

**UCCS CAMPUS POLICY**

**Policy Title: Employment Background Checks**

**Policy Number: 300-022**

**Policy Functional Area: Human Resources**

Effective: April 2, 2024

Approved by: Jennifer Sobanet, Chancellor

Vice Chancellor: Administration & Finance (VCAF) Primary

Responsibility: Office of Human Resources and Student

Employment Policy Primary Contact: Human Resources 719-255-3628

Supersedes: 100-004 Background Checks (June 26, 2012), 300-022 Employment Background Checks (May 8, 2017)

Last Reviewed/Updated: April 2, 2024

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.

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## I. INTRODUCTION

The University of Colorado Colorado Springs (“UCCS” or “University”) strives to maintain a safe and productive, non-discriminatory, educational, research, and employment environment. As part of UCCS’s dedication to creating an inclusive environment, this comprehensive background check policy is designed to ensure that all employment decisions are made without discrimination and in accordance with applicable laws.

All final candidates for employment or *promotion* must consent to a background check and the results of the background check must be available to UCCS before the employment/*promotion* start date. *Volunteers, Affiliates, and Contractors* may be required to consent to a background check in order to be considered eligible to perform any services for the university, and in accordance with applicable laws, policies, and regulations.

## II. POLICY STATEMENT

## A. BACKGROUND CHECK PROCEDURES

### 1. Determining the need for a background check

- a. *Hiring Authority* Responsibilities
  1. Hiring Authorities, or their designees, are responsible for initiating the background check process by contacting the Department of Human Resources (“Human Resources”) or Student Employment, as applicable.
  2. The *Hiring Authority* will discuss with Human Resources/Student Employment, in consultation with the Office of University Counsel, what type of background check the position requires prior to the posting of the position.
- b. *Camp Program Operators* are responsible for ensuring that all camp *employees* and *volunteers* have the required background checks prior to working with minors on campus, in accordance with Appendix A. Camps that are operated by unaffiliated program operators are responsible for ensuring their *employees* and *volunteers* have the required background checks.
- c. 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.
- d. 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.
- e. Contractors: Contractors are subject to background checks as required by the University of Colorado Procurement Services processes.
- f. International Applicants: International applicants are not subject to the campus background check if they have been in the United States for less than one year. However, campus departments hiring an international applicant must forward the *applicant's* name and projected start date to the Human Resources/Student Employment background check coordinator in writing for tracking purposes. If an international *applicant* is rehired or reappointed and has lived in the United States for more than one year, the background check shall be initiated.

### 2. Departmental Responsibilities

- a. The Human Resources department is solely authorized to conduct and oversee the background check process for *Volunteers*, Faculty, University Staff and Classified Staff *applicants*. Student Employment is primarily authorized to conduct and oversee the background check process for student employees.
- b. The Human Resources and Student Employment departments 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.*
- c. The Human Resources and Student Employment departments, 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, and determines whether an *Applicant* is eligible for employment.
- d. Each Department/College/Unit that uses *volunteers* must have a *Volunteer Coordinator*. The Volunteer Coordinator should use the recommended guidelines,

checklists and waivers that are provided on the University of Colorado Risk Management website, including the requirements for background checks. See Appendix A for additional details.

- e. Notwithstanding this policy, nothing precludes Human Resources and Student Employment from conducting a background check on an Employee when Human Resources/Student Employment, in consultation with 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 authorization form. 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 they have 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 they have 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 the Background Check: A final offer of employment or *Promotion* is contingent upon the *Final Applicant* successfully completing the requisite background check process. Employment or *Promotion* shall not be effective until Human Resources has notified the *Hiring Authority* that the background check process is complete.

