

POLICIES OF COLORADO STATE UNIVERSITY

UNIVERSITY POLICY



Policy Title: Background Checks	Policy ID # 3-6004-004
Effective Date: October 1, 2008	Category: 3. Human Resources
Policy Owner: Vice President for University Operations	Contact(s): Human Resources Web: https://hr.colostate.edu/ Email: hr_service_center@mail.colostate.edu Phone: (970) 491-6947

PURPOSE OF THIS POLICY

This policy establishes the circumstances under which background checks will be conducted by the University for purposes of evaluating an individual's eligibility to be engaged in employment, ~~or~~ in a particular position, or as a Volunteer and the processes that will be followed to assure that candidates, ~~and Employees~~, and Volunteers are treated fairly when such checks are conducted.

APPLICATION OF THIS POLICY

Pre-employment background checks are completed for most new hires and all volunteers and some current ~~E~~mployees and ~~V~~olunteers, as further described in this policy.

Colorado State University retains the right to conduct background checks of current employees when it has reasonable grounds to do so, and when it is required to do so pursuant to state or federal laws, rules, and regulations.

EXEMPTIONS FROM THIS POLICY

~~Minor Candidates~~

Minors ~~age~~ 17 and under are not subject to pre-employment background checks at the time of hire; International Candidates in some circumstances, as described in the Policy

Provisions; and Non-Student Hourly Candidates meeting the requirements described in the Policy Provisions below.

~~International Candidates~~

~~If the International Candidate has lived in the United States longer than six months, a Criminal History Check and restricted party screening will be completed. If the International Candidate has not lived in the United States longer than six months, only the restricted party screening will be completed.~~

~~Non-Student Hourly Candidates~~

~~Deans, Vice Presidents, the Provost and Vice Provosts have the option to waive the background check requirement for non-student, temporary, hourly employees who (1) will be working off-campus for the duration of their employment; (2) will be employed by CSU for no more than nine months in one calendar year; and (3) will not work in a position with sensitive conditions.~~

~~Student Hourly and Student Work-Study Candidates~~

~~Student hourly and work-study candidates are not subject to pre-employment background checks unless one or more of the following is present as part of the position otherwise required by this policy.~~

- ~~1. The student will work with vulnerable populations (i.e., minors or animals);~~
- ~~2. The student will have access to or work with controlled substances, select agents, or other sensitive research materials/information;~~
- ~~3. The student will have unsupervised access to residence halls or other secure facilities or will have access to master keys;~~
- ~~4. The student will have access to sensitive information (i.e., personally identifiable information such as social security number, financial account number, student identification number, home address, passport number, computer account/password and information that is protected by applicable laws such as HIPAA, FERPA, or GLBA);~~
- ~~5. The student will have cash handling responsibilities; or~~

~~6. The student will be required to have a valid driver's license and to drive a motor vehicle as a regular part of the position or required to use a state-owned vehicle for the purpose of conducting University business.~~

DEFINITIONS USED IN THIS POLICY

Associate: An individual who is not a CSU employee or student but is affiliated with the University by contract or agency relationship, and who is not paid through the University's payroll system. Associates include visiting faculty, student media, contractors, collaborators, and all others with access to university systems.

Break in Service: ~~A break in service is any~~Any separation from employment for 12 months or more.

Candidate: An applicant for employment or ~~V~~volunteer position to whom the University wishes to offer the position contingent upon successful completion of a background check.

Contractor: A person, business, or corporation that provides goods or services to another entity under terms specified in a written or verbal agreement. Contractors are distinguished from employees based on multiple factors, including that a ~~C~~contractor typically:

1. Is engaged in independently established trade.
2. Offers services to multiple clients.
3. Does not provide services similar to those provided by CSU employees.
4. Is not hired on a full-time or regularly reoccurring basis.
5. Bills by the job, not by the hour.
6. Is free from CSU's control & direction as to the means and methods of accomplishing the work.
7. Furnishes knowledge, supplies, equipment, & tools.
8. Receives no training, supervision, or instruction from CSU.

Criminal History Check: The process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or appropriate third-party vendor relating to an individual's criminal convictions. A criminal history record does not include

an individual's conviction records that have been sealed by court order. Criminal records include in-state and out-of-state, including misdemeanor and felony convictions.

Education Verification: The process of gathering and reviewing education history by verifying that a degree, certificate, or diploma was received.-

Please note: education checks are billed to the College/Unit.

Employee: All persons employed by Colorado State University for wages or salary (and for purposes of this policy only, this definition includes system employees assigned to Colorado State University).

Financial History Check: The process of gathering and reviewing financial history records or information furnished by any court of law, credit reporting agency (credit report), or appropriate third-party vendor.

