



<u>ADMINISTRATIVE POLICY</u>  ADAMS STATE COLLEGE	POLICY NUMBER:	PAGE NUMBER Page 1 of 7
	CHAPTER:	Human Resources
	SUBJECT:	Employee Background Checks
RELATED POLICIES: OFFICE OF PRIMARY RESPONSIBILITY: Office of Human Resources	EFFECTIVE DATE:	July 1, 2011
	SUPERSESSION:	
	 Dr. David Svaldi President	

I. Purpose

Adams State College is committed to providing a safe and secure environment for its students, faculty, staff and visitors, and to protecting its funds, property and other assets. Well-informed hiring decisions contribute to this effort. Therefore, Adams State College has adopted a policy on background screening for its prospective, continuing, and returning employees as well as students in certain circumstances. Offers of employment will be contingent upon the completion of an acceptable background check. The information received in response to a background check will be treated as confidential, to the extent provided for by law.

II. Who is Covered

1. Applicants for classified, faculty, and exempt administrative positions, including, when applicable, temporary positions.
2. Student employees with access to confidential information or certain college assets or students employed in residence life, campus security, athletic camps; or students who have responsibility for the care, safety or security of students.
3. Returning employees including retirees after a break in employment of one year or more unless they have passed a background check within two (2) year prior to their leaving.

III. Who is Not Covered

The following are excluded from background checks unless, after consultation with the appointing authority, the Human Resources Director determines that the position poses a safety or security issue.

1. Extended Studies faculty (excluding adjunct faculty on campus or any face to face teaching).
2. Current employees seeking promotional opportunities where there is a change in position or rank.

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3. Independent contractors. Note that independent contractors and their regular employees or sub-contractors who are required to perform criminal record and sex offender registry background checks may be required to do so at the independent contractor's cost as a condition of their contract with the college.
4. Volunteers.
5. Employees on sabbaticals or approved leave without pay for a period of one year or less.

IV. Procedure for Background Checks

All candidates will be required to sign authorization forms to conduct a background check, which will be submitted as a part of the application process. Background checks will be performed on the final candidate for the position with an offer of employment contingent upon successful completion of the background check. The background check is conducted after the final candidate accepts the offer of employment.

V. Scope

The Human Resource Department will coordinate criminal background and sex offender registry background checks for the following:

1. Applicants for faculty, classified, and exempt administrative positions.
2. All faculty, administration, staff and classified employees rehired after one year or more break in service, unless they have passed the background check within two (2) years prior to their leaving.
3. Students employed in positions that have responsibilities for the care, safety, or security of students, are subject to screening through the National Sex Offender Public Registry and criminal background checks when applicable.
4. Any employees whose job duties or qualifications specifically require a criminal record and National Sex Offender Public Registry background check.
5. Any employee where the background checks are required by contract, law, or regulation.

The Human Resources Department, when applicable, will coordinate credit history and driving record background checks for new hires (post-offer) only when qualifications for the job require or the job duties are reasonably related to the check. Unrelated to hiring, the college driving policy may also require driving record checks.

VI. Definition of a Crime

For the purpose of this policy "crime" means any and all felonies and misdemeanors, but does not include minor traffic offenses for which the penalty is a fine. Records that have been expunged by a court of competent jurisdiction do not appear on an individual's criminal record and will not be included in information included in a background check.

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Having a criminal history, a criminal conviction, or motor vehicle violation does not necessarily preclude employment. The nature of the offense, the circumstances surrounding it, and its relevance to a particular position are evaluated on a case-by-case basis. An evaluation by the Human Resources Manager, appointing authority (college President or a delegated official with hiring authority), search committee chair, Director of the Office of Equal Opportunity, and/or legal counsel should consider, but not necessarily be limited to, the following factors:

1. Falsification of application material pertaining to the conviction(s).
2. Date of conviction.
3. Length of college service and performance.
4. Number and gravity of crime(s) committed and nature of the crime(s), in relationship to the nature of the work to be performed.
5. Potential opportunity, through possible abuse or work-related functions or situations, to cause financial or property loss or other harm.

VII. Job Announcement

Job announcements for positions at Adams State College 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. This includes certain student positions. Offers for appointment are contingent upon the applicant passing the necessary background check(s).

The following statement is required on all Adams State College job announcements and must be mentioned in all recruitment efforts:

“Adams State College is dedicated to providing a safe and secure environment for our faculty, staff, students and visitors. To assist in achieving that goal, we conduct background checks on persons offered positions at the college prior to employment as described in the background check policy.”

The following statement must be posted on the Adams State employment web site:

“Adams State College performs background checks as a condition of employment for prospective employees and current employees seeking certain promotional opportunities. Offers of employment are contingent upon completion of an acceptable background check. 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 form will not be considered for employment or promotion. Background checks include review of criminal records and sex offender registry background. Credit and driving record background may apply to certain positions.”