### 4. Type of Background Check Required

- a. All *Final Applicants* shall be subject to the following checks:
  1. *Reference checks* must be completed for all *Final Applicants* for University Staff, Classified Staff and Faculty positions. Reference checks are optional for student employees. The hiring department is responsible for conducting reference checks.
  2. A *Criminal History Check*.
  3. An Excluded/Denied Parties List System Check.
  4. A *Sex Offender Registry Check*.
  5. A *Social Security Trace*.
- b. A *Financial History Check* is substantially related to and shall be conducted for all *Final Applicants* in 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. *Commercial Motor Vehicle* (CMV) drivers and *Commercial Driver's License* (CDL) drivers who perform a safety sensitive function are required to do additional background checks in accordance with Federal Motor Carrier Safety Administration (FMCSA) regulations prior to being employed in this capacity by the university.

- d. Departments may have additional background check procedures as required by law (for example, but not limited to, the Family Development Center and Public Safety). Departments that have additional background check requirements shall have a department procedure outlining the process and these requirements shall be posted in the job posting.
- 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. REVIEWING BACKGROUND CHECK RECORDS

1. Criteria Evaluated in a *Criminal History Check*:
  - a. Felony *convictions* for drug use or distribution in the five (5) years immediately preceding the submission of their application for employment or *Promotion* at UCCS.
  - b. *Convictions* for serious or violent felonies, including but not limited to homicide or sexual assault (no time limit).
  - c. 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.
  - d. Failure to self-disclose all previous *convictions* during the background check process, 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.
  - e. Any decision to extend an offer of employment to a *Final Applicant* will be at the discretion of the Assistant Vice Chancellor of Human Resources/Chief Human Resources Officer, and will be made only if the *Applicant* truthfully self-discloses such *conviction(s)* during the background check process.
  - f. Human Resources/Student Employment will not consider arrest information unless the arrest resulted in pending criminal charges. In such circumstances, Human Resources/Student Employment will contact the *Applicant*, and may contact other parties, to obtain further information to assess reliability of the charge information.
  - g. UCCS will not ask an *Applicant*, and an *Applicant* is not required to disclose, information related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the *applicant* was subject to the process and jurisdiction of a juvenile court.
2. Criteria Evaluated in 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 Evaluated in a *Motor Vehicle Check*: Whether the *Applicant* has had any license suspensions in the five (5) years immediately preceding their application for employment.
4. Excluded/Denied Parties List System: *Applicants* who are on the Excluded/Denied Parties List System are not eligible for hire. Current *employees* who are placed on the Excluded/Denied Parties List System may be subject to disciplinary action, including but not limited to

termination.

C. ADVERSE ACTION NOTIFICATION PROCEDURE

1. Pre-Adverse Action Notice: Human Resources/Student Employment will notify the *Applicant* in writing that negative information was revealed during the background check process which may impact the employment decision and will provide a copy of the supporting report to the *Applicant* or employee along with a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." The *Applicant* or employee will be provided no less than five days to challenge the information provided in the report and take steps to correct inaccuracies or provide explanation.
2. Decision Stay: A final employment decision shall not be made until the *Applicant's* or Employee's new information has been considered or such time that the *Applicant* or Employee fails to respond as required.
3. Adverse Action Notice: If, after considering any *Applicant* or employee response, Human Resources/Student Employment determines that the negative information revealed results in an adverse employment decision, a second written notification will be sent to *Applicant* or Employee. This notice shall include the following:
  - a. the name, address, and phone number of the vendor Consumer Report Agency (CRA) that supplied the report,
  - b. a statement that the CRA (vendor) supplying the report did not make the decision to take the adverse action and cannot give specific reasons for it, and
  - c. a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and their right to an additional free consumer report from the agency upon request within 60 days and to dispute with the CRA, the accuracy or completeness of any information in a consumer report furnished by the agency.

