UW-Madison Criminal Background Check
Policy and Procedures

Purpose

To ensure the University of Wisconsin – Madison is a safe and secure environment for all students, employees and visitors.

Policy

UW-Madison will comply with the Board of Regents policy that UW institutions conduct a criminal background check on applicants for employment, certain current employees, and certain volunteers. In addition, UW-Madison will satisfy the criminal background check requirement for certain vendors/contractors, and certain users and lessees of university lands and facilities.

Effective Date

Created December 1, 2007
Amended effective December 2, 2013.

Procedures

I. Introduction – The Board of Regents adopted a resolution on December 8, 2006 that requires the implementation of a UW System-wide criminal background check policy for new employees and current employees moving to positions of trust. On December 7, 2012, the Board of Regents amended the resolution to require criminal background checks be conducted on current employees and volunteers holding a “position of trust with access to vulnerable populations” as defined in section VII of this revised policy who have not previously been subject to such a criminal background check by the University. Each employee and volunteer holding a position of trust with access to vulnerable populations shall also be subject to a criminal background check every four years, except that each employee and volunteer with duties involving contact with minors in precollege camps (multi-day and overnight programs) shall be subject to a criminal background check every two years. Employees and volunteers with access to vulnerable populations or who have duties involving contact with minors in precollege camps shall be required to self-disclose certain criminal offenses. The UW System-wide policy also requires each institution to develop procedures for implementing the policy. This document comprises those procedures for UW-Madison.

II. Relationship to Existing Legal Mandates – There are state and federal laws and regulations that require criminal background checks in certain circumstances. The UW System-wide criminal background check policy and these UW-Madison procedures do not replace these mandates. The most common mandates are listed below. There are other mandates that apply to a small number of very specific positions not listed here (e.g., police officers, nuclear reactor operators, commercial drivers).
a. **Wisconsin Caregiver Law** – Wisconsin law requires criminal history background checks of persons responsible for the care, safety, and security of children and vulnerable adults. This mandate requires criminal background checks for licensed individuals, employees, prospective employees, and other specified persons affiliated with care giving entities or providers. Criminal convictions related to the harm of another human being are generally a bar from employment for positions within health care settings. Employers bound by this law need to not only check prospective employees but also check the criminal history of employees every four years. There is also an expectation that employees report any criminal activity when it occurs.

b. **Select Agents** – The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 and the Agricultural Protection Act of 2002 require entities to register with the U.S. Department of Health and Human Services (HHS) or Department of Agriculture (USDA) if they possess, use, or handle biological agents or toxins that could pose a severe threat to public health and safety; to animal or plant health; or animal or plant products. As part of this “select agent” registration, these entities must have security measures in place including controlling access and screening personnel, including current employees and students, who are handling these select agents (i.e., security risk assessments must be done). These assessments require individuals handling the select agents be screened by the FBI to determine security risk, be approved by the Centers for Disease Control (CDC) and/or undergo a suitability assessment depending on the materials being accessed.

c. **Fiduciary Responsibilities** – Wisconsin law requires that when any state position involving fiduciary responsibility is to be filled, the employer must conduct a criminal background check on the candidate before offering employment. This is defined by the state as positions where the **principal duties** (i.e., 50 percent or greater) are to:

1. Handle, receipt for, or have custody of money, checks or securities, or account for supplies or other property; authorize (or make appropriations for) expenditures; approve, certify, sign or countersign checks, drafts, warrants, vouchers, orders or other documents providing for the paying over or delivery of money, securities, supplies or other property, or serve process; or

2. Maintain or audit accounts of money, checks, securities, time records, supplies or other property, or take physical inventories of money, checks, securities, supplies or other property.

d. **Criminal Justice Data Access** – Any employees, contractors or volunteers with access to FBI Criminal Justice Information (CJI) are subject to state and federal fingerprint-based record checks per the FBI Criminal Justice Information Services (CJIS) policy. This includes electronic access to the actual CJI records or working around these records in a secure facility (e.g., UW Police Department). The UW Police Department will work with the divisional HR representatives as appropriate to coordinate the fingerprint-based record checks for employees with this access.
III. UW Regent Policy Requirements for Hiring New Employees – UW-Madison divisions will incorporate the following steps into their hiring and selection process. This applies to all vacancies except when hires are made in student hourly, employee-in-training, and LTE appointments or when employees move from another UW campus or state agency, unless the vacancy involves a position of trust. If an individual is returning to the UW after less than a one-year absence, it is not required that a new check be done unless the employee is moving to a position of trust.

