

Title:	Background Checks
Source:	Employee Services
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Approved by:	CHRO, Vice President, Employee Services
Application:	System Administration
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I. INTRODUCTION

This internal policy and procedural statement provides guidance on administering background checks for prospective and current employees within the System Administration Office. It is in accordance with the system-wide Administrative Policy Statement, titled, *Background Checks*, effective January 1, 2011. For the purpose of this internal policy statement, all positions within System Administration, including but not limited to staff, students, and temporary staff, are considered security sensitive.

II. STATEMENT OF POLICY

A. Background Checks Required. Background checks must be conducted when hiring new employees, transferring existing employees into new positions, or authorizing individual access to Federal Tax Information (FTI), as follows:

1. A background check report and a national registered sex offender check must be obtained for the final candidate, whether external or internal, under consideration for employment;
2. A financial history record must be obtained for the final candidate, whether external or internal, in positions that handle cash on a regular basis as part of their job duties and responsibilities or who have authority over large expenditures or access to large sums of money.
3. To comply with IRS Publication 1075, background investigations will be conducted, including FBI fingerprinting results for any individual granted access to Federal Tax Information (FTI). This national agency check is the key to evaluating the history of a prospective candidate for access to FTI and is required for any roles assigned to our University Information Systems team. Employees who require access to FTI must be reinvestigated within five years from the date of the previous background investigation.

B. Background Checks Not Required. Background checks are not required in the following circumstances:

1. Employees occupying positions for which the titles change without affecting the positions' duties (e.g., career progression promotion in the same department);
2. Employees whose licensure or professional accreditation requires a separate background investigation and the employee can provide the university with the background check results;
3. Employees for whom the university has conducted a background check within a previous three-year period.

III. PROCEDURES

A. Recruitment and Selection Activities - Notice of Background Check Requirement.

1. Hiring departments seeking to fill designated positions must ensure that position descriptions and recruitment announcements provide notice that the final candidate is subject to a background check, consisting of a criminal history background check and a financial history background check, if required;
2. If a background check has not already been completed, written employment offers must include notice that the offer is contingent upon completion of a background check (resulting in a finding of suitability for university employment).

B. Final Candidate Background Check and/or Fingerprinting, Review of Background Check Report, and Notice to Final Candidate.

1. Upon selection, hiring departments must change the applicant status in Jobs at CU to Recommend for Hire for the final candidate;
2. The Office of Human Resources will send a background check authorization request to the final candidate;
3. Request for Background Check Report;
 - a. Upon receipt of completed background check authorizations, Human Resources will submit the background check request to a third-party vendor;
 - b. Human Resources will review background check results with the hiring departments. If Human Resources does not recommend the hire of a final candidate and the hiring authority wishes to hire the individual, the hiring authority must seek approval from the appropriate Vice President.
4. Review of Background Check Reports with Information Negatively Affecting Suitability for Employment;
 - a. Information negatively affecting the final candidate's suitability for university employment will be presented to hiring and supervising authorities. In consultation with Human Resources, hiring and supervising authorities determine the extent to which suitability for university employment is negatively affected and whether to continue with the hiring process;
 - b. If a final candidate's background check report discloses prior criminal convictions, hiring and supervising authorities must consider the following;
 - (1) The nature, gravity, and seriousness of offenses for which the final candidate was convicted;
 - (2) The number of such offenses;
 - (3) The accuracy of information provided to the university by the final candidate;
 - (4) The recency and relationship of convictions to position duties;
 - (a) Any conviction 7 years prior to the date of the background check will be considered on a case-by-case basis.
 - (b) Active registered sexual offender status, regardless of adjudication status, is to be considered.

- (5) The final candidate may provide responsive information regarding his/her background check, including evidence of rehabilitation, character references, educational achievements, the length of time since the last criminal conviction, and other extenuating circumstances. If, however, the final candidate failed to disclose on the employment application existence of prior criminal conviction(s), that candidate may not be hired on the basis that he or she failed to honestly disclose such information.
 - c. When the final candidate's financial history records disclose negative information (e.g. delinquent accounts, bankruptcy), hiring and supervising authorities must consider the following:
 - (1) The nature and seriousness of the negative financial information;
 - (2) Whether, and to what extent, the negative financial information is related to the designated position;
 - (3) The accuracy of information provided the university by the final candidate;
 - (4) Responsive information from the final candidate regarding the financial history record, including evidence of extenuating circumstances.
5. Notice of Findings to the Final Candidate and Maintaining the Results.
- a. Human Resources will notify the final candidate of the decision to hire or not to hire the candidate based upon background check information;
 - b. Criminal history records and/or financial history records that are obtained by the university for the purpose of conducting background checks are not to be used as a basis for illegal discrimination;
 - c. To the extent permitted by law, criminal history records and financial history records will be regarded as confidential information (and therefore not subject to public disclosure) and will not be made part of the search file or the employee personnel file, and will not be communicated to any unauthorized person.

IV. CONTRACTORS

The following provision should be included in all contracts between CU System Administration and temporary employment agencies that refer contract employees to CU for job positions or contractors whose contract responsibilities involve physical presence of its employees or agents on University property or access to university data:

Contractor understands that concern for the safety and well-being of University students and staff is of particular importance to the University. Contractor expressly acknowledges that it is Contractor's duty to take reasonable precautions to protect the University's students and staff. The extent of such precautions will depend on the particular circumstances of the work to be performed. However, to the extent that work to be performed involves security-sensitive functions or security-sensitive areas (e.g. unsupervised access to minors or work involving access to security-sensitive data), such precautions may include but are not limited to, conducting criminal history checks on employees or agents assigned to such work at the University.

V. DEFINITIONS

- A. **Background check** means the process of conducting a reference check, and/or gathering and reviewing criminal history records, and/or financial history records of a final candidate after a contingent offer is made or an employee who requires access to FTI.
- B. **Criminal history record** means a written record or information furnished by a criminal justice agency relating to an individual's criminal convictions and matters currently subject to the national sex offender registry. A criminal conviction includes a guilty verdict, a guilty plea, or a plea of "nolo contendere" (no contest). A criminal history record does not include an individual's arrest or conviction records that have been sealed by court order.
- C. **Criminal history background check** means the process of gathering and reviewing criminal history records of a final candidate for employment with the university or an employee who requires access to FTI.
- D. **Final candidate** means a person who seeks employment with the university and who has been provided a contingent offer of employment.
- E. **Financial history record** means a written record 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 for the purpose of evaluating candidates for employment.
- F. **Financial history background check** means the process of gathering and reviewing financial history records of the final candidate seeking employment with the university.
- G. **Reference check** means the process of contacting individuals, including current and former employers, companies, educational institutions, that may reasonably be expected to provide relevant information regarding a candidate's fitness for university employment.

VI. INTERPRETATION

- A. The Office of the Chief Human Resources Officer shall provide interpretive guidance for this internal policy.
- B. Nothing in this internal policy shall be interpreted to conflict with policies relating to investigations of motor vehicle records for employees and/or candidates whose job duties require the use of university vehicles.
- C. Nothing in this internal policy shall be interpreted to limit the university's right to conduct background checks on current employees when circumstances warrant.