UNIVERSITY OF WISCONSIN-PLATTEVILLE
CRIMINAL BACKGROUND CHECK POLICY

Purpose

The University of Wisconsin-Platteville prioritizes safety and strives to provide a safe learning and working environment for all students, staff and volunteers. This policy establishes consistent standards for criminal background checks.

Policy Statement

Except as otherwise provided in this policy, a criminal background check shall be performed on each new hire for a UW-Platteville position. Criminal background checks shall be conducted on candidates recommended for hire, either prior to the extension of an offer of employment, or as part of an offer of employment that is made contingent upon a successful criminal background check. A criminal background check also shall be conducted on current employees and volunteers holding a “position of trust with access to vulnerable populations” as defined in Paragraph 1(a) of the Policy section, who have not previously been subject to such a check by the University. Employees and volunteers holding a position of trust with access to vulnerable populations shall be subject to a criminal background check every four years, and shall be required to self-disclose certain criminal offenses.

Policy

1. Position of Trust

“Position of trust” is defined as a paid or volunteer position with one or more of the following responsibilities:

a. Access to vulnerable populations – Responsibilities require unsupervised or significant access to vulnerable populations, defined as minors and medical patients. For purposes of this policy, a minor is a person under the age of eighteen (18) who is not enrolled or accepted for enrollment at a UW System institution. Examples of settings with vulnerable populations include child care centers, summer camps for minors, precollege or enrichment programs, and health care facilities. This category also includes employees who are not directly working in those units, but have unsupervised access to the unit when the vulnerable population is present. This category does not include faculty or instructional academic staff performing regular teaching, service, and research responsibilities unless these responsibilities include unsupervised or significant access to vulnerable populations.

b. Property access – Responsibilities require the use of master keys/card access
and pertains to employees with key access to offices, facilities, or worksites other than their own worksite, including UW residential housing facilities.

c. Financial/fiduciary duty – Principal responsibilities (50% or more) require handling, receiving, or having custody of money, checks or securities, or accounting for supplies or other property; authorizing (or making appropriations for) expenditures; approving, certifying, signing or countersigning checks, drafts, warrants, vouchers, orders or other documents providing for the paying over or delivery of money, securities, supplies or other property, or service of process; maintaining or auditing accounts of money, checks, securities, time records, supplies or other property, or taking physical inventories of money, checks, securities, supplies or other property.

d. Executive positions – Responsibilities involve top-level management functions throughout the institution including roles as Chancellor, Provost, and Dean. Executive positions are defined as all limited appointments and include any movement from a limited appointment to a different limited appointment.

2. Coverage of Prospective Hires and Employees

Criminal background checks must be conducted on prospective hires who are not University of Wisconsin-Platteville employees, and on employees currently not in a position of trust who are seeking to move to a position of trust within the University through promotion or otherwise. Criminal background checks must be conducted on current employees holding a position of trust with access to vulnerable populations, as defined in paragraph 1(a) of this policy, who have not previously been subject to a check by the University. A background check must be performed every four years on employees in positions of trust with access to vulnerable populations.

UW-Platteville will conduct a criminal background check on prospective hires for the following employee groups: (1) temporary or limited term employees; (2) hourly student employees; and (3) interns.

3. Coverage of Vendors and Contractors

To the maximum extent feasible, any agreement with a vendor or contractor whose employees, affiliates, or volunteers will have routine or unsupervised access to vulnerable populations (minors or medical patients) in the course of the contract must include a representation from the vendor or contractor stating that these employees, affiliates, or volunteers have satisfied a criminal background check conducted by the contractor or a criminal background check vendor selected by the contractor.
4. **Coverage of Volunteers**

Criminal background checks must be conducted on current volunteers holding a position of trust with access to vulnerable populations, as defined in paragraph 1(a) of this policy, who have not previously been subject to a check by the University. A background check must be performed every four years on volunteers in a position of trust with access to vulnerable populations.

4.1 **Coverage of Certain Users and Lessees of University Lands and Facilities**

Facilities use agreements or leases with outside organizations that use or lease University lands and facilities to operate multi-day programs for minors, or programs for minors that involve an overnight stay, must include a representation from the organization that its employees, affiliates, or volunteers have satisfied a criminal background check conducted by the organization or by an criminal background check vendor selected by the organization.

5. **Conducting Criminal Background Checks**

Finalists for employment must complete and sign a background check authorization form. An applicant’s failure to consent to a criminal background check or falsification of any related information is grounds for the rejection of the applicant. Similar procedures must be implemented for current employees, volunteers and prospective volunteers who are subject to background checks.

