received from HRS related to the results of the background check. The records will be maintained as confidential to the extent allowed by law. Although most records are obtained from public sources, the records may contain sensitive information. CSU will take appropriate action to protect their confidentiality; however, HRS has the authority to discuss or share background check results with the Appointing Authority or any other University officials as deemed appropriate and necessary or as required by law. For Candidates who are not hired, background check information will be destroyed upon the conclusion of the hiring process.