D. CONTINUING DUTY TO DISCLOSE

1. All *Employees and volunteers* who were required to have a background check, have a continuing duty to disclose relevant circumstances subsequent to their passing a background check. All Employees are required to notify Human Resources/Student Employment within five (5) business days upon:
  - a. receiving a criminal *conviction*,
  - b. being charged with a felony, or
  - c. being charged with an offense of moral turpitude. An offense of moral turpitude includes, but is not limited to, crimes that include person to person violence, dishonesty, fraud, or perjury.
2. All current *Employees* with primary responsibility for driving, as demonstrated in the position description, are required to self-disclose the post-employment suspension or revocation of a driver's license to the Human Resources/Student Employment background check coordinator within three business days of the revocation.
3. CMV and CDL drivers who perform safety sensitive functions must report to their supervisor and Transportation Services within one business day:
  - a. any ticket or violation issued for any type of moving violation,
  - b. any ticket or violation for driving while intoxicated, or using an illegal substance or any suspension, revocation, or cancellation of their driver's license.
4. *Employees* failing to self-disclose any of the items listed above may be subject to disciplinary action, up to and including termination. Supervisors receiving any of the required self-disclosures listed above have an obligation to report the information to the Human Resources/Student Employment background check coordinator. Supervisors failing to report the information may be subject to disciplinary action, up to and including termination.

#### E. CONFIDENTIALITY

1. Information obtained for the purpose of a background check will be retained by Human Resources/Student Employment in a secure database separate from other employment records. Only those who have a job function that requires access to this database will be granted access.
2. Human Resources/Student Employment has the authority and discretion to discuss questionable or incomplete background check results and responses with the appropriate University *employees*, to ensure the intent of the policy is met.
3. All university *employees* are responsible for ensuring the integrity and confidentiality of the background check process.

### III. KEY WORDS

- A. Affiliate - An organization that has a contractual or other legal relationship with the University that closely aligns them operationally with the University to more effectively further both the University and the organization's missions. Affiliates include Blended Organizations and Supporting Organizations.
- B. Applicants - Includes all 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*.
- C. Camp Program Operator - a university unit that operates a program for children, as defined by UCCS policy 100-019, or that contracts with an unaffiliated program operator to operate a program for children.
- D. Commercial Driver's License (CDL)– a license which authorizes an individual to operate a class of commercial motor vehicle per FMCSA Title 49.
- E. Commercial Motor Vehicle (CMV) - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property that meet the requirements as spelled out in FMCSA Title 40 Part 383.5. All vehicles that require a CDL to operate are classified as a CMV.
- F. Conviction - means a guilty verdict, a guilty plea or a plea of Nolo Contendere ("No Contest") of felony or misdemeanor, other than minor traffic offenses.
- G. Contractor - A third-party who has an independent and contractual relationship with UCCS who is not employed by UCCS.
- H. Criminal History Check - Includes in-state, out-of-state and international criminal history, including misdemeanor and felony convictions. Criminal history does not include a minor traffic offense, an arrest, or a record that has been sealed by court order. May be furnished by a criminal justice agency or a third-party vendor in the business of obtaining and providing criminal history records.
- I. *Employees* - All full and part time individuals hired by UCCS to perform services for UCCS, including, faculty, lecturers, Classified Staff, officer and exempt professionals, Student Employees, and temporary employees.
- J. Excluded/Denied Parties List System Check - The process of reviewing the federal electronic, web-based system that identifies those parties excluded from receiving federal contracts, certain subcontracts, and certain types of federal financial and nonfinancial assistance and benefits.
- K. Final Applicant - A current, former, or prospective *Employee* recommended for hire, *transfer* or *Promotion* by the *Hiring Authority* and to whom a contingent offer is being made.
- L. Financial History Check - means the process of gathering and reviewing financial history records 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.
- M. Hiring Authority - refers to the individual in a campus department or program with the authority to make hiring decisions. For classified positions, this would be the delegated appointing authority. The hiring authority for university staff positions is comparable to an appointing authority for classified positions



and is typically a department director or academic department chair/associate dean. The hiring authority is accountable for the personnel actions occurring within a department, college, school, unit or institute.

