

COLORADO COMMUNITY COLLEGE SYSTEM
SYSTEM PRESIDENT'S PROCEDURE
EMPLOYMENT BACKGROUND CHECKS

SP 3-10a

APPROVED: February 8, 2006
EFFECTIVE: February 8, 2006
REVISED: May 23, 2007

REFERENCES: State Board Policy BP 3-10 Administration of Personnel
Titles VI and VII of the Civil Rights Act of 1964, as amended
Fair Credit Reporting Act of 1996 (7)
The Americans with Disability Act of 1990, as amended
Colorado Open Records Act C.R.S. 24-72-201
Title 5, U.S. Code Section 552a; Privacy Act

ISSUED BY:

Nancy J. McCallin, System President

Application

This procedure applies to all employees, as defined in BP 3-10, finalists for employment and volunteers in the Colorado Community College System.

Basis

Board Policy 3-10 requires the System President to establish procedures for evaluating the qualifications and suitability for employment of all Colorado Community College System employees, volunteers and employment finalists to include a review of qualifications, previous employment, criminal history, and, when applicable, credit and driving history.

Current Employees

The Colorado Community College System reserves the right to conduct a criminal, credit and/or driving background check on a current employee. For employees hired prior to February 1, 2006, written authorization from the employee is obtained prior to conducting a background check on a current employee. Human Resources annually checks driving records of employees whose position responsibilities include operating a state vehicle. Employees and volunteers are required to notify their immediate supervisor if they are convicted of a felony or other offense of moral turpitude that adversely affects the employee's ability to perform the job or has an adverse effect on the Colorado Community College System no later than five (5) days after the date of

such a conviction. Employees whose position responsibilities include operating a state vehicle are required to notify their immediate supervisor if their driver's license is suspended, revoked or canceled no later than five (5) days after the date of such action.

Current employees who are finalists for positions within the Colorado Community College System are to have background checks conducted when being considered for positions involving the following responsibilities:

1. Fiscal Assets
2. Physical Assets
3. Science Lab Assistance
4. Childcare
5. Campus Police
6. Classroom Assignment

Prospective Employees and Volunteers

In order to evaluate qualifications and suitability for employment or volunteering, the Colorado Community College System requires employment finalists and volunteers to provide information on qualifications, previous employment, criminal history, and, when applicable, credit and driving history. After an employment finalist has been identified an offer of employment can be made, but must be contingent upon a successful background check. The background check forms are to be completed after an offer of employment has been made.

The Office of Human Resources requests a background check from the Colorado Community College System contracted consumer reporting agency as follows:

1. Criminal history in the states where the individual resides or resided in the past seven years for all employment.
2. Credit history for employment that involves cash handling and/or accounting transactions.
3. Driving history for employment that includes driving a State of Colorado vehicle or transporting students.

To assure confidentiality of all applicant information, each Office of Human Resources centrally coordinates the criminal/credit/driving history check process. Results of background checks with criminal/credit/driving history that make a finalist's suitability for employment questionable are reviewed by the Human Resources Director or designee. The Human Resources Director or designee consults with the appropriate executive staff member and the hiring supervisor to render a determination in accordance with applicable federal and state statutes on the use of criminal/credit/driving records in selection and employment. Results that indicate any criminal convictions, guilty or nolo contendere pleas, deferred adjudications, deferred judgments, questionable credit history or driving offenses from the age of 18 are considered based on the nature, seriousness, number of and recency of the actions as they relate to the employment involved and their implications for the general safety and security of the campus

community. Consideration is also given to the accuracy of the individual's disclosure of offenses, as well as whether the offenses arose out of employment situations.

Authorizations

In accordance with this procedure, all employment finalists and volunteers are required to sign a Criminal Record Disclosure (Attachment A), a Release Authorization for conducting a background check (Attachment B) and a General Release and Authorization (Attachment C). A refusal to sign these forms will result in the offer of employment being null and void. The Human Resources Office will be responsible for providing finalists and volunteers with the required forms including a summary of their rights under the Fair Credit Reporting Act.

Notification

In the event that a determination regarding an employee's, volunteer's or finalist's criminal/credit/driving record may result in an adverse personnel decision, the Human Resources Office is responsible for notifying the individual, in writing utilizing the format shown on Attachment D, of the disposition of his/her history check. Individuals may contact the Human Resources Office within ten (10) days of the date of written notification to challenge the results of a history check. Criminal history checks may be challenged by requesting a fingerprint-based verification check, of which the cost is the responsibility of the employee, volunteer or finalist. This waiting period may delay the start date on the offer of employment for up to ten (10) days. In the event a history check is not challenged or if a challenge is unsuccessful, the Human Resources Office is responsible for notifying the individual, in writing utilizing the format shown on Attachment E, of the final decision disposition.

Departmental Responsibility

Hiring supervisors are responsible for reviewing credentials (e.g. degrees and certifications), confirming employment history and checking references.