Under the Colorado Employment Opportunity Act, § 8-2-126, C.R.S., employers may not request a prospective or current employee's credit report or use consumer credit information for employment purposes, unless the credit information is substantially related to the employee's current or potential job, or the person being evaluated, or the employer is exempt as provided by the law.

~~Please visit <https://cdle.colorado.gov/workplace-conditions/employment-opportunity-act-credit-history> for more information~~

International Candidate: A current, former, or prospective employees who is not a U.S. Citizen or permanent resident, and does not have a U.S. issued social security number or who has obtained a social security number in the last six months.

Minor: A person who is 17 years old or younger.

Motor Vehicle Check: The process of gathering and reviewing motor vehicle and/or driver's license records or information, including motor vehicle records from any jurisdiction where the individual has resided.-

Sensitive Conditions: These exist when Employees, Volunteers, and Associates:

1. Work with vulnerable populations (e.g., Minors or animals);
2. Work with controlled substances, select agents or other sensitive research materials/information;

3. Have unsupervised access to residence halls or other secure facilities;
4. Have access to ~~S~~sensitive ~~I~~information; or
5. Have cash handling responsibilities.

Sensitive Information: Information or knowledge essential to the University's mission and functions, the loss or compromise of which would have an unacceptable impact to the institution or an individual. Sensitive ~~I~~information includes, but is not limited to, personally identifiable information such as social security number, financial account number, student identification number, home address, passport number, computer account/password information, and any other information identified as "sensitive identifying information" under the ~~Colorado State University~~[CSU Policy: Red Flags Policy](#); and information that is protected by applicable privacy laws such as HIPAA, FERPA, or GLBA, as described in the ~~University's~~[CSU Policy: Information Collection and Personal Records Privacy Policy](#).

Restricted Party Screening Check: The process of reviewing the federal government's System for Award Management web-based system that identifies parties excluded from receiving or working on federal contracts, certain subcontracts, and certain types of federal financial and nonfinancial assistance and benefits.

Volunteer: An individual who is not an employee and who is providing a service to CSU without expectation of remuneration.

POLICY STATEMENT

-Colorado State University strives to provide a safe study, work, and living environment for its ~~faculty, staff~~[Employees](#), ~~V~~volunteers, and students. To support this environment and comply with applicable laws and regulations, CSU conducts background checks. The type of background check conducted varies by position and can include, but is not limited to, criminal history, sex offender registry, motor vehicle history, financial history, and/or ~~e~~[Education](#) ~~v~~[Verification](#). Background checks will also be conducted when required by law or contract and when, in the discretion of the University, it is reasonable and prudent to do so.

POLICY PROVISIONS

Responsibility for Cost of Background Check Services

Colleges/Units will be charged for all background check services other than those specifically required by this policy.

Required Background Checks

New Hires:

All newly hired or rehired individuals are required to have the following background checks unless otherwise exempted in accordance with these provisions:

1. Criminal ~~H~~history background check;
2. Sex ~~O~~ffender ~~R~~egistry check; and
3. Restricted ~~P~~arty ~~S~~creening ~~C~~heck.

Certain positions may require additional background checks. Please review the position description when requesting one of the additional checks below:

1. Education Verification when the position requires a specified degree and the ~~-~~department wishes for and will pay for an ~~e~~Education ~~v~~erification check;
2. Financial ~~H~~history ~~e~~Check if the position is involved in distributing student loans;
3. Motor ~~V~~ehicle ~~R~~ecord ~~C~~heck for positions that:
 - a. Require a valid driver's license (or Commercial Driver's License);
 - b. Require the employee to drive a motor vehicle as a regular part of their job responsibilities; or
 - c. Require use of a state-owned vehicle for the purpose of conducting University business.

International Candidates: If the new hire is an International Candidate and has lived in the United States longer than six months, a Criminal History Check and Restricted Party Screening will be completed. If the International Candidate has not lived in the United States longer than six months, only the restricted party screening will be completed.

Non-Student Hourly Candidates: Deans, Vice Presidents, the Provost and Vice Provosts have the option to waive the background check requirement for non-student, temporary, hourly employees who (1) will be working off-campus for the duration of their employment; (2) will be employed by CSU for no more than nine months in one calendar year; and (3) will not work in a position with sensitive conditions.

