



# UW-Stevens Point

## UPS Operational Policy: Gen A

### SUBJECT: Criminal Background Check Policy

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Original Issuance Date: March 2013

Last Revision Date: **May 27, 2020**

#### 1. Policy Purpose

To provide a safe, secure campus environment for students, employees and visitors, as well as protect and maintain the security and integrity of the university's many valuable resources.

#### 2. Policy Background

Regent Resolution 9276 (adopted 12/8/2006) established [Regent Policy Document 20-19, University of Wisconsin System Criminal Background Check Policy \(RPD 20-19\)](#) for UW System employees, applicants for employment, and volunteers.

#### 3. Policy Definitions

**Current Employee:** Current UW-Stevens Point employees or employees of other UW System institutions who are moving to a position within UWSP, through transfer, promotion, or otherwise are considered current employees.

**Position of Trust:** a position in which the job responsibilities include one or more of the following:

- 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.

**Prospective Employees:** An individual who is not currently a UW-Stevens Point employee or an employee of another UW System institution.

#### 4. Policy

All prospective employees are subject to a criminal background check as a condition of appointment.

A criminal background check is part of a general background check on potential employees which includes reference checks. It is not a substitute for reference checks. Current employees are not subject to a criminal background check unless such a check is otherwise required by law (e.g., the fiduciary responsibility law and the caregiver law), the position is a position of trust, or where the majority of the person's duties will be performed within residential facilities.

- An offer of employment shall be made contingent on successful completion of a criminal background check. An individual may not commence employment until they have successfully completed a criminal background check, except under special circumstances. Special circumstances shall generally be defined as an unreasonable delay (two weeks or more) on the part of the agency conducting the criminal background check.
- If an individual being considered for a position has a criminal conviction or pending charge which is "substantially related" to the job responsibilities, the individual may not be employed in the position. If an offer has already been extended or, due to the presence of special circumstances as described in the preceding bullet or otherwise, employment has commenced, the offer will be rescinded and the appointment terminated.
- Information collected in connection with the background check will be treated confidentially to the extent permitted by the Wisconsin Public Records Act and other applicable laws. The chancellor will designate an individual or individuals in Human Resources responsible for all aspects of conducting criminal background checks and ensuring appropriate training is provided.
- The University will comply with the Wisconsin Fair Employment Act and other applicable laws to ensure no individual is unlawfully discriminated against because of arrest or conviction records.

#### A. Conducting Criminal Background Checks

Criminal background checks will be managed by Human Resources to include checks of records in all jurisdictions per [Regent Policy Document 20-19: University of Wisconsin System Criminal Background Check Policy](#). Human Resources will manage the criminal background check process in accordance with this policy.

##### 1. Potential Employees and Employees

###### a. Criminal Background Checks at Time of Hiring

All prospective employees are covered under this policy, which includes all positions, including University Staff Term Employee (USTE) and Academic Staff Project

appointments. Student employees, including Graduate Assistants. Whether a criminal background check will be done in a case of a student employed in a position of trust will be determined by the Chief Human Resources and Affirmative Action Officer in consultation with the direct supervisor.

#### **b. Criminal Background Checks at Times Other Than Time of Initial Hire**

As of the implementation of this policy, all current UW-Stevens Point employees in a position of trust with access to vulnerable populations, must undergo the appropriate background check(s) once every four years. In addition, criminal background checks must be conducted on any UW-Stevens Point employee currently not in a position of trust who is seeking to move to a position of trust within the University through promotion or otherwise.

### **2. Volunteers**

Prospective and current volunteers for/within a volunteer position which is a position of trust, or when required by law to perform criminal background checks for specified volunteer positions will have a criminal background check conducted in accordance with the policy and procedures set forth for employees.

### **3. Vendors and Contractors**

To the maximum extent feasible, agreements with a vendor or contractor whose employees, affiliates, or volunteers will have routine or unsupervised access to vulnerable populations, the contract must include a statement from the organization confirming:

- a. Its employees, affiliates, or volunteers have satisfied a criminal background check conducted by a criminal background check vendor;
- b. The organization selected the vendor; and
- c. The background check was conducted by the vendor using a proprietary national criminal background check database.

### **4. Certain Users and Lessees of University Lands and Facilities**

Agreements with outside organizations using or leasing University lands and facilities to operate multi-day or overnight stay programs for minors must include a statement from the organization confirming:

- a. Its employees, affiliates, or volunteers have satisfied a criminal background check conducted by a criminal background check vendor;
- b. The organization selected the vendor; and
- c. The background check was conducted by the vendor using a proprietary national criminal background check database.

## **B. Self-Disclosure of Certain Criminal Offenses**

All individuals in a position of trust with access to vulnerable populations are required to self-disclose any criminal arrests, charges or convictions (excluding misdemeanor traffic offenses punishable only by fine) to Human Resources which occur while employed, volunteering, or under contract/agreement with UW-Stevens Point within twenty-four (24) hours or at the earliest possible opportunity. Failure to make the required report may constitute a violation and, if employed, may result in disciplinary action, up to and including dismissal. All other employees, vendors, contracted individuals, and volunteers are encouraged to self-disclose

such offenses immediately, but are required to disclose such offenses on an annually completed disclosure form.

### **C. Other Statutorily Mandated Background Checks**

Notwithstanding anything in this policy, UW-Stevens Point will 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:

- a. The Wisconsin Caregiver law (Wisconsin Statutes, Chapters [48](#) and [50](#)) (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);
- b. The Wisconsin Fiduciary law ([Wisconsin Statutes, Section 230.17\(3\)](#)) (covering positions which involve accounting, auditing, financial management, accounts receivable, accounts payable, procurement, retail operations, tax and fee collections, payroll, and handling of cash and checks);
- c. The federal Public Health Security and Bioterrorism Preparedness and Response Act of 2002 and the Agricultural Protection Act of 2002 (covering employees who handle and work with hazardous agents or materials in campus labs, buildings or storage facilities).

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

## **5. Records Retention**

Records gathered as a result of a criminal background check will be kept in Human Resources and Affirmative Action securely as required by UW System records retention requirements and applicable law.

## **6. Questions**

Questions related to this policy, including interpretations and resource locations, may be directed to Human Resources at 715-346-2606 or [hr@uwsp.edu](mailto:hr@uwsp.edu).

## **7. Related Documents**

[Regent Policy Document 20-19: University of Wisconsin System Criminal Background Check Policy](#)

[UW System UPS Operational Policy: Gen A: Criminal Background Checks](#)

## **8. Policy History**

This policy was updated to reflect changes made within the UW System effective 7-2015 and UW-Stevens Point offices and processes since this policy's creation.

May 27, 2020: This policy was updated to reflect required verbiage statements in alignment with [Regent Policy Document 20-19: University of Wisconsin System Criminal Background Check Policy](#).