

METROPOLITAN STATE UNIVERSITY of DENVER

POLICY AND PROCEDURE FOR CONDUCTING BACKGROUND CHECKS (Effective 10/01/08)

It is the responsibility of Metropolitan State University of Denver (MSU Denver) to provide a safe and secure environment for its students, faculty, staff and visitors. It is also the responsibility of the University to protect its funds, physical and intellectual property, and other assets. Therefore, MSU Denver has adopted a policy on background screening for its prospective employees, and for continuing employees seeking new positions or whose responsibilities change, as described below. Although this process does not ensure complete and total security, it does provide a consistent and defensible justification for hiring decisions and a reasonable assurance that the University has taken appropriate steps in this matter. It should also be noted that conducting background checks is independent of any reference checks or verification of educational credentials conducted by the hiring authority or screening committee.

Who Is Covered:

Applicants for classified, exempt faculty, and exempt administrative positions; current employees seeking promotional opportunities; and student employees with access to confidential or sensitive information or certain University assets are covered under this policy and procedure.

Foreign nationals entering the United States for the first time will not have any adverse information available through this background check process and are subject to screening through the Department of Homeland Security. Those who have been in the United States for at least 12 months prior to appointment or promotion at MSU Denver will be subject to this policy.

New Hires: All applicants, including student employees, must sign the Background Check Disclosure and Authorization Form, granting the University permission to conduct a one-time background check on the prospective employee. The hiring authority has the flexibility to conduct a one-time background check as needed on applicants at any point during the hiring process.

Current and continuing employees:

Current employees who apply for a new position within the University or employees whose responsibilities or duties change must sign the Background Check Disclosure and Authorization Form, allowing the University to conduct a one-time background check. Employees who have had a background check within the past three years do not require a new background check and will not need to sign the Background Check Disclosure and Authorization Form (unless the new

responsibilities necessitate a financial history record or motor vehicle record background check).

Returning Employees: Former employees who return to work at MSU Denver after an absence of greater than one year must sign the Background Check Disclosure and Authorization Form and are subject to a one-time background check during the hiring process, unless they have passed a MSU Denver background check within three years prior to their return date.

Events that will **not** trigger a background check include:

- Faculty promoted in academic rank or moving from tenure-track to tenured status.
- Continuing grant funded positions that require a new annual contract without change in position responsibilities.
- Continuing faculty members, including tenured, tenure track, visiting and affiliate faculty members, renewing or completing a new contract.
- Current employees who are promoted or have a change of job responsibilities but have passed a background check within the past three years, except as noted above.
- Returning employees who have passed a background check within the past three years.

Scope of Background Check

The type of background check varies by position and is intended to protect the students, employees, and assets of the MSU Denver. Normally, the background check will report a sexual offender registry search in addition to any criminal felonies and misdemeanors within the past seven years.

The following checks will be performed as part of a core background check:

- Social Security Number verification
- National Sex Offender Registry check
- National felony and misdemeanor convictions for the past seven years
- Financial history record, only for individuals responsible for cash, access to college financial resources, funds, property, and other assets on a regular basis as a part of their job duties and responsibilities or individuals who have access to large sums of money
- Motor Vehicle Record, only for positions requiring a valid driver's license

Duration of Background Check Authorization

An employee or potential employee's signature on the Background Check Disclosure and Authorization Form will allow the MSU Denver to conduct a single background check.

Sex offender registry and criminal convictions are matters of public record; however, at no time will MSU Denver run a financial background check on any individual who has not signed the Background Check Disclosure and Authorization Form.

Employee Duty to Disclose Criminal Convictions

Current employees who are convicted of a criminal offense [other than a petty offense (such as making a coarse and obviously offensive gesture in a public place) or minor traffic violation (such as driving a defective vehicle)] are subject to criminal background checks. Accordingly, employees are required to report any conviction to the executive director of the Human Resources department or designee within five business days of the conviction. "Conviction" shall include a guilty verdict, guilty plea, or "no contest" plea. The Human Resources department may conduct a background check at that time.

Having a conviction on the employee's record or having adverse information in a background check does not necessarily preclude employment. The information will be reviewed as it relates to the job duties of the current position.

Employees who fail to disclose convictions, or who refuse to sign a disclosure and authorization form when a conviction is disclosed, discovered, or brought forward by a third party, are subject to disciplinary action that may include termination.

The Role of the Human Resources Department

MSU Denver Human Resources Department (HR) shall be solely responsible for conducting background checks. HR may work with law enforcement or contract with outside agencies for any and all background checks. HR shall also be the official source of record for background checks by maintaining copies of original background check disclosure and authorizations documents and reports of investigations completed in a safe and secure location. Every effort will be made to ensure that the use of background checks does not impede the hiring or appointment process and does not cause unlawful discrimination.

Procedure:

Third Party Vendor

Metro State's Human Resources Department is responsible for selecting and contracting with a third party vendor for background check services. HR is also responsible for monitoring the accuracy and efficiency of its selected vendor, and reporting this information on an annual basis to the College's Internal Auditor

charged with continuing oversight of the background check policy implementation.

Job Announcements:

All job announcements for positions at Metropolitan State College of Denver will include language advising applicants that they must consent to and successfully complete a background check prior to any final appointment, hiring or promotion decision. All offers for appointment or promotion are contingent upon the applicant passing the necessary background check(s).

