



OFFICE OF COMPLIANCE SERVICES
UVM.EDU/POLICIES

POLICY

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Title: Background and Reference Checks

Policy Statement

The University requires background checks of covered persons (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 covered person 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 Covered Persons as defined below.

Definitions

Adverse Action Notice: Notice provided to a Covered Person by HR, or if requested by HR, the background check vendor, that information contained in a background check disqualified the Covered Person from further consideration for employment or access to persons or facilities that pose safety or security risks. 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.

Covered Persons: A covered person under this policy includes:

- Finalists for faculty, staff, or administrative appointments ("applicants"), meaning all candidates for full-time or part-time positions, including temporary appointments;

- Applicants previously employed by UVM who have had a 6-month break in service;
- Internal applicants who have not previously been subject to a background check who will have access to persons or facilities that pose safety or security risks as defined herein; and
- Contractors or subcontractors, and volunteers, who will have access to persons or facilities that pose safety or security risks, as defined herein.

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.

Driving history: Verification of driving history within the last seven years.

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): An individual applicant for whom the final offer is being made.

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 HR, or if requested by HR, 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

The University requires background checks for (i) positions under recruitment and (ii) positions for which access to facilities or populations create increased safety or security risks, as described herein. Refusal of a Covered Person to consent to a background check required by this Policy disqualifies the covered person from further consideration for the position, role, or engagement.

Background checks to assess whether an individual has a record of criminal conviction that poses undue risk to the safety of persons or property must be conducted for all Covered Persons.

In addition, increased safety or security risks include access to the following:

- 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;
- "Direct contact with 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 Resources (HR) 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 Covered Person 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 preclude them from employment with or assignment to the university. 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. UVM will also perform export control screening 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.

REQUIREMENTS FOR SPECIFIC CATEGORIES OF COVERED PERSONS:

APPLICANTS FOR UVM EMPLOYMENT: Background checks will only be performed when the applicant has been chosen as the finalist for the position. These background checks will be initiated by HR.

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.

VENDORS, CONTRACTORS, AND OTHER PERSONS ASSIGNED TO UVM BY CONTRACT OR AGREEMENT: Any contract or agreement into which UVM enters under which a third-party assigns personnel, or a subcontractor's personnel, to UVM facilities or projects shall require the contractor to minimally conform to UVM background check requirements.

Fulbright Scholars undergo a rigorous background check and screening through the U.S. Department of State and are therefore generally exempt from the UVM background check requirement. If the Fulbright Scholar will have access to facilities or populations that pose an increased safety or security risk, UVM may perform an additional background check prior to allowing access to those facilities or populations.

VOLUNTEERS: All volunteers serving in a capacity that involves access to facilities or populations, including vulnerable populations, that create an increased safety or security risk are required to have a criminal background check prior to the start of the engagement. Unless expressly authorized by HR, the unit initiates the background check by contacting HR.

CURRENT EMPLOYEES: 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 are required to have a background check performed prior to transferring into a position or when changes to position responsibilities require access to facilities or populations that pose an increased safety or security risk, as described herein. Unless expressly authorized by HR, the unit initiates the background check by contacting HR.

CURRENT EMPLOYEES DRIVER'S LICENSE SUSPENSION OR REVOCATION SELF-DISCLOSURE REQUIREMENTS: 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 HR 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, HR 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.

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. 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.

IDENTIFICATION OF POSITIONS SUBJECT TO BACKGROUND CHECKS

Before starting a recruitment, Human Resources (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 HR 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

Background checks are initiated by HR or by the unit depending on the specific category of covered person. Refer to Requirements for Specific Categories of Covered Persons section above. To initiate a background check, contact HR at HRinfo@uvm.edu.

If HR 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 HR and with the approval of the Provost or responsible Vice President/Chief Officer. Before a background check is conducted, HR 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.

For background checks required under UVM's [Protection of Minors policy](#), HR will initiate a fingerprint-supported background check.

BACKGROUND CHECK RESULTS

The average time to receive results is three (3) to five (5) business days from the date submitted, with international checks taking much longer depending on the availability of data in the countries of residence.

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." HR 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, HR will consult with the Office of the General Counsel and Human Resource Partners, with HR ultimately making the final hiring decision.

In rendering the decision, the HR 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 HR wishes to disqualify the applicant based on the criminal record, HR or the background check vendor at the request of HR, 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 HR or the vendor, as applicable. If the appeal is unsuccessful, HR 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 cost of background checks for UVM employees (faculty and staff) and students in an employment role will come from centralized funds. Costs related to vendor, contractor, volunteer, students in a student role, and other third parties background checks are the responsibility of the hiring/contracting unit and, in some cases, may be passed on to the third party.

CONFIDENTIALITY AND RECORDKEEPING

Background check results are considered confidential non-public protected data, or NPPD as defined under UVM's Privacy Policy. 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 HR separately from standard personnel records for applicants hired, and confidentially by HR 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 HR in the event questions arise.

Contacts

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

Forms/Flowcharts/Diagrams

- None

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. 7.15.2	Effective Date:	6/10/24
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. • Major Revisions, 6/10/24 • Minor Revisions, 9/12/24 		

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