Disqualification

An applicant or employee who provides misleading, erroneous, or deceptive information on an application form, resume, credential documents, disclosure form, or in an interview is immediately eliminated from further consideration for employment.

ATTACHMENT A

**COLORADO COMMUNITY COLLEGE SYSTEM
CRIMINAL RECORD DISCLOSURE**

In connection with your application for employment or current employment, we may procure a criminal record and, if applicable to the employment you are applying for, a credit check or driving history report on you as part of the process of considering your suitability for employment with the Colorado Community College System. In the event that either or both of these reports are utilized in whole or in part in making an adverse decision with regard to your potential or current employment, before making the adverse decision, we will provide you with a copy of the criminal record, credit check and/or driving history report as well as a description in writing of your rights under the law.

The Colorado Community College System also reserves the right to conduct a background check on a current employee.

The Fair Credit Reporting Act gives you specific rights in dealing with consumer reporting agencies. You will find these rights summarized on the attached document.

By your signature below, you hereby authorize us to obtain a criminal record and, if applicable to current employment or the employment you are applying for, a credit check or driving history report on you in order to consider your employment with the Colorado Community College System.

Applicant's Name: _____
(Please Print)

Applicant's Address: _____

City/State/Zip: _____

Adult criminal convictions, guilty or nolo contendere pleas, deferred adjudications or deferred judgments from the age of 18 must be reported on the reverse side of this form. If the verification results show that false statements, including omission(s), were made, then application for employment, as well as any actions based on it, will be voided and the person will not be eligible for future employment with the Colorado Community College System.

Signature: _____

**COLORADO COMMUNITY COLLEGE SYSTEM
CONVICTION DETAIL**

Important Instructions:

- You must list **ALL** adult criminal convictions, guilty or *nolo contendere* pleas, deferred adjudications or judgments.
- If the position you are applying for involves the operation of a state vehicle, you must list all adult driving offenses and convictions.
- Complete one section for each conviction, guilty or *nolo contendere* plea, deferred adjudication or judgment.
- Each reported record must be fully completed. Leave no blank spaces.
- Please attach a separate page if additional space is needed.
- You may not be able to modify this form later.

If you have no convictions, guilty or nolo contendere pleas, deferred judgments and/or deferred adjudications or applicable driving offenses to report, please check here and sign below.

Convictions, Guilty or *Nolo contendere* pleas, and/or Deferred Judgments or Adjudications

Date (mm/yyyy) _____

Location (city, state) _____

Type of offense _____

Name of court _____

Nature of offense _____

Date (mm/yyyy) _____

Location (city, state) _____

Type of offense _____

Name of court _____

Nature of offense _____

Date (mm/yyyy) _____

Location (city, state) _____

Type of offense _____

Name of court _____

Nature of offense _____

I certify that the statements made by me in this section are true, complete and correct to the best of my knowledge and belief and are made in good faith. I understand that any false statements made herein, including omissions, will void my application and any actions based on it and I will not be eligible for future employment with the Colorado Community College System.

Print Name

Signature

Date

Summary of Rights Under the FCRA

The federal **Fair Credit Reporting Act** (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every consumer reporting agency (CRA). You can find the complete text of the FCRA, 15 U.S.C. 1681-1681u, at the Federal Trade Commission's web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under the state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

1. You must be told if information in your file has been used against you. Anyone who uses information from a CRA to take action against you--such as denying an application for credit, insurance or employment must tell you and give you the name, address, and phone number of the CRA that provided the consumer report.
2. You can find out what is in your file. At your request, a CRA must give you the information in your file and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You are also entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
3. You can dispute inaccurate information with the CRA. If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs--to which it has provided the data, of any error.) The CRA must give you a written report of the investigation and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
4. Inaccurate information must be corrected or deleted. A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified. If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
5. You can dispute inaccurate items with the source of the information. If you tell anyone--such as a creditor who reports to the CRA--that you dispute an item, they may not then report the information to a CRA without including a notice of your

dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.

6. Outdated information may not be reported. In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.
7. Access to your file is limited. A CRA may provide information about you only to people with a need recognized by the FCRA, usually to consider an application with a creditor, insurer, employer, landlord, or other business.
8. Your consent is required for reports that are provided to employers or reports that contain medical information. A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
9. You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers. Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
10. You may seek damages from violators. If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The Fair Credit Reporting Act gives several different federal agencies authority to enforce the FCRA. For questions or concerns regarding:

Consumer Reporting Agencies, creditors and others not listed below, please contact:	Federal Trade Commission Bureau of Consumer Protection-FCRA, Washington, DC 20580 (202) 326-3761
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name), please contact:	Office of the Controller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 (800) 613-6743
Federal Reserve System member banks (except national bank Federal Reserve Board and federal branches/agencies of foreign banks), please contact:	Division of Consumer & Community Affairs Washington, DC 20551 (202) 452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institutions name), please contact:	Office of Thrift Supervision Consumer Programs Washington, DC 20552 (800) 842-6929
Federal credit unions (words "Federal Credit Union" appear in