Non-Employees Associates, Volunteers and Student Employees:

Persons offered an ~~A~~associate position, ~~or a V~~olunteer opportunity or a Student Employee position are required to have a criminal history background check ~~and~~ and/or sex offender registry check and/or a motor vehicle check when the individual is new to the University ~~and the position and~~ meets one or more of the following conditions:

1. Interacts with students or vulnerable populations (i.e., Minors or animals) ~~M~~minors;
2. Conducts on-campus research;
3. Has unsupervised access to residence halls or secure facilities or has access to master keys;
4. Has access to controlled substances, select agents or other sensitive research materials/information;
- ~~5. Has access to animals;~~
- ~~6.~~ 5. Has access to ~~S~~sensitive ~~i~~information (i.e., personally identifiable information such as social security number, financial account number, student identification number, home address, passport number, computer account/password and information that is protected by applicable laws such as HIPAA, FERPA, or GLBA); or
- ~~6. Motor Vehicle Record check as required~~ Will be required to drive a university vehicle;
- ~~7. The student w~~ill ~~work with vulnerable populations (i.e., minors or animals);~~
- ~~8. The student will~~Will ~~have access to or work with controlled substances, select agents, or other sensitive research materials/information;~~
- ~~9. The student w~~ill ~~will have unsupervised access to residence halls or other secure facilities or will have access to master keys;~~
- ~~10. The student will have access to sensitive information (i.e., personally identifiable information such as social security number, financial account number, student identification number, home address, passport number, computer account/password and information that is protected by applicable laws such as HIPAA, FERPA, or GLBA);~~
- ~~11. The student will~~Will ~~have cash handling responsibilities;~~ ~~or~~

~~12. The student will be required to have a valid driver's license and to drive a motor vehicle as a regular part of the position or required to use a state-owned vehicle for the purpose of conducting University business.~~

13.7.

Existing Employees:

The following background checks may be required for existing employees who experience a significant job change via either movement into a new position or assumption of new responsibilities in their current role:

1. Criminal ~~h~~History ~~e~~Check and sex offender registry check if the job change establishes a sensitive condition where one did not exist previously and either of these checks were not performed within the preceding 12 months;
2. Motor vehicle record check as required;
3. Education check if the position requires a specified degree, if one has never been completed on the ~~C~~eandidate, and the hiring authority indicates a need for the education check (this check is at the hiring department's expense);
4. Financial ~~h~~History ~~e~~Check if the position requires the distribution of student loans and a ~~f~~Financial ~~h~~History ~~e~~Check was not performed in the preceding 12 months.

Rehired Employees/Break in Service:

A ~~B~~Break in ~~S~~Service of an individual's employment, contract, or other relationship with the University of 12 months or less does not necessitate a new background check unless the individual returns to an assignment requiring a check(s) which was not performed within the preceding 12 months (e.g., the position requires driving and a motor vehicle record check was not previously run). Sabbatical leave, parental leave, military leave, and other types of university-approved leave, do not constitute a ~~B~~Break in ~~S~~Service.

Failure to Consent

Candidates will be notified of the background check requirements in the posted notice of the job opening and will be asked to consent to such check after being offered the position ~~(and prior to finalization of the employment decision)~~. Failure to consent to a background check will disqualify the ~~C~~eandidate from employment. ~~A~~ ~~C~~eandidate who fails to provide the necessary information or who provides false or misleading information may be disqualified from further consideration. ~~A final offer of employment is subject to may be~~

~~made contingent upon the successful completion of the background check. Contingent offers of employment will be withdrawn if the results of the background check are deemed to disqualify the candidate for employment. Later discovery of false or misleading information related to the background check may subject the employee to disciplinary action, up to and including termination.~~

Evaluation of Resulting Report

The following are among the factors considered by Human Resources when evaluating the results of the background check:

1. Nature and gravity of the offenses reported, relevance to the position, pattern of behavior, and the nature of the risk associated with such offenses;
2. Time since conviction, completion of sentence or any other remediation;
3. Discrepancies between the background check results and what the Candidate self-reported. The determination that a Candidate or Employee has provided false or misleading information (including omission of a criminal conviction) on the application or in the hiring process may result in denial of or separation from University employment.

Confidentiality

All employees are responsible for ensuring the integrity and confidentiality of the background check process. Information will be shared only with those persons or agencies with a legitimate need to know. (For example, federal law may require sharing information with a federal agency). All information received in connection with a background check will be considered “sensitive information” as defined in the [CSU Policy: ~~on~~ Information Technology Security](#).

Recruitment Notices

Job announcements must include notification of the background check requirement and Hiring Authorities must provide notice to Candidates who are subject to this policy. A posting template is provided here: [Equal Employment, Background Check and Diversity Statements](#).

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.

Adverse Action Procedures

If information is revealed in a report resulting from a background check permitted under this policy that could potentially result in an adverse employment or volunteer decision, Human Resources (HR) will take the following steps:

1. Pre-Adverse Action Notice: HR will notify the Candidate or employee 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 Candidate or employee along with a copy of "[A Summary of Your Rights Under the Fair Credit Reporting Act](#)." The Candidate 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 Candidate's or employee's new information has been considered or such time that the Candidate or employee fails to respond as required.
3. Adverse Action Notice: If, after considering any Candidate or employee response, HR determines that the negative information revealed results in an adverse employment decision, a second written notification will be sent to the Candidate 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 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 CRA furnished, and their right to an additional free consumer report upon request within 60 days and to dispute with the CRA the accuracy or completeness of any information in the consumer report.
4. A final offer of employment may be made contingent upon the successful completion of the background check. Contingent offers of employment will be withdrawn if the results of the background check are deemed to disqualify the Candidate for

employment. Later discovery of false or misleading information related to the background check may subject the employee to disciplinary action, up to and including termination.