- N. Motor Vehicle Check - means the process of gathering and reviewing motor vehicle and/or driver's license records or information, including motor vehicle records from any state where the Applicant has resided.
- O. *Promotion* - Job advancement, title enhancement, and/or pay increase action or process open to current *Employees* and which involve increased and/or different job duties and responsibilities. For Classified Staff positions, a *Promotion* occurs when the *Employee* is appointed to a class with a higher pay grade maximum than his/her current or previous position. For officer and University Staff positions, a *Promotion* occurs when the *Employee* accepts a higher-level job title or is appointed to a job title with a higher salary. For Faculty positions, a *Promotion* occurs when a tenure track faculty accepts an administrative position with increased and/or different position responsibilities (e.g. Professor who accepts a Department Chair, Institute Director, Faculty Director, or Associate Dean appointment). For the purpose of this policy, a *Promotion* does not include appointments built into a current position, e.g., academic progression from Assistant Professor to Associate Professor or entry-level Classified Staff positions that normally progress to the next classification level.
- P. Reference Check - The process of contacting individuals, including current and former employers, companies and educational institutions that may reasonably be contacted to provide relevant information regarding an Applicant's fitness for employment with UCCS.
- Q. Security-Sensitive Position - means work that meets one or more of the following criteria:
  - 1. Responsibility for patient, animal or childcare in a child care center as defined by state law;
  - 2. Access to "select agents or toxins" or "controlled substances" as defined under state and federal law;
  - 3. Access to campus buildings where students and faculty reside (e.g. residence halls), the Recreation Center, Athletics Facilities and other secured facilities as determined at the sole discretion of Human Resources in consultation with the appropriate Dean or *Hiring Authority* as needed;
  - 4. Positions that serve a *Vulnerable Population* Program;
  - 5. Primary responsibility for driving a University vehicle; or
  - 6. Positions with information technology responsibilities that meet the criteria for Privileged Access.
- R. Sex Offender Registry Check - Verifies that the Applicant does not have undisclosed convictions of certain sex crimes in those jurisdictions where the Applicant has resided.
- S. Social Security Trace - Verifies the Applicant's social security number to confirm identity.
- T. Trainee - Individual completing on-the-job university sponsored training experiences, which may include internships (both for-credit and not-for-credit) or various experiential learning activities. The university receives no benefit from the trainee.
- U. Transfer - refers to a lateral movement in the same job class title and with the same or similar job responsibilities. A transfer typically involves moving to a position in a different campus department and/or with a different *hiring authority*.
- V. Volunteer - refers to an individual who is not an *employee* or an Applicant, and who is providing a service to UCCS without expectation of remuneration.
- W. Volunteer Coordinator – UCCS *employee* that is responsible for tracking, educating and identifying volunteers within their Department / College / Unit.
- X. Vulnerable Population Program - means program activities, including but not limited to academic programs and camps, that include:
  - 1. Working or assisting with programs serving minors or at-risk adults;
  - 2. Working or assisting in childcare facilities;
  - 3. Spending the night in a situation where minors are present; or
  - 4. Providing housing for minor undergraduate students.

## 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
  - UCCS *Volunteer*, Trainee and Intern Background Check Procedures (Appendix A)
- C. Forms
  - [Background Check Request Form](#)
- 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), May 8, 2017



## Appendix A: UCCS Volunteer, Trainee and Intern Background Check Procedures

### I. Introduction

- A. *Volunteers, Trainees*, and interns acting on behalf of the university are expected to adhere to university policies, including but not limited to those policies concerning alcohol and drug use, vehicle use, student conduct, fiscal propriety, sexual harassment, diversity, and non-discrimination. All may be subject to background checks.
- B. These positions require a successful background check when the role involves a direct interaction with *Vulnerable Population Programs* or is a *Security-Sensitive Position*. Waivers to this procedure must be submitted in writing to Human Resources (HR). More information can be found at: <https://www.cu.edu/risk/volunteer-trainee-and-minor-participants>.
- C. Volunteer Coordinators are responsible for initiating the background check process by contacting Human Resources / Student Employment.
- D. All costs incurred in conducting background checks are charged to a centralized SpeedType in the Human Resources organization.

### II. Procedures

- A. The Volunteer Coordinator must identify the appropriate background check(s), with the assistance of the HR office, based on the volunteer's activities.
- B. Complete the background request form, including the volunteer's signature, and return to HR.
- C. Results generally arrive within 72 hours. Volunteers requiring background checks may not participate in campus activities until the results are reviewed.