1. The following statement is posted on the Metro State employment web site: *“Metropolitan State College of Denver performs background checks as a condition of employment for all prospective employees and current employees seeking promotional opportunities within Metro State. The background checks are initiated at the request of the hiring supervisor prior to making any job offer. Applicants will be asked to provide personal data and sign a release form before the background check is conducted. Applicants who fail to provide the data and consent will not be considered for employment, appointment, or promotion. Background checks always include review of criminal records, and may, for designated positions, require investigation of any or all of the following: motor vehicle, civil and financial/credit records.”*
2. The following statement is required on all Metro State job announcements and must be mentioned in all recruitment efforts:
“Metropolitan State College of Denver is dedicated to ensuring a safe and secure environment for our faculty, staff, students, and visitors. To assist in achieving that goal, we conduct background checks on all finalists for positions at the College prior to employment.”

Disclosure and Authorization Form

All applicants who apply for a position on or after October 1, 2008 must consent to a criminal background check at the time of application by completing and signing the approved Disclosure and Authorization Form in order to be considered for any position or promotional opportunity. The form may be completed electronically or in written form.

Applicants who refuse to consent to any form of required background check, refuse to provide information necessary to conduct the background check, or provide false or misleading information in regard to the background check will not be considered for the position.

Timing of the Background Check

Background checks will be conducted only on the selected applicant unless the hiring authority, in consultation with Human Resources and the Equal Opportunity Office, determines that a background check should be conducted for all finalists for a high-level position.

Once the hiring supervisor has determined the final candidate(s) for the position, the supervisor contacts the Executive Director of Human Resources to initiate the background check process. The Executive Director of Human Resources or designee will verify that the candidate's Disclosure and Authorization Form is in order, and will then submit the candidate's information to the third party vendor. The background check is completed by the third party vendor and the results are provided directly to the Executive Director. Every effort will be made to ensure that the background check does not impede the hiring or appointment process. Usually, background checks can be completed within a few days of receipt. No offer of employment is final until successful completion of the background check.

The hiring supervisor will be notified via e-mail whether or not the finalist has passed the background check. Finalists will be notified of their background check pass/fail status via written notice and a copy is also sent to the hiring supervisor. The written notice will list only a general reason(s) without details (e.g. "failure to pass criminal background check"). The hiring supervisor will receive a copy of the same letter without any additional information.

Applicant Opportunity to Respond to Negative Information on a Background Check Report

In the event that a background check reveals potentially troubling information, Metro State will notify the applicant or employee and provide a ten-business-day window for submission of additional information or other response to the Background Check Report. Candidates who disagree with the accuracy of the information found in the background check process may submit additional information in writing to Human Resources questioning the accuracy of any information that the candidate identified as incorrect.

After the specified time period, a candidate who does not respond is considered to have failed the background check and will receive notification that they he or she is no longer being considered for the position.

Applicants or employees subject to a background check that reveals potentially troubling information may request additional time to respond. The College may grant extensions on a case-by-case basis.

Individuals Who View Background Check Reports and Decision Making Process Related to Negative Information on a Background Check Report

Metro State Human Resources has the authority and discretion to discuss questionable or incomplete background check results with the hiring authority or designee to ensure the intent of the policy is met.

In the event that a background check reveals a conviction or other negative information that could impact an individual's responsibilities in their position or the health, safety and welfare of the college community, review of this information and a determination on whether to hire is limited to the following positions:

- College President or designee
- Executive Director of Human Resources or designee
- In-House Legal Counsel
- Appropriate Vice President or designee
- Executive Director of Equal Opportunity or designee

Notification of Decision

The Executive Director of Human Resources will advise the candidate in writing as to what, if any, decision has been made regarding the information.

Candidates who do not pass the background check and who believe that there are extenuating circumstances that should be considered by the hiring supervisor and Human Resources, may submit a written request for reconsideration to the Executive Director of Human Resources. Any exceptions or special consideration will require concurrence by the applicable Vice President, in-house Legal Counsel, the Executive Director of Equal Opportunity, and the Executive Director of Human Resources. In the event that concurrence cannot be achieved, the President has the final approval.

The review will include whether the convictions were disclosed on the application form; the nature and gravity of the offense(s); the time that has elapsed since the conviction and/or the completion of the sentence and any other remediation; the nature of the position; and in the case of current employees, job performance history.

The hiring supervisor may elect to re-initiate the search/hiring process regardless of the request for reconsideration while the request is being reviewed.

Falsification of Background Check Information

Any applicant who has been hired, appointed or promoted and is subsequently found to have provided false or misleading information related to the background check will be subject to disciplinary action, up to and including termination.

Recordkeeping

The HR office will retain all information obtained during a background check as a confidential record stored in a secure and separate file. Background check information for unsuccessful applicants will be retained for three years, after which time it will be destroyed. Background check information for employees will be retained in accordance with Human Resources policies for retention of personnel records. Employees who have been subject to a background check may request to view the background check file by advance appointment only. An employee who discovers an error in his or her Metro State background check file may submit additional information and request that it be placed in that file.

Questions regarding this process should be directed to Human Resources for clarification.

Continuing Oversight

The College's Internal Auditor will be charged with monitoring compliance with this policy and associated procedures; compliance with laws and regulations relating to background screening for applicants and employees; and the effectiveness and efficiency of all background screening operations. Human Resources will prepare an annual report on all activity related to conducting background checks and submit that report to the College's Internal Auditor. The Equal Opportunity Office will also prepare a report regarding any impact the policy may be having on hiring, and submit this report annually to the Internal Auditor. The Internal Auditor will review the reports and present them, with its own report, to the President and the Board of Trustees. Complaints regarding the background check process may be brought to the Human Resources office, to the Equal Opportunity Office, to the President's Office, or directly to the Internal Auditor. All complaints will be investigated in a timely and confidential manner.