Frequently Asked Questions (FAQ’s) regarding criminal background checks

Who is required to undergo a criminal background check?

- New hires for all positions; unclassified (faculty, academic staff and graduate assistants), classified (permanent, project, and limited term (LTE)).
- All employees who have not had a background check completed within the last four (4) years:
  - unclassified (faculty, academic staff, limited and graduate assistants)
  - classified (permanent, project, and limited term (LTE)
  - Student employees (only if identified as a “position of trust”)
- Volunteers

How often will criminal background checks be conducted?

After the initial check has been completed, criminal background checks will be performed every four-years thereafter.

Student employees who have been identified as holding a “position of trust” with access to vulnerable populations will have a criminal background check performed every four-years thereafter.

How are criminal background checks being conducted for student employees?

When hiring a student for a position, the hiring supervisor will complete a work authorization form. On the student work authorization form, the hiring supervisor will indicate whether the student employee is holding a “position of trust”. If the position has been identified as a “position of trust” a criminal background check will be conducted.

Are there any exceptions to who is required to have a criminal background check?

All employees identified above will be required to undergo an initial criminal background check. Exceptions may occur to the four-year check if the employee’s supervisors, division head, and Human Resources Director agree they do not hold positions of trust with access to vulnerable populations and should be exempt from ongoing background checks.
How are “positions of trust” defined?

“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

Why are all employees and volunteers, excluding students at UW-Stout being treated as holding a position of trust with access to vulnerable populations?

UW-Stout wants to ensure a safe campus environment for students, staff and visitors. UW-Stout has a large population of visitors who are minors who come to campus for campus college visits, conferences, camps, K-12 programs. In order to maintain a consistent application across UW-Stout all employees and volunteers have been determined as holding a position of trust with access to vulnerable populations.
How are the criminal background checks conducted?

Criminal background checks will be performed by the Human Resources Office using the vendor General Information Services (GIS). Employees/applicants will be contacted by GIS via email asking them to give consent and supply personal information through a secure website including, social security number, date of birth, current and previous addresses, convictions and pending charges for the last 7 years. Employees/applicants will be given 5 days from the date the email message is sent to supply this information. Human Resources will follow up with the supervisor if the information has not been supplied after 5 days.

What information is collected from GIS?

A criminal background check on prospective hires, employees, and volunteers shall include a check of the Wisconsin Department of Justice, Crime Information Bureau electronic database, and a check provided by GIS that includes the following components:

a. Social Security number trace - to authenticate applicant’s information and generate a list of addresses the applicant has lived at for the last seven (7) years; as part of the trace, the University may verify that the social security number is valid and appropriately assigned to the individual.

b. Criminal felony and misdemeanor check by county or residence – superior and municipal court records search in any county in the U.S. in which the individual has resided in the last seven years

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

d. National Criminal Background Database – search of the vendor’s proprietary national criminal background check database.

Who receives the criminal background check results?

The Human Resources Office will receive the results of the criminal background check. Information collected in connection with the criminal background check will be treated confidentially to the extent permitted by the Wisconsin Public Records Act and other applicable laws.

What happens if there is a criminal record?

A pending criminal charge or conviction will not necessarily disqualify an applicant. Wisconsin’s Fair Employment Act states that employers cannot discriminate against prospective or current employees based on past or pending arrests or convictions. There are exceptions to this requirement if a “pending criminal charge” or “conviction record” is determined to be “substantially” related to the circumstances of the particular job.
Who determines if a pending arrest or conviction substantially relates to the circumstances of a particular job?

The following below individuals will determine if a relationship exists:

- Director of Human Resources/Affirmative Action Officer (or designee)
- Assistant Director of Human Resources (or designee)
- Appropriate Division Administrator (Chancellor, Provost, Vice Chancellor)

UW System Legal Counsel may be consulted if necessary.

The factors identified in Appendix C of the Criminal Background Check Policy will be considered in order to determine whether there is substantial relationship between the pending charge or conviction and the position.

Are the criminal background check results kept confidential?

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(s) in Human Resources responsible for all aspects of conducting criminal background checks and ensure that appropriate training is provided.

Who do I contact to obtain a copy of my CBC results?

Individuals may request a copy of their CBC results through the GIS website at www.geninfo.com.

Do foreign nationals need to undergo a criminal background check?

Criminal background checks conducted on foreign nationals will be subject to the following provisions:

A U.S. criminal background check will be conducted on an applicant for employment, current employee, or volunteer who is a foreign national and subject to this policy. A criminal history check in the individual’s prior country(ies) of residence will be conducted only if their country(ies) of residence provide criminal background information for the time period during which the individual was a resident. Media searches are not considered a criminal background search.
How long does it take to conduct a criminal background check?

Criminal background checks can normally be completed within 48-72 hours of the time the employee/applicant provides the required information and consent to GIS. However, circumstances such as the need to perform an international criminal background check may require additional time.

How soon after receiving the criminal background check results may the candidate begin work?

Employees may begin employment as soon as a successful criminal background check has been completed and all other conditions of employment have been met.

Employees may not commence employment until a successful criminal background check has been completed. Criminal background checks may be completed before an offer of employment is made or may be made contingent on successful completion. Requests for exception to begin employment prior to the completion of the criminal background check may be granted in writing by the Chancellor or designee.

How are departments informed of the results of the criminal background check?

When conducting a criminal background check on a new employee Human Resources will contact the hiring supervisor or designee indicating completion.

What are my obligations as an employee after a criminal background check has been conducted?

After the initial criminal background check has been conducted employees and volunteers are required to report any criminal arrests, charges or convictions (excluding misdemeanor traffic offenses punishable only by fine) to the Human Resource office within twenty-four (24) hours or at the earliest possible opportunity.