Self-Reporting Requirement

1. Employees subject to ~~m~~Motor ~~v~~Vehicle ~~e~~Checks must report any suspension, revocation, cancellation, or expiration of their driver's license to HR. If the occurrence is the subject of a legal or administrative proceeding, and the employee has the legal right to continue to work and to operate a motor vehicle while the action or proceeding is pending, then the report shall be made upon final disposition of the action or proceeding. Such convictions may subject the employee to discipline, up to and including termination, and/or more frequent ~~m~~Motor ~~v~~Vehicle ~~e~~Checks. Failure to report such incidents may result in disciplinary action up to and including termination.
 - Any ~~E~~mployees, ~~A~~ssociates, or ~~V~~olunteers who self-report a drug and/or alcohol conviction and who are required to drive for their position will be immediately removed from any driving responsibilities.
2. Hiring Authorities or Supervisors notified by an employee of a post-employment criminal conviction, suspension or revocation of their driver's license, have an obligation to report the information to HR.
3. All ~~E~~mployees, ~~A~~ssociates, and ~~V~~olunteers are required to notify HR upon final conviction of a felony or a misdemeanor in any jurisdiction. HR will notify the employee's department of the conviction only if HR determines that the conviction is reasonably related to the employee's ability to carry out the duties or functions of their position. Such convictions may subject the employee to discipline, up to and including termination, and/or additional background checks and rechecks at periodic intervals. Failure to report such incidents may result in disciplinary action up to and including termination.

Contractor Responsibility for Conducting Background Checks

Contractors performing ~~S~~sensitive ~~C~~onditions work for CSU are responsible for conducting background checks on all of their employees, agents, and subcontractors that will provide services to CSU, and, upon CSU's request, certifying that such employees and agents have satisfactorily completed the background check.

Required Contract Provision:

The following provision shall be included in all CSU contracts with ~~S~~sensitive ~~C~~onditions:

Contractor acknowledges that ~~C~~ontractor's activities involve heightened risks as a result of access or exposure by ~~C~~ontractor's employees or agents to one or more security sensitive environments. Contractor expressly acknowledges that ~~C~~ontractor shall take all commercially reasonable measures to mitigate any such risks, which measures shall include but are not limited to conducting a ~~e~~Criminal ~~H~~istory ~~e~~Check, sex offender registry check, ~~F~~inancial ~~H~~istory ~~C~~heck when appropriate, and reference checks on all employees or agents who will be performing work at the University. Upon university request, ~~C~~ontractor shall certify in writing that it has complied with this provision and that all employees, agents, and subcontractors performing work hereunder have satisfactorily completed ~~C~~ontractor's background check.

If a ~~C~~ontractor's employee or agent fails to satisfactorily complete a background check, or if any negative result is obtained that the ~~C~~ontractor or CSU determines to be disqualifying for the work to be performed, then, at CSU's option, and in its sole discretion:

1. CSU may terminate the contract and pay ~~C~~ontractor only for the reasonable value of the services performed and/or deliverables provided as agreed up to and including the termination date; or
2. CSU may request ~~C~~ontractor to assign another employee or agent to perform the work.

COMPLIANCE WITH THIS POLICY

Compliance with this policy is required. Failure to comply may result in sanctions up to and including termination of employment. Assistance with compliance is provided by the Division of Human Resources ~~Department (contact information above)~~.

REFERENCES

[A Summary of Your Rights Under the Fair Credit Reporting Act.](#)

[Colorado Employment Opportunity Act](#)

[Equal Employment, Background Check and Diversity Statements](#)

[Fair Credit Reporting Act - Federal Fair Trade Commission Guidance](#)

[Information Collection and Personal Records Privacy Policy](#)

~~Information Technology Security~~CSU Policy: Information Technology Security

~~Red Flags Policy~~CSU Policy: Red Flags

~~Colorado Department of Labor and Employment~~

~~CSU Policy: Motor Vehicles~~

FORMS AND TOOLS

[CSU Human Resources Background Check Procedures and Forms](#)
[How to Submit a Background Check Request in Oracle](#)
[Training Materials for the Talent Management System \(TMS\)](#)

APPROVALS

Effective October 1, 2008

Revised effective April 30, 2009

Revised effective October 24, 2014

Revision approved by Lynn Johnson, Vice President for University Operations on October 18, 2019

Revision approved by Brendan Hanlon, Vice President for University Operations, on