Note: the UW requirement to conduct criminal background checks does not apply to non-employee appointments such as Fellows, Postdoctoral Fellows and Research Assistants unless required by law or the position is defined as a position of trust.

a. Announcing a Vacancy – All vacancy announcements (including advertisements) should contain the statement “Employment will require a criminal background check.” This statement is included in the campus human resources systems (JEMS) for insertion in all position materials.

b. Offering a Position – Divisions are expected to complete criminal background checks prior to making an offer of employment. If a check cannot be completed before an offer is made, the check must be completed before the individual begins employment unless an exception is granted by the appropriate dean or director. In any event, the criminal background check must be completed and a decision made no later than 60 days after the start of employment.

In most cases, only the finalist being offered the position will be checked. However, there may be circumstances where more than one applicant is checked (e.g., chancellor, dean, or provost search).

c. Appointment Letters – If a check cannot be completed before an offer is made, the appointment letter must state that the offer will be withdrawn or the employment terminated if the individual’s criminal background check results are unacceptable. The following statement must be used in the appointment letter.

“This offer of employment is conditional pending the results of a criminal background check. If the results are unacceptable, the offer will be withdrawn or, if you have started employment, your employment will be terminated.”

However, under no circumstances can an individual start employment in a position of trust with access to vulnerable populations without a completed criminal background check.

d. Consent – Prior to conducting a criminal background check, divisions are required to use the online consent process or have the employee sign a consent form (see attached). If the individual declines to provide the consent for the check, he/she can no longer be considered a candidate for the vacancy.

IV. Coverage of Volunteers – UW-Madison divisions shall perform criminal background checks on prospective volunteers when the volunteer position involved is a position of trust, or when required by law. In making this determination, consideration should be given to the
level of direct supervision and guidance provided to volunteers and the nature of the duties of the volunteer position. Criminal background checks must be conducted on each current volunteer who has not previously been subject to a criminal background check by the University, and that hold a position of trust with access to vulnerable populations as defined in section VII of this policy. A criminal background check must be performed every four years on volunteers in positions of trust with access to vulnerable populations or every two years on volunteers who have contact with minors in a precoclega camp.

V. UW Regent Policy for Vendors/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 that includes a national criminal background check database. Divisions will need to identify those vendors/contractors who fall under this policy and subsequently work with Purchasing Services, Office of Legal Affairs, and the Office of Human Resources to ensure compliance.

VI. 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 that includes a national criminal background check database. Divisions will need to identify those agreements or leases and subsequently work with Office of Legal Affairs and the Office of Human Resources to ensure compliance.

VII. 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 (more than de minimis part of their job responsibilities) to vulnerable populations, defined as minors and medical patients. For purposes of this policy, a minor is a person under the age of 18 who is not enrolled, accepted for enrollment, or employed at a UW System institution. Examples of settings with vulnerable populations include child care centers, precollege 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.

Employees and volunteers holding positions of trust with access to vulnerable populations shall be subject to a criminal background check every four years, except that employees and volunteers with access to minors in a precollege camp shall be subject to a criminal background check every two years. Regardless of whether an individual has previously passed a criminal background check by the University, an individual who will hold a position of trust with access to vulnerable populations must pass a check that evaluates whether the individual is suitable for contact with vulnerable populations or minors (e.g., a faculty member who has passed a background check that did not evaluate
suitability for access to children must pass an additional check prior to working/volunteering for a precollege camp).

* For purposes of this policy, precollege camp is defined as a multi-day or overnight activity for minors (individuals under the age of 18), except for activities falling into any of the categories below.

1) An activity that primarily serves individuals who are enrolled or have been accepted for enrollment as a student at UW-Madison (e.g. SOAR).

