



Title CRIMINAL BACKGROUND CHECK POLICY	Number 208	Page 1 of 3
	Date 11/16/2020	

PURPOSE

It is the purpose of this policy to require criminal background checks on all new full-time employees and certain part-time employees to protect vulnerable persons and others who work for, enroll in, or attend programs through the Vermont State Colleges and to protect the integrity of the Vermont State Colleges financial operations.

POLICY

The Chancellor shall develop procedures to implement a system of criminal background checks that at minimum addresses the following:

A. Uniform Employment Applications

A uniform employment application shall be used for the Chancellor’s office and each member College. It shall not inquire into an applicant’s criminal record history. The form shall specify that providing false information on the form is grounds for immediate termination. The Chancellor’s Office and the member Colleges may inquire about a prospective employee’s criminal history record during an interview or once the prospective employee has been deemed otherwise qualified for the position.

B. Persons Covered

To the extent permitted by law, criminal background checks, including but not limited to those provided by online services, shall be conducted on all persons to whom an offer of full-time employment has been made. In addition, fingerprint-supported criminal background checks may be conducted on all persons, including student employees, to whom an offer of employment has been made where the terms and conditions of employment contemplate regular access to residence halls, day care centers, and other programs or facilities where vulnerable populations are known to be congregated. Existing employees who seek different employment within the Vermont State Colleges system need not undergo new criminal background checks if one had been performed upon initial hiring or thereafter. However, the results of the prior check may be weighed by the hiring authority if relevant and material to the position under consideration. For existing employees who have not undergone any prior criminal background check within the Vermont State Colleges system, one must be performed if the employee is offered a new position

that would otherwise require such a check (e.g. moving from a part-time to a full-time job, moving from a part-time job in the financial aid office to a part-time job in a day care center or residence hall).

C. Processing of Criminal Background Checks

Processing of criminal background checks shall be performed at each member College through its own hiring officials.

D. Conditional Offers of Employment

Due to the length of time necessary to process criminal background checks, applicants for employment who are subject to such checks under this policy shall be offered employment, and be permitted to be employed, conditioned upon the subsequent results not revealing any disqualifying criminal history.

E. Disqualifying Criminal Record History

The hiring authority at the Chancellor's office and at each member College shall make an individualized determination of whether a conditional employee's criminal record history warrants a revocation of the offer of employment. The decision shall weigh the severity of the criminal offense, the relationship between the offense and the duties of the position in question, the age of the offender at the time of the offense, the remoteness in time of the offense, and evidence of remorse and rehabilitation. However, in each employment matter where the criminal background check reveals the existence of a criminal record, the Chancellor and General Counsel shall be notified before any final employment decision is made.

F. Costs of the Criminal Background Checks

The applicants for employment shall pay the costs of the criminal background checks. However, in the case of hiring for the Chancellor's office, the Chancellor or designee, and in the case of a member College, the President or designee, may agree to cover the costs of the check in cases of demonstrated hardship.

G. Confidentiality of Criminal Background Check Information


Information obtained in the context of criminal background checks shall be kept confidential in accordance with any applicable state or federal law and in accordance with any user agreement entered into between the Vermont State Colleges and the Vermont Crime Information Center.

H. Time-sensitive Background Checks

Notwithstanding the above provisions, the member Colleges are permitted to use an online service to perform an expedited background check, without fingerprints, at the member College's expense, when a time-sensitive background check needs to be performed on persons, such as camp counselors and volunteers, who have access to residence halls, day care centers, and other programs or facilities where vulnerable populations are known to be congregated and there is insufficient time in which to obtain a fingerprint supported background check. A person undergoing an expedited background check under this provision shall not be considered an

“existing employee” and shall not, therefore, be exempted from undergoing a fingerprint-supported background check as set forth in Section B.

- I. Any activity or expense related to federal grants or contracts must comply with 2 CFR 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, in addition to the provisions above. The above shall be read to be consistent with federal requirements and to the extent any inconsistencies appear, the federal requirements shall prevail.

Signed by:

Sophie Zdatny, Chancellor

Date	Version	Revision	Approved By
04/20/2006	1.0	Adopted	VSCS Board of Trustees
07/21/2010	2.0	Updated	VSCS Board of Trustees
07/29/2016	3.0	Updated	VSCS Board of Trustee
11/16/2020	4.0	Updated	VSCS Board of Trustees