



VSC Policy

Title CRIMINAL AND CREDIT BACKGROUND CHECK POLICY	Number 208	Page 1 of 2
	Date Effective Date: 2/1/2024	

POLICY STATEMENT

Criminal background checks will be conducted on all external candidates to whom an offer of paid employment or appointment has been extended and who have not been actively employed by VSC within the past two years. Employment will be contingent on successfully passing the background check. In addition, a background check (criminal and/or credit) may be performed for a current employee applying for a sensitive position or a position involving the handling of cash or financial assets or for unpaid associates (e.g., Graduate Assistants) who are expected to work with vulnerable populations, including minors.

VSC will adhere to the requirements of the Federal Fair Credit Reporting Act as well as the Vermont Fair Credit Statute: [9 V.S.A. § 2480b](#)

PURPOSE

Vermont State Colleges strives to provide a safe environment for visitors, students, faculty, and staff. Information obtained by means of criminal and credit background checks helps determine the applicant's overall employability, ensuring the protection of the current people, property, and information of the organization. It is the purpose of this policy to require criminal background checks on all new (not employed within the past two years) full-time and part-time employees (excluding student employees) and certain contract employees (part-time faculty, instructors and temporary employees who regularly interact with students) 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.

DEFINITIONS

Sensitive position: A job which requires contact with minors or other "vulnerable populations" as defined by the National Child Protection Act as Amended in 1994. Regular access to residence halls, day care centers, and, at the discretion of the Chancellor or Presidents, other programs or facilities where vulnerable populations are known to be congregated, are factors used to determine whether a position is considered "sensitive". A Security Officer is an example

of a "sensitive position." The following non-exclusive considerations may be used to determine which positions are considered "sensitive positions":

- Master key access to buildings, including residences or other facilities
- Direct responsibility for the care, safety, and security of people, or the safety and security of personal and university property (includes childcare workers, physicians, student affairs officers, residence hall supervisors, coaches, transit drivers, etc.)
- Direct responsibility for the care, safety, and security of animals

POLICY

The Chancellor shall develop procedures, which may be amended from time to time, to implement a system of criminal background checks that at a minimum addresses the following:

A. Job Postings

The requirement to pass applicable background checks must be included in external job postings (except for student workers, some temporary, and some non-compensated positions).

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 employment has been made and who have not been employed by VSC within the previous two years. In addition, fingerprint-supported criminal background checks shall be conducted on all persons, including student employees, to whom an offer of employment has been made for a sensitive position. Credit background checks shall also be conducted on all persons whose employment involves substantive financial or fiduciary duties.

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 "sensitive position" (e.g. moving to a job in a residence hall or summer camp).

Consent for a Background Check must be obtained prior to conducting the check. If the services of a Consumer Reporting Agency are used, FCRA-compliant authorizations and disclosures must be provided to the candidate. Candidates may decline to authorize a background check; in such cases, no background check is performed, and the candidate's application is not considered further. Absent extenuating circumstances, candidates who

fail to participate fully or who provide inaccurate information in a background check will be eliminated from further consideration.

C. Confidentiality of Criminal Background Check Information

Information obtained in the context of criminal background checks shall be kept confidential in accordance with applicable state and federal laws.

It is the responsibility of the Chief Human Resources Officer to ensure policy compliance and work with VSC institutions to establish background check procedures as appropriate for their respective campuses.

Signed by:



Chancellor

Date	Version	Revision	Approved By
04/2006	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 Trustees
11/16/2020	4.0	Updated	VSCS Board of Trustees
11/13/2023	5.0	Updated	VSCS Board of Trustees