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VIII. Responsibilities

Search Committee:

1. Search committees are responsible for checking professional and/or personal references, employment history, and proof of credentials for faculty and administrative staff. The committee is also responsible for contacting unnamed references and verifying the candidate's education degree certificates and current employment status. The hiring authority is responsible for checking professional and/or personal references for candidates for classified positions.
2. The search committee is responsible for obtaining and maintaining completed acknowledgment and authorization forms.
3. It is also the responsibility of the search committee to obtain official transcripts and/or licenses, as applicable, as proof of required credentials.
4. All information obtained by the search committee must be maintained in a secure and confidential manner, to the extent provided for by law. At the conclusion of the search, all information is transferred to the Office of Equal Opportunity.
5. The search committee may seek support from Human Resources or the Director of the Office of Equal Opportunity. Every effort will be made to ensure that the use of background checks does not impede the hiring process and does not result in unlawful discrimination.

Human Resources:

Human Resources is responsible for coordinating criminal background checks, National Sex Offender Public Registry checks, credit history checks, and driving record checks. This responsibility includes adherence to applicable laws, including, but not limited to the Fair Credit Reporting Act (CRS 24-5-101), and proper record keeping and retention of sensitive information.

When a background check yields records that may affect hiring or rehiring decisions, the Director of Human Resources will consult with the search committee chair, Director of the Office of Equal Opportunity, the appointing authority and/or legal counsel, as necessary, to determine the relevance of such information to the vacant position's responsibilities, and the hiring decision.

College Police Department:

The college's police department may assist Human Resources in carrying out any of the background check procedures, to the extent permitted law.

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IX. Pre-Adverse Letter and Notification of Adverse Action

1. If during the course of the background check, information is identified that may result in disqualification of the candidate, Human Resources will send the candidate a pre-adverse letter indicating the preliminary finding and give the individual an opportunity to respond before a final decision is made. The candidate will be provided with a copy of the background check report from the third-party reporting agency.
2. The candidate will have ten (10) business days from the mailing of the pre-adverse letter to respond and refute disputed information from the third-party reporting agency.
3. The candidate's response will be reviewed by the Human Resources Director, appointing authority, search committee chair, and Director of the Office of Equal Opportunity.
4. If the decision is made to not hire the candidate, a final adverse action notice is mailed via certified mail to the candidate by Human Resources within ten (10) business days after the receipt. This final letter must explain the reason for not hiring the candidate. Decisions regarding the withdrawal of an employment offer as a result of a background check may be appealed to the President within 10 days from the receipt of the final adverse action notice. The President will issue a response to the appeal within ten (10) business days after the receipt of the final adverse action notice. This decision is final and may not be appealed.

X. Violations of Policy

Violations of any provision of the background check policy, including but not limited to providing false information, may result in failure to hire, or for current employees, disciplinary actions, up to and including termination of employment. Failure to disclose convictions in the application process is deemed falsification of the employment application and may result in failure to hire or termination of current employment, if employed after the effective date of this policy. Individuals who are charged with or convicted of a felony after they have been offered employment must contact Human Resources within five (5) business days of the conviction or charge and provide information about the conviction or charge. College employees who receive access to background check information are required to maintain confidentiality and only share information with authorized individuals. Failure to maintain confidentiality may result in disciplinary action, up to and including dismissal.

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**AUTHORIZATION AND RELEASE FOR BACKGROUND CHECK
ADAMS STATE COLLEGE**

In order that officials of Adams State College may be fully informed as to my professional character, experience, credentials, and qualifications in consideration of my application for the position of _____, I hereby authorize any duly accredited representative of Adams State College to conduct a background investigation which may include a criminal history of records check. I understand that the purpose of the background investigation is to provide Adams State College with information about my background that may be useful to Adams State College in its hiring decision. I further authorize Adams State College, or its agents, employees or contractors, to solicit and receive, from any current and/or former employers and their agents, employees, and representatives, including records custodians, whether or not disclosed in my resume, application, or interview process, any such information and opinions about me.

The information and opinions solicited or received may include, but are not limited to, dates of employment, job title and classification, compensation history, reasons for leaving, job-related knowledge and skills, level of education completed, degrees, honors or certifications received, achievements, performance, attendance, completed or pending disciplinary actions and opinions or evidence regarding general character and suitability for my position. I understand that the information and opinions provided about me may be negative or positive.

I certify that all information contained in my vitae/resume/application/transcripts is current, accurate, and complete to the best of my knowledge. I understand that the willful giving of any false information may result in non-consideration of my candidacy, withdrawal of an offer, or termination of employment.

I unconditionally release Adams State College, the State of Colorado and the Colorado Risk Management Division and their respective officers, agents, employees or contractors, both in their official and individual capacities, from any and all legal liability from damages of whatever kind or nature which may at any time result to me, my heirs, family or associates from the solicitation, receipt, use or disclosure of such information and opinions.

Last Name, First Name, Middle Name

Social Security Number

Other Names Used (including maiden name)

Driver's License # and State of Issue

Current Address

Date of Birth

Signature

Date

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Last Name, First Name, Middle Name

Social Security Number

Signature

Date

“AN EQUAL OPPORTUNITY EMPLOYER”