2) An activity in which minors are primarily supervised by a parent, relative, or other guardian (e.g., campus tours).

3) An activity for which minors are primarily supervised by non-University employees or volunteers (e.g., school or exhibitions that are open to the public).

4) UW-Madison-run preschools and child care centers coordinated by the Office of Child Care and Family Resources, which conduct checks in compliance with state laws and regulations.

Note – Individuals who are not subject to 2-year checks under items 1-4 above may still be subject to 4-year checks if they have access to vulnerable populations and/or are subject to the Wisconsin Caregiver law.

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

c. **Executive positions** – Responsibilities involve top-level management functions throughout the campus including roles as Chancellor, Provost, Dean, Director, etc. Executive positions are defined as all limited appointments. This would include any movement from a limited appointment to a different limited appointment.

[See Attachment 1: Determining When a Criminal Background Check is Required]

**Self-Reporting Requirement** – Employees and volunteers holding positions of trust with access to vulnerable populations, as defined in section VII of this policy, are required to report any criminal arrests, charges, or convictions (excluding misdemeanor traffic offenses punishable only by fine) to the appropriate Background Check Coordinator (BCC), within 24 hours or at the earliest possible opportunity. Failure to make the required report constitutes a violation of this policy and may result in disciplinary action, up to and including dismissal. Divisions must provide notification of this requirement to employees covered by this provision.

**VIII. Conducting Criminal Background Checks** – Criminal background checks will be conducted and managed within the divisions. The following process and roles will be built into how criminal background checks are conducted and what actions are taken. For purposes of this policy and these procedures, “conviction” includes pleas of guilty and no contest.
a. **Background Check Coordinator (BCC)** – Each division will identify at least one employee with experience in human resources as the division’s Background Check Coordinator (BCC). This individual will be responsible for all activities involved with the checks including determining the scope, conducting, making recommendations on results, and providing appropriate information to both employer and employee. A key component of this role involves keeping information confidential except on a need-to-know basis. Background Check Coordinators will be required to undergo initial and ongoing training. The Office of Human Resources and Office of Legal Affairs will be responsible for providing this training.

b. **Steps for Completing Check** – The following process is required for performing a **criminal background check**. All costs associated with conducting the check will be borne by the division.

1. **Securing Consent** – For those individuals with e-mail accounts, the consent process can be completed online using the university-contracted vendor without the need for a signed consent form. The BCC should send an e-mail to the applicant or volunteer informing him/her that the vendor will be contacting them to complete the consent form and start the criminal background check process. Alternatively, if electronic consent is not feasible or practical, the BCC may provide a hard-copy consent form to the applicant indicating that it needs to be completed and returned to the BCC along with a resume/vita/employment application if available.

   [See Attachment 2: Notification to candidate when using vendor electronic consent process.]

   [See Attachment 3: Consent Form – when not using online consent process.]

Divisions may decide to obtain consent at the time of application depending on the type of recruitment. Typically, the check is conducted only on the person selected for the job or as a volunteer, however, divisions may decide that they want to conduct a check on all finalists. The completed consent form(s) should always be sent from the finalist(s) to the BCC without involvement of the hiring manager. If the consent is secured via a hard-copy consent form, the BCC should enter it into the vendor’s system. Both processes will require the applicant to self-disclose whether he/she has ever been convicted of a crime or is currently facing criminal charges.

An applicant’s or volunteer’s failure to consent to a criminal background check or falsification of any related information is grounds for the rejection of the applicant or volunteer.

**As of December 2, 2013, General Information Services (GIS) is** the private vendor under contract to conduct criminal background checks.
2. **Conducting the Criminal Background Check** - The BCC will use the standard criminal background package setup in GIS. This GIS package includes:

- *Social security number validation and trace module* – This trace determines the scope of check by identifying all the places within the United States the individual has resided. If the social security number is not valid, the individual will have three working days from the receipt of the notification of invalidity to challenge the findings and then seven working days to resolve the matter with the Social Security Administration. If the matter is not resolved within the stated timeframe, the applicant or volunteer will become ineligible for the position.

