



POLICY

Title: Background and Reference Checks

Policy Statement

The University requires background checks of applicants for employment, employees, volunteers, and service providers (1) when mandated by law, by the terms of a contract or grant, or credentialing, licensure or program accreditation standards; (2) to protect campus safety and security; and (3) to steward the reputation of the institution. This Policy is designed to establish consistent, non-discriminatory protocols for determining the suitability of a candidate for employment by, or assignment to, UVM.

Background checks will be used to evaluate eligibility, qualifications and suitability to perform services in specific positions at UVM, and will not be used to discriminate on the basis of race, sex, age, color, religion, national origin, disability, genetics, sexual orientation, veteran or other legally protected status. A criminal history will not automatically disqualify a candidate from employment consideration unless otherwise required by law, or by credentialing, licensure or program standards.

Reason for the Policy

To facilitate the hiring of qualified personnel, protect campus safety and security, comply with legal obligations, meet educational program standards, and steward the reputation of the University.

Applicability of the Policy

This Policy applies to all applicants for faculty, staff, or administrative appointments ("applicants"), meaning all candidates for full-time or part-time positions, including temporary appointments, and applicants previously employed by UVM who have had a break in service; and internal applicants who have not previously been subject to a background check but who apply for a transfer or promotion to a position requiring a background check, will perform services necessitating a background check; students, including graduate students, in their capacity as UVM employees; contractors or subcontractors, and volunteers, who will have access to persons or facilities that pose safety or security risks, as described below.

Definitions

Adverse Action Notice: Notice provided to an applicant by HRS, or if requested by HRS, the background check vendor, that information contained in their background check disqualified them from further consideration for employment. When a disqualification results from information contained in a credit report, the notice will include a copy of a statement of consumer rights as required by the Federal Fair Credit Reporting Act.

- Criminal conviction:** means a misdemeanor or felony guilty verdict, guilty plea, or plea of “no contest” (*nolo contendere*). Convictions as to which an individual’s record has been expunged or sealed by court order need not be self-disclosed and shall not be considered.
- Criminal History background check:** A review of records containing information maintained by official criminal record repositories, the dissemination of which is not prohibited by order of a court or the law.
- Education verification:** Verification of a finalist’s educational credentials to ensure that they meet or exceed the requirements stated in the position description.
- Employment reference check:** Information that the hiring official or designee solicits from current or former employers about a finalist’s job knowledge, performance, and work habits. The hiring official should insist on talking with an employee’s current and prior immediate supervisors unless there is a justifiable reason not to (e.g., the applicant made a formal complaint about the supervisor). If a finalist asks that the current employer not be contacted during the initial stages of the selection process, a conditional offer of employment may be made pending receipt of a positive reference from the current employer.
- Employment verification:** Verification of the employment history listed on the application, resume/cv, or cover letter or otherwise disclosed by the candidate, including verification of dates of employment, positions held, and reasons for leaving each position.
- Finalist(s):** The final group of applicants under consideration before an offer is made or, if only one applicant is still under consideration, that individual.
- Hiring official:** Under this Policy, the hiring official for faculty is the Dean or program equivalent. For staff, the hiring official is the head of the immediate unit where the successful applicant will be employed. For officers, the hiring official is determined by the direct reporting line, and in most instances is the President or the Provost.
- Pre-Adverse Action Notice:** Notice provided to an applicant by HRS, or if requested by HRS, the background check vendor, that their background check contains potentially disqualifying information. When the potentially disqualifying information is contained in a credit report, the notice will include a copy of a statement of consumer rights as required by the Federal Fair Credit Reporting Act.
- Professional license/credentials/certification verification:** Ensuring that the finalist has all of the professional licenses/credentials/certificates relevant to, or required by, the position, and is in good standing with applicable licensing authorities.
- Vulnerable populations:** includes: minors; the elderly; recipients of mental health or similar counseling, health care, or emergency medical services; the disabled; or animals protected by care and use laws or policies.

Procedures

Elaboration

The University requires background checks for positions under recruitment when they are necessary to ensure the qualifications and suitability of a candidate for the position. Refusal of a candidate to consent to a background check required by this Policy disqualifies the candidate from further consideration for the position.

Background checks will be conducted:

1. When required by law or credentialing/licensure/accreditation standards;
2. When required by a government agency for security clearance or to determine eligibility for federal grants or contracts; or
3. To determine if an applicant has a record of criminal conviction that poses undue risk to the safety of persons or property in view of the job duties of the position for which they are applying.

