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Registrar's Office (2)  
Personnel Office  
Date:11-15-06

Faculty Senate • [http://www.uwrf.edu/faculty\\_senate/welcome.html](http://www.uwrf.edu/faculty_senate/welcome.html)

Senators: Chair – Wes Chapin, Vice Chair – Ogden Rogers, Secretary – John Heppen, Executive Committee – Brenda Boetel and Glenn Potts

TO: Don Betz, Chancellor  
116 North Hall  
University of Wisconsin-River Falls

FROM: Wes Chapin, Chair  
Faculty Senate  
University of Wisconsin-River Falls

RE: UW-RF Faculty Senate Motion 2006-2007/29

At the November 15, 2006 meeting of the University of Wisconsin-River Falls Faculty Senate, motion 2006-2007/29 was made, seconded, and passed. This motion is forwarded for your action:

A motion from Faculty Welfare and Personnel Policies Committee to incorporate the Committee's recommended revisions into the final draft of the campus Criminal Background Check policy (see attached)

Motion 2006-2007/29 passed on November 15, 2006. This motion will take effect immediately.

\_\_\_\_\_ Approved

\_\_\_\_\_ Disapproved

  
\_\_\_\_\_  
Don Betz, Chancellor

*Acknowledge receipt* ✓

11/28/06  
Date

*I request that the Faculty Senate work with Human Resources to develop a final document*

## BACKGROUND CHECK POLICY

### Purpose

The University of Wisconsin–River Falls is committed to providing a safe and effective environment for employees, for students, and for all who may visit the campus. Therefore, effective 10/16/06, it is the business practice of the University of Wisconsin – River Falls to conduct background checks on all final candidates for positions. This applies to faculty, academic staff, classified and limited term positions. Applicants will be notified that background checks are conducted, and the checks will take place prior to an offer of employment being made. Generally, the previous 7 -10 years of an applicant's background will be checked.

### Insert

In recognition of the importance of completing searches in a timely manner, background checks and identification of final candidates with potential conflicts must be completed within three business days of the notification of Human Resources of the final candidates for a position. X

### Notification/Authorization

Applicants will be notified during the application process on-line, that background checks are done. The home page of the University's employment site states: "The University of Wisconsin – River Falls does background checks on all final candidates for all positions." Applicants will complete and submit an electronic version of the "Disclosure and Release of Information Authorization" form while applying on-line. A hard copy of this form signed by the applicant, needed for audit purposes, will be collected when the candidate comes to campus for an interview. When necessary, the special form authorizing international checks will also be collected at the time of the interview.

### Screenings Applied

Checks will be done using the current State databases in Wisconsin and Minnesota, and the services of Verifications, Inc., an outside vendor for more extensive searches. Costs will be handled centrally within Human Resources, but program revenue departments will be charged back.

- 1) All final applicants will have a SSN trace done as an instant check. (\$4.00)
- 2) Final applicants for Classified and Limited Term positions will then be searched through available State databases (Wisconsin and Minnesota) for criminal charges/convictions. (\$5.00/state) Childcare providers will be searched through the State of Wisconsin Department of Health and Family Services (\$7.50). If the applicant has lived in another state and county in the previous 7 years, then a check for convictions/charges in that county will be done (\$13.50/county).
- 3) Final applicants for Academic staff and faculty positions will be checked for each county of residence within the past 7 years. (\$13.50/county) Additionally, applicants will be checked in the National Criminal Record Locator (\$5.10). For international candidates, the International Criminal database will be checked.
- 4) On all final applicants, information revealed may lead to additional checks – for example, the Sexual Offender Registry (\$3.10).
- 5) When filling budget, accounting, or financial specialist positions, a credit check will also be done (\$9.75)

### Insert

The University of Wisconsin - River Falls will not modify searches as a result of the expense associated with criminal background checks.