[See Attachment 4: Social Security Adverse Action Template]

Individuals who have recently arrived in the U.S. on a non-immigrant visa (e.g., H-1, J, etc.) or who have recently received a change in their visa status that permits them to work may not yet have a social security number at the time of hire. In such instances, the BCC will perform the standard criminal background check in GIS (social security number will not be entered in these situations).

- *Criminal convictions by county of residence* – GIS collects conviction information going back seven years from all the U.S. counties where the individual has resided (determined by social security number trace).

- *National Sex Offender Registry* – GIS identifies whether the individual has been placed on any state sex offender registries.

- *National criminal background check database* – GIS searches national criminal conviction database(s) to identify any convictions within all U.S. jurisdictions, including federal offenses. This includes Wisconsin’s Department of Justice (DOJ) database (will not be limited to 7 years).

Note – The periodic background check for current employees who have access to vulnerable population, will be limited to the Wisconsin DOJ and the GIS national criminal/sex offender databases unless the employee has lived outside of Wisconsin since the previous background check.

3. **Foreign National Criminal Background Checks** – An appropriate U.S. criminal background check must be conducted on an applicant for employment, current employee, or volunteer who is a foreign national being considered for a position 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. A specific international capability will be setup within GIS for this check.
Note: The social security trace conducted by the vendor will not find places of residence outside of the U.S. The BCC should use all available information to determine whether the individual has lived in other countries. Appropriate sources of this information include a resume or curriculum vitae.

4. **Non-Criminal Records** - In the course of using various databases to complete the background check, the BCC may learn of actions that are irrelevant to the criminal background check. For example, the GIS reports may include arrests where the charges have been dropped. In another example, civil suits (e.g., divorce, financial) filed against the individual may appear in the returned records.

It is imperative that no consideration be given to these matters and they not be communicated by the BCC in any way.

An exception exists for tickets or fines for traffic, rule or municipal ordinance violations. These are not crimes, but can be considered if the offense is substantially related to the job [e.g., a DUI ticket (first offense) for an applicant for a position that requires driving].

**IX. Making Determination Whether Criminal Record is Substantially Related to the Position** – *The existence of a conviction is not an automatic exclusion from employment.* Wisconsin’s Fair Employment Act prohibits employers from discriminating against prospective or current employees based on pending criminal charges or convictions unless the “pending criminal charge” or “conviction record” is determined to be “substantially” related to the “circumstances of the particular job.” Arrests (other than pending) or detention orders that do not result in convictions or pleas and expunged convictions cannot be considered.

The University has created a panel, comprised of staff from the Office of Legal Affairs, the Office for Equity and Diversity, the Classified Human Resources office and the Academic Personnel Office, that will review all crimes and pending arrests to determine whether there is a substantial relationship. In reviewing the results of a criminal background check, the panel will consider the following factors in order to determine whether there is a substantial relationship between the pending charge or conviction and the position and whether the applicant should be further considered for the position.

**The Offense.** The nature, severity and intentionality of the offense(s) including but not limited to:

- The statutory elements of the offense (rather than the individual’s account of the facts of the offense);
- The individual’s age at the time of the offense(s);
- Number and type of offenses (felony, misdemeanor, traffic, other);
- Time elapsed since the last offense;
- The individual’s probation or parole status;
- Whether the circumstances arose out of an employment situation; and
- Whether there is a pattern of offenses.
The Position. The duties, responsibilities and circumstances of the position, including but not limited to:

- The nature and scope of the position, including key access to residential facilities, key access to other facilities, access to cash and access to vulnerable populations, including minors;
- The nature and scope of the position’s student, minor, public or other interpersonal contact;
- The nature and scope of the position’s autonomy and discretionary authority;
- The nature and scope of supervision, including supervision received in the position and/or provided to subordinate staff;
- The sensitive nature of the data or records maintained or to which the position has access;
- The opportunity presented for the commission of additional offenses; and
- The extent to which acceptable job performance requires the trust and confidence of the employer, the University or the public.

The Individual. The individual’s record of performance and behavior on recent jobs at UW-Madison or elsewhere.

The criminal background check policy and procedures do not change the usual decision-making authority for hires, which varies by division and by type of employee. For example, nothing in this policy usurps or diminishes an academic department’s existing authority in making faculty hiring decisions.

Once the criminal background check is completed, the BCC shall review the results and act as follows.

- If no criminal records are found, the BCC shall inform the person making the hiring decision that an offer may be made.

- If the check discloses a pending charge or conviction for a felony or misdemeanor, the unit BCC is required to consult with the Office of Human Resources (Classified Human Resources for classified employees or Academic Personnel Office for unclassified employees) through the online UW-Madison CBC system (https://apps.ohr.wisc.edu/cbc/) to make a determination whether the criminal activity is substantially related to the functions of the position.

- If the panel concludes that there is no substantial relationship between the offense(s) and the position or there is a substantial relationship but there are mitigating factors that override the finding of a substantial relationship, the panel will inform the BCC. The BCC will then inform the person making the hiring decision that an offer may be made.

- If the panel concludes that there is a substantial relationship between the offenses and the position without adequate mitigating factors, the panel shall inform the BCC that an offer cannot be made. If the person has already begun in a position, the BCC should consult with OHR to determine next steps.
The BCC shall keep the background check results confidential except on a need-to-know basis.

X. Individual Notified of Results – If a decision is tentatively made not to hire an applicant, to withdraw an offer or take action with existing employee, or to reject a volunteer based upon the results of the background check, the BCC will be responsible for notifying the individual of the results of the check and the appeal process. The individual will have three working days from the receipt of the notification to challenge the findings to the BCC and then seven working days to successfully resolve it. The BCC must consult with OHR in cases of appeal or circumstance involves a current employee. If the findings are upheld, the BCC will notify the individual. Although the federal Fair Credit Reporting Act (FCRA) requires this notification process if an outside vendor conducts the checks, this notification process will be followed even if an outside vendor is not used. Nothing in this policy precludes current employees from challenging employment decisions via any other available University appeal, grievance, or complaint procedure after exhausting the appeal described in this section.

[See Attachment 6: Adverse Action Template]

XI. Keeping Records – Records gathered as a result of a criminal background check will be kept by the BCC in files segmented by applicant, employee, or volunteer name. These records will include:

- The Consent Form;
- Information collected from the check;
- Analysis and decision if criminal activity substantially related to position; and
- Any correspondence related to the criminal background check.

Alternatively, these records may be maintained in a secure university or vendor on-line data base.

The records will be securely maintained for a period of seven years after the position has been filled or action has been taken against an employee or volunteer. Records will be destroyed after seven years from the position being filled including the records of the applicant that was hired.

XII. Confidentiality – The BCC and the University will maintain the criminal background check records as confidential to the extent allowed by law. Although most records are obtained from public sources, the records may contain very sensitive information and BCCs are required to respect individuals’ privacy by only sharing any information obtained on a strict need-to-know basis.

XIII. Division Procedures – This campus policy should not prevent divisions from implementing their own criminal background check procedures that are specific to their environment. However, the division practice must meet the requirements of the campus policy and be approved by the chancellor or designee before being implemented.
XIV. Other Criminal Background Checks – Nothing in this policy shall be construed to prevent UW-Madison, with a reasonable basis, from obtaining at any time criminal background check information on any current employee or volunteer. Such checks are unusual and prior approval must be obtained from either the Academic Personnel Office or the Classified Human Resources office.

Any questions related to this policy, including interpretations and resource locations, should be directed to the human resources representative within the college/school/division.

Attachments

Authority: Regent Policy #20-19, Resolution 9276, adopted 12/08/06, amended effective 12/07/2012
## Determining When a Criminal Background Check is Required

### Current Employees

<table>
<thead>
<tr>
<th>Category</th>
<th>Conduct CBC?</th>
</tr>
</thead>
<tbody>
<tr>
<td>All current employees and volunteers in positions of trust with access to vulnerable populations (except precollege program employees and volunteers)</td>
<td>Yes - conduct CBC every four years</td>
</tr>
<tr>
<td>Precellular camp employees and volunteers who meet the definition as defined in section VII of the CBC policy</td>
<td>Yes - conduct CBC every two years</td>
</tr>
<tr>
<td>All other - Not in a job identified as a position of trust with access to vulnerable populations</td>
<td>NO**</td>
</tr>
</tbody>
</table>

### New Employee

<table>
<thead>
<tr>
<th>Category</th>
<th>Conduct CBC?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty, Academic Staff, Classified Permanent/Project, TA/PA or Limited</td>
<td>YES</td>
</tr>
<tr>
<td>Classified LTE, Student Hourly, Employee-in-Training (employment titles only)</td>
<td>NO*</td>
</tr>
<tr>
<td>Non-employee Appointments (e.g., Fellows, Postdoctoral Fellows, Research Assistants, and Volunteers)</td>
<td>NO*</td>
</tr>
</tbody>
</table>

### Internal Employee Movement (Within UW System, No Break in Service)

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Conduct CBC?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Staff, Classified Permanent/Project, Faculty, or Limited</td>
<td>Academic Staff, Classified Permanent/Project, E-I-T, Faculty, LTE, Student Hourly, TA/PA</td>
<td>NO*</td>
</tr>
<tr>
<td>Classified LTE</td>
<td>LTE, Student Hourly</td>
<td>YES</td>
</tr>
<tr>
<td>Academic Staff, Classified Permanent/Project, Faculty, or Limited</td>
<td>Academic Staff, Classified Permanent/Project, E-I-T, Faculty, TA/PA</td>
<td>YES</td>
</tr>
<tr>
<td>Employee-in-Training (E-I-T)</td>
<td>E-I-T, LTE, Student Hourly</td>
<td>NO*</td>
</tr>
<tr>
<td>Employee-in-Training (E-I-T)</td>
<td>Academic Staff, Classified Permanent/Project, Faculty, TA/PA</td>
<td>YES</td>
</tr>
<tr>
<td>Student Assistant</td>
<td>Academic Staff, Classified Permanent/Project, E-I-T, Faculty, LTE, Student Hourly, TA/PA</td>
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</tr>
<tr>
<td>Student Hourly</td>
<td>LTE, Student Hourly, E-I-T</td>
<td>NO*</td>
</tr>
<tr>
<td>Academic Staff, Classified Permanent/Project, Faculty, TA/PA</td>
<td>YES</td>
<td></td>
</tr>
</tbody>
</table>

### External Employee Movement (move from State Agency, No Break in Service)

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Conduct CBC?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classified LTE</td>
<td>LTE, Student Hourly</td>
<td>NO*</td>
</tr>
<tr>
<td>Classified LTE</td>
<td>Academic Staff, Classified Permanent/Project, E-I-T, Faculty, TA/PA</td>
<td>YES</td>
</tr>
<tr>
<td>Classified Permanent or Project</td>
<td>Academic Staff, Classified Permanent/Project, E-I-T, Faculty, LTE, Student Hourly, TA/PA</td>
<td>NO*</td>
</tr>
<tr>
<td>Classified Permanent or Project</td>
<td>Limited</td>
<td>YES</td>
</tr>
</tbody>
</table>

* Unless new position requires a CBC by law or it is a position of trust. See table below if current employee movement is between positions requiring a CBC based on law or being identified as a position of trust.
** Unless current position requires a periodic CBC by law (e.g., Wisconsin caregiver law, select agents etc.)

### Movement Between Required CBC Positions

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Conduct CBC?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caregiver, Fiduciary, or Position of Trust</td>
<td>Caregiver, Fiduciary, or Position of Trust</td>
<td>YES</td>
</tr>
</tbody>
</table>

### Return to UW*** after Break in Service (i.e., Appointment Ended)

<table>
<thead>
<tr>
<th>Circumstance of Return</th>
<th>Conduct CBC?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returning to Campus - Absence Less Than 12 Months</td>
<td>NO***</td>
</tr>
<tr>
<td>Returning to Campus - Absence 12 Months or more</td>
<td>YES</td>
</tr>
</tbody>
</table>

***Candidate from outside the UW exercising reinstatement eligibility or restoration rights is subject to a CBC

****Unless position requires a CBC by law or it is a position of trust

20220310
Template: Notification to Candidate of GIS Contact

Dear Jane Doe,

The [school/college/division] has [choose one: 1) identified you as a finalist; 2) selected you; 3) hired you; 4) appointed you] for the [title] position in [department name]. The University of Wisconsin’s Board of Regents requires that a criminal background check be conducted on all new appointments. This requirement was implemented to safeguard the campus community for students and employees and visitors.

To begin the criminal background check process, you will receive an e-mail from General Information Services (GIS), a vendor used by the University to conduct the check. Please watch for it. This correspondence will ask you to go to a website so you can electronically consent to the check and insert information that will allow for the check to be completed. You will also need to enter any past name(s) you have had over the last seven years.

The University of Wisconsin strictly adheres to Wisconsin’s Fair Employment Act, which prohibits employers from discriminating against job applicants based on criminal convictions or pending charges unless there is a substantial relationship between the criminal activity and the responsibilities of the position.

If you have any questions, please contact me.

Thank you for cooperating with this requirement.
Authorization to Release Criminal Information for Employment Purposes

Note: The position for which you are being considered for or are currently working in requires a criminal background check to be conducted as a condition of employment. This check includes a review of any pending charges or convictions. The Wisconsin Fair Employment Act prevents employers from disqualifying applicants based on criminal history unless the position for which the applicant applied has job responsibilities that are substantially related to the applicant’s criminal history.

I authorize UW-Madison to conduct a criminal background check. In connection with this consent, I authorize the use of law enforcement agencies and/or private background check organizations to assist UW-Madison in collecting this information. General Information Services (GIS) has been secured as a third party vendor (consumer reporting agency) to assist UW-Madison in collecting and verifying information.

I am aware that the information requested below regarding sex and date of birth is for the sole purpose of accurately gathering the information needed for the criminal background check and will not be used to unlawfully discriminate against me.

I also am aware that records of arrests on pending charges and/or convictions are not an absolute bar to employment. Such information will be used to determine if there is a substantial relationship between the circumstances of the arrest and/or conviction and the position for which I am being considered.

Position(s): 

UW-Madison Unit/Department: 

Please print (for identification purposes):

Full Legal Name: First Middle Last

Other Names You Have Used in Past Seven Years: 

Current Address: 

Previous Address (most recent): 

Phone Number: Alternate Phone Number (cell) 

Date of Birth: Gender: Female Male 

Month/Day/Year

Social Security Number: 

Have you ever been convicted of a criminal* offense or have any pending criminal* charges against you? * This refers only to felonies and misdemeanors; you do not need to include non-criminal traffic violations or municipal ordinance violations.

Yes ___ (provide details on next page) No ___

To the best of my knowledge, the information provided on this page and the next is true and complete. I understand that any falsification or omission of information may disqualify me for this position.

Signature Date
Authorization to Release Criminal Information for Employment Purposes

Nature and Date(s) of Conviction(s) and/or Pending Charge(s):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Name and Location of the Court or Jurisdiction for the items listed above:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Only return this completed form to:

Jane Doe, Criminal Background Check Coordinator
UW-Madison
College of Widgets
Office of Human Resources
Madison, WI 53707

12/2/13
Social Security # Adverse Action Template

December 1, 2013

Ms. John Smith
2530 Burrows Hill
Madison, WI 53071

Dear Ms. Smith,

As we recently informed you, the University of Wisconsin performs a criminal background check as part of the [employment/ appointment] process. To ensure an accurate criminal background check is conducted, your social security number first is validated.

This is to advise you that we could not validate your social security number. When we attempted the validation, there was a discrepancy. We will not be able to proceed with considering your application for employment based on this discrepancy.

If you believe there has been an error in this matter, you have three working days from the date you received this letter to submit a written appeal to me. If you decide to challenge, you will then have seven days to successfully resolve this issue with the Social Security Administration. You can contact the Social Security Administration at 1-800-772-1213 (toll free) or (866)-770-2262 (toll free).

You will not be considered for this position unless this matter is resolved.

Please contact me at xxx-xxxx if you have additional questions.