When relevant to an applicant's qualifications or suitability for a position, background checks may be conducted:

4. To verify educational credentials;
5. To verify employment history; or
6. To assess references.

Background checks to assess whether an applicant has a record of criminal conviction that poses undue risk to the safety of persons or property must be conducted when job duties for a position require access to, or responsibility for:

- Vulnerable populations (exclusive of minors who are students matriculated at UVM), as defined in this Policy;
- Residence hall bedrooms and/or private living spaces;
- Quasi-private venues such as showers or locker rooms;
- Controlled substances, hazardous materials, or biosafety level two or higher facilities;
- "Care, Custody, and Control" of one or more minors as defined in the [Protecting Minors Policy](#);
- Research equipment that has been identified as export controlled (as determined by the Vice President for Research or designee) whether owned by UVM or a third party as outlined in UVM's [Export Controls](#) policy;
- Physical plant operational systems and equipment, such as the Central Heating Plant, the Lock Shop/electronic access services, water supply, and life safety systems (in each instance, in the event of unsupervised access only);
- Vehicular transportation of UVM students, employees or affiliates, or the operation of vehicles or heavy machinery;
- IT systems and database administrative access to sensitive data (installing programs; activating or de-activating databases; creating, changing or removing user accounts)
- Financial systems (excluding research administration data and budget information), when access could be used as an opportunity for personal gain in view of the nature and extent of internal controls (as determined by the Controller);
- Accounting or financial data for transactions that are not reviewed, verified or supervised by others under Controller-approved protocols (excluding research administration and budget information); or
- Animals intended for use for research, teaching, testing, experimentation, or exhibition purposes.

Unless mandated by law, by the terms of a contract or grant, or credentialing, licensure or program accreditation standards, a criminal conviction record does not necessarily preclude an offer of employment from UVM, or the assignment of non-UVM personnel by temporary placement agencies or contractors to UVM. Rather, the UVM hiring or contracting official, in consultation with Human Resource Services (HRS) and the Office of the General Counsel must, on an individualized basis, consider:

- The relevance of the offense to job duties;
- The nature and gravity of the offense, as well as whether the applicant appears to pose a significant risk to the safety of others or the security of University facilities, assets or resources;
- Whether the applicant underwent rehabilitation or made restitution for prior criminal convictions; and
- The length of time that has elapsed since the conduct that led to the criminal conviction and/or completion of any related sentence.

The fact that an individual was arrested or charged with a crime is not proof that the individual engaged in criminal conduct. Therefore, an individual's arrest record standing alone will not be used to take a negative employment action (e.g., not hiring, firing or suspending an applicant or employee). However, an arrest may trigger an inquiry into whether the conduct underlying the arrest justifies such action.

So as not to jeopardize its eligibility for federal grants and contracts, and other federal or state funding, UVM will also screen applicants, contractors, and visiting scholars/visiting scientists against federally established excluded individuals and entities lists, such as the Consolidated Screening List, the System for Award Management, and the Office of the Inspector General List of Excluded Individuals and Entities. It will also screen the Export Controls Database to identify persons who are restricted from access to sensitive research information or materials without prior approval from the U.S. Department of State for items controlled by the International Traffic in Arms Regulations (ITAR) or the U.S. Department of Commerce for items controlled by the Export Administration Regulations.

APPLICANTS FOR UVM EMPLOYMENT

Background checks will be performed for job finalists only. The nature and extent of the background check conducted on each finalist will be governed by the criteria outlined above.

I. PERSONS ASSIGNED TO UVM DUTIES FOR TEMPORARY WORK

Any contract into which UVM enters for the assignment to UVM of personnel by a placement agency shall require the agency to conform minimally to UVM background check requirements.

II. PERSONS ASSIGNED TO UVM FACILITIES OR PROJECTS BY CONTRACTORS

Any contract into which UVM enters under which a contractor assigns personnel, or a subcontractor's personnel, to UVM facilities or projects shall require the contractor minimally to conform to UVM background check requirements.

III. VOLUNTEERS

Consistent with the University's Protecting Minors policy, all volunteers serving in a capacity that involves direct contact with minors are required to have a criminal background check.

IV. CURRENT EMPLOYEE SELF-DISCLOSURE REQUIREMENTS

A. Driver's License Suspension or Revocation

All current employees for whom driving is included as an essential job function in their position description must self-disclose the civil or criminal suspension or revocation of a driver's license to HRS immediately after the employee is notified of the suspension or revocation. An employee who fails to make this self-disclosure may be subject to disciplinary action, up to and including termination of their University employment. Upon receiving such notice, HRS will contact the supervisor (and other management in the employee's chain of command as appropriate) to assess whether the individual remains eligible for continued employment.

Specific Procedures

Employment Reference Checks. All hiring officials must complete a thorough employment reference check before extending an offer of employment to any applicant. The employment reference check is in addition to any background, credit, education, credentialing, or other checks that may be appropriate to a specific position.