In-house staff may be trained to use the Wisconsin Department of Justice, Crime Information Bureau (CIB) electronic database tool, and any other similar databases to conduct background checks on State of Wisconsin criminal records of prospective employees. Other states also offer electronic database searching of their criminal records. UW-Platteville may conduct these checks in-house by utilizing information the candidate has provided (e.g., resume/vita, reference check information, past employment information, consent form. The time and cost associated with having to conduct multiple state searches might rule out the deployment of in-house staff for conducting comprehensive criminal background checks for all prospective employees.

Private vendors also offer background checking services to employers. The University of Wisconsin-Platteville will consider the costs and benefits of purchasing such a vendor service. If UW-Platteville retains a vendor to perform criminal background checks on prospective employees, university officials will have certain additional duties under the federal Fair Credit Reporting Act.

The standard package for a criminal background check conducted through a vendor shall include:

- **Social Security Number Trace** – Authenticates applicant’s information and generates a list of addresses the applicant has lived at for the last seven years; as part of the trace, the University may verify that the social security number is valid and
appropriately assigned to the applicant.

b. Criminal Felony/Misdemeanor by County of Residence – superior and municipal court records in any county in the U.S.

c. Sex Offender Registry – sex offender search by state.

In addition to the standard package, prospective hires, prospective volunteers and current employees seeking to fill a position of trust with access to vulnerable populations, as defined in paragraph 1(a) of this policy, shall be subject to a check using the vendor’s proprietary national background check database. The required criminal background check of current employees and volunteers holding a position of trust with access to vulnerable populations who have not been subject previously to a background check by the University also shall include a check using the vendor’s proprietary national background check database, as shall the required background check that recurs every four years for employees and volunteers holding those positions.

Additional criminal and non-criminal checks (e.g., motor vehicle, etc.) may be run when appropriate in relation to the position.

UW-Platteville will conduct an appropriate U.S. criminal background check on an applicant for employment, current employee or volunteer who is a foreign national and subject to this policy.

A criminal background check in the individual’s prior country(ies) of residence will be also conducted if his/her country(ies) of residence provides a criminal background check for the time period during which the individual was a resident. A media search is not considered an appropriate criminal background check and, therefore, institutions are not required to conduct media searches.

6. **Application of the "Substantial Relationship" Test under the Wisconsin Fair Employment Act**

Wisconsin law prohibits an employer from discriminating against an applicant or employee on the basis of arrest or conviction record unless the pending criminal charge or conviction substantially relates to the circumstances of the position. Applicants with a criminal history will not be automatically disqualified from UW-Platteville employment, and a UW-Platteville employee’s criminal history will not result in automatic disciplinary action or dismissal. If an applicant’s or employee’s criminal background check reveals a pending criminal charge or criminal conviction,

UW-Platteville will engage in an individual analysis to determine whether a substantial relationship exists between the pending charge or criminal conviction and the functions of the position.
7. **Self-Disclosure of Arrests, Charges, or Convictions**

UW-Platteville requires employees who hold positions of trust with access to vulnerable populations, as defined in paragraph 1(a) of this policy, to report any criminal arrests, charges, or convictions (excluding misdemeanor traffic offenses punishable only by fine) to Human Resources within twenty-four (24) hours or at the earliest possible opportunity. Failure to make the required report may constitute a violation and may result in disciplinary action, up to and including dismissal. The same procedures are required of volunteers who hold a position of trust with access to vulnerable populations.

8. **Statutorily Mandated Background Checks**

Notwithstanding anything in this policy, UW-Platteville shall continue to perform criminal background checks for certain, specified positions in the form and manner required by state or federal law. Laws mandating criminal background checks for certain positions include: the Wisconsin Caregiver law (covering prospective caregivers for vulnerable populations such as minors, as well as those licensed by the state to provide direct health care services and treatment to clients); the Wisconsin Fiduciary law (covering positions that involve accounting, auditing, financial management, accounts receivable, accounts payable, procurement, retail operations, tax and fee collections, payroll and handling of cash and checks); and the federal Public Health Security and Bioterrorism Preparedness and Response Act of 2002 and the Agricultural Protection Act of 2002 (covering employees who will handle and work with hazardous agents or materials in campus labs, buildings or storage facilities).

9. **Other Criminal Background Checks**

Nothing in this policy shall be construed to prevent UW-Platteville with a reasonable basis from obtaining, at any time, criminal background check information on any current employee or volunteer.

**Oversight, Roles and Responsibilities**

To ensure that UW-Platteville policies are consistent with UW-System requirements, UW-Platteville will submit its criminal background check policy, and any subsequent modifications or supplements thereto, to the UW System Office of Human Resources for review and approval.

**Related RPD and Applicable Laws**

Wis. Stat. § 111.335