Regards,

Jane Doe, Criminal Background Check Coordinator
College of Widgets
University of Wisconsin – Madison

xc: Office of Human Resources

Attachment
Adverse Action Letter (Candidates) - Template

December 1, 2013

Ms. John Smith
2530 Burrows Hill
Madison, WI 53071

Dear Ms. Smith,

As part of our [appointment/ employment] selection process for the XXXXXX position, you were subject to a criminal background check. The results of this check are attached.

This is to advise you that you are not eligible for this position at UW-Madison as a result of your criminal background check. Pursuant to the Wisconsin Fair Employment Act, employment may be denied if an applicant’s criminal conviction record and/or pending criminal charges are substantially related to the circumstances of the particular job for which the applicant applied. The campus-wide Criminal Background Check Review Committee has determined there is a substantial relationship between your reported criminal activity and the position for which you were being considered.

If you believe the results of the background check are not accurate and/or you would like to challenge our determination, you have three working days to file an appeal. An appeal must be in writing stating the basis of the appeal. The appeal must be submitted to [your name and address]. You will then have an additional seven working days to resolve any inaccuracies you allege are contained in the criminal record.

Please contact me at xxx-xxxx if you have additional questions.

Regards,

Jane Doe, Criminal Background Check Coordinator
College of Widgets
University of Wisconsin - Madison

xc: Office of Human Resources
Dear Jane Doe,

The University of Wisconsin – Madison requires that a criminal background check (CBC) be conducted [every four years on all current employees and volunteers who hold a position of trust with access to vulnerable populations] or [two years on all current employees and volunteers who hold a position with precollege camps]. Your position has been identified as a position of trust with access to vulnerable populations. Your CBC was last conducted on [insert date]. Since it has been two/four years from the last time we conducted a background check, UW Madison [school/college/division] is required to conduct a new check (see link below). This requirement is to safeguard the campus community for students, employees and visitors.

To begin the criminal background check process, you will receive an e-mail from General Information Services (GIS), a vendor used by the University to conduct the check. Please watch for it. This correspondence will ask you to go to a website so you can electronically consent to the check and insert information that will allow for the check to be completed. You will also need to enter any past name(s) you have had over the last seven years.

Or

To begin the criminal background check process, you need to complete and sign the attached consent form. This gives your authorization to conduct the check. Please return this form to me within the next five working days.

The University of Wisconsin strictly adheres to Wisconsin’s Fair Employment Act, which prohibits employers from discriminating against individuals based on criminal convictions or pending charges unless there is a substantial relationship between the criminal activity and the responsibilities of the position.

If you have any questions, please contact me.

Thank you for cooperating with this requirement.

Regards,
John Smith, Criminal Background Check Coordinator

College of Widgets
University of Wisconsin - Madison


12/2/13
Template: For current employees and volunteers holding a position of trust with access to vulnerable populations who have not been checked (started before 2007)

December 2, 2013

Dear Jane Doe,

The University of Wisconsin - Madison requires (see web link below) that a criminal background check (CBC) be conducted on all current employees and volunteers who hold a position of trust with access to vulnerable populations. This requirement is to safeguard the campus community for students and employees.

Since you hold a position identified as a position of trust with access to vulnerable populations, the [school/college/division] is proceeding with a criminal background check.

To begin the criminal background check process, you will receive an e-mail from General Information Services (GIS), a vendor used by the University to conduct the check. Please watch for it. This correspondence will ask you to go to a website so you can electronically consent to the check and insert information that will allow for the check to be completed. You will also need to enter any past name(s) you have had over the last seven years.

Or

To begin the criminal background check process, you need to complete and sign the attached consent form. This gives your authorization to conduct the check. Please return this form to me within the next five working days.

The University of Wisconsin strictly adheres to Wisconsin’s Fair Employment Act, which prohibits employers from discriminating against individuals based on criminal convictions or pending charges unless there is a substantial relationship between the criminal activity and the responsibilities of the position.

If you have any questions, please contact me.

Thank you for cooperating with this requirement.

Regards,

John Smith, Criminal Background Check Coordinator
College of Widgets
University of Wisconsin – Madison