Identification of Positions Subject to Background Checks. Before starting a recruitment, Human Resource Services (for staff and administrators) or the Associate Provost for Faculty Affairs (for faculty) shall determine the nature and extent of the background check required for the position in view of the criteria outlined above. *Position descriptions, job postings, recruitment materials, and initial acknowledgement of an application to the applicant must state clearly whether an offer will be contingent upon the successful completion of the requisite background check.*

Preliminary Applications. All applicants shall complete a Preliminary Application that requests baseline information such as name, address, telephone number, acknowledgement that I-9 eligibility for employment must be established as part of the hiring process, and other data points HRS deems necessary to begin an application process consistent with customary human resources practices. The Preliminary Application shall not solicit criminal conviction information, but must notify the applicant that before an offer can be made (1) the applicant must self-disclose any misdemeanor or felony convictions; and (2) if stated in the job description and job posting, an offer is contingent upon the successful resolution of a criminal background check. Both the Preliminary Application and the self-disclosure form shall state that the failure to reply fully and accurately to questions can disqualify the applicant from further consideration for employment or, if a material misrepresentation or omission comes to light after the individual is employed, may result in discipline up to and including termination.

Background Check Process. If HRS uses a third-party background check vendor, a hiring official may retain an alternative vendor to conduct a program or discipline-specific background check following consultation with HRS and with the approval of the Provost or responsible Vice President. Before a background check is conducted, HRS shall obtain (or verify that the vendor has obtained) from the applicant all legally required consent forms, and ensure that the applicant has received all legally mandated disclosures.

If the applicant lives outside the United States, a background check must be conducted in the country or countries of residence. If, during the visa process, the U.S. Department of State conducted a background check at a U.S. Consulate, an additional check is necessary *only if* UVM will not be the applicant's first U.S. employer after the applicant secured a work visa.

Background Check Results. The average time to receive results is three (3) to five (5) days, with international checks taking much longer. Turnaround time will be affected by the nature and scope of the search requested of the vendor. If the hiring official wishes to make an offer before the background check is complete, the offer must be *in writing* and include an appropriate version of the following statement: "This offer is contingent upon the successful completion of the background check." HRS will notify the hiring official of the result of the background check when it receives the report from the vendor.

Adverse Finding. If a background check discloses a misdemeanor or felony conviction, HRS will notify the hiring official, who shall make a decision as to whether to extend an offer after consultation with Human Resource Services and the Office of the General Counsel. In rendering the decision, the hiring official must consider:

- The relevance of the offense to job duties;
- The nature and gravity of the offense, as well as whether the applicant appears to pose a significant risk to the safety of others or the security of University facilities, assets or resources;
- Whether the applicant underwent rehabilitation or made restitution for prior criminal convictions; and
- The length of time that has elapsed since the conduct that led to the criminal conviction and/or completion of any related sentence.

If the hiring official wishes to disqualify the applicant based on the criminal record, HRS or the background check vendor at the request of HRS, will issue the applicant a Pre-Adverse Action letter. The applicant will then have seven (7) business days from the date of the notice (in the absence of extenuating circumstances, such as may be the case with international applicants) within which to appeal the validity of the background check with HRS or the vendor, as applicable. If the appeal is unsuccessful, HRS will send the applicant an Adverse Action Notice stating that the applicant is no longer under consideration. The hiring official may not extend an unconditional offer of employment to any applicant until this adverse finding process, including a timely appeal, has concluded.

Background Check Costs. The hiring unit pays the cost of the background check. A schedule of costs will be maintained on the HRS website. Grant funds *cannot* be used to cover the cost of a background check.

Confidentiality; Recordkeeping. Background check results shall be shared internally on a need-to-know basis only, and results will not be shared with a search committee advisory to a hiring official. Unless otherwise required by law, or credentialing, licensing, certification or program accreditation standards, these records shall be maintained by HRS separately from standard personnel records for applicants hired, and confidentially by HRS pursuant to the records retention policy schedule for applicants who were not hired. The hiring unit shall maintain in the employee's personnel file only a record of the nature and extent of the background check completed, and the unit shall make a referral to HRS in the event questions arise.

Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
Human Resources Services	HRSinfo@uvm.edu
Risk Management & Safety	risk.management@uvm.edu

Forms/Flowcharts/Diagrams

- [Background Check Forms & Instructions](#)

Related Documents/Policies

- Data Security
- [Driver Safety and Motor Vehicle Use Policy](#)
- Drug Testing
- [Export Controls Policy](#)

- FAQs (Forthcoming)
- [Minors; Reporting Abuse or Neglect of and Crimes Procedure](#)
- [Protection of Minors Policy](#)
- [Personal Safety & Threat Assessment Policy](#)
- [Vulnerable Adults; Reporting Abuse, Neglect or Exploitation of, and Crimes Procedure](#)

Regulatory References/Citations

- Vermont "Ban the Box" Fair Employment Practices: 21 V.S.A. § 495j
- FCRA and Vt FEPA re: credit reports

Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

About this Policy

Responsible Official:	Chief Human Resource Officer	Approval Authority:	President
Policy Number:	V. 7.15.1	Effective Date:	February 8, 2021
Revision History:	<ul style="list-style-type: none"> • V. 7.15.1/V. 4.31.1 approved February 8, 2021. Responsible official officially changed from the Vice President for Finance and Administration to the Chief Human Resource Officer October 3, 2022. 		

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