### Procedure

Information on the application asking for arrest/conviction, and the authorization form for doing a background check with the information it contains (ie, date of birth), will be masked from those engaged in the hiring process. (This is possible through the electronic software, PeopleAdmin). Thus, only members of the Human Resource Department will have access to this information. Human Resources, engaging the services of Verifications, Inc, when necessary, will perform the background check. Should the potential for adverse impact arise, the HR Director and Unclassified and Classified HR Managers will first discuss. The applicant will then be made aware of the findings and the potential for adverse impact. The applicant will also be given a copy of the report and an opportunity to explain any information believed to be inaccurate or incomplete. The matter will then be discussed with the Chair of the Search and Screen Committee (unclassified) or the hiring supervisor/director (classified). If a determination is made not to hire the individual, they will be notified in writing and receive a summary of their rights.

*Replace with*

The Director of Human Resources, engaging the services of Verification Inc. or other appropriate company, is responsible for the background check. Should the HR Director identify information in the background check that may be important, the HR Director and the Unclassified and/or Classified HR Manager will discuss the issue and make a preliminary finding. If the preliminary finding is adverse to the applicant, he/she will receive a written copy of the finding and will be given the opportunity to provide an explanation regarding any part of the finding believed to be inaccurate or incomplete. The HR Director will then review any information received from the applicant and make a final finding. If it is in favor of the applicant, the applicant will be notified that he/she is still an active candidate. If the final finding is that the candidate should be removed from the applicant pool, the Chair of the Search and Screen Committee (unclassified) or the hiring supervisor/director (classified) will be notified and the applicant is removed from the active applicant pool. The Chair of the Search and Screen Committee or the hiring supervisor/director may ask for an explanation and if appropriate, appeal the decision of the HR Director to the Vice Chancellor for Administration and Finance. The decision of the Vice Chancellor for Administration and Finance is final. If the decision is to remove the candidate from the applicant pool, the applicant will be notified in writing and will receive a summary of his/her rights.

When it is determined that an applicant has falsified their application, they will no longer be considered for a position.

When making a determination of a substantial relationship between the findings of arrest/conviction and the job being applied for, the following question will be asked: "Do the essential functions of the job in question present the applicant with an opportunity to engage in criminal behavior similar to the crime(s) which led to the previous conviction or current arrest?" Additional factors to consider include:

- the nature and gravity of the criminal offense
- the time since conviction and/or completion of sentence
- the nature of the duties and responsibilities of the job (required bondability, level of supervision, potential access to buildings, minors, money, other valuables, etc)
- candidate's record of performance and behavior on other recent jobs.
- recurrence of similar offenses

In the event of falsification and/or adverse action for a classified job opening, the Classified HR Manager will handle removal of that applicant's name from Certification or the Registry.

**Adverse Action Criteria**

- 1) Omission or falsification of any information contained in the Employment Application.
- 2) The following criminal history where the circumstances of the incident(s) substantially relate to the circumstances of the job.
  - a. ~~Criminal charges pending for:~~

- ~~i. Any felony~~
- ~~ii. Any drug-related charges~~
- ~~iii. DWI/DUI with a previous DWI/DUI conviction within the previous 12 months, including Boating while intoxicated.~~
- ~~iv. Any theft.~~
- ~~b. Any outstanding warrant for an individual's arrest.~~
- c. Any outstanding felony conviction where sentencing is pending.
- d. Convictions:
  - i. Conviction of any felony within the previous 12 months.
  - ii. Failure to comply with a court order (i.e., failure to appear) for any felony or misdemeanor conviction.
  - iii. Two or more felony convictions within a 5 year period (separate incidents.)
  - iv. Any misdemeanor conviction involving illegal drugs within the last 12 months.
  - v. Two or more misdemeanor convictions within the last 12 months (separate incidents).
  - vi. Three or more misdemeanor convictions (separate incidents) within a five year period.

### **Retention of Reports**

Printed reports will be kept in Human Resources, in large three-ringed binders with alphabetic dividers. Different binders will be used for each calendar year. Those reports giving rise to possible adverse impact will be kept in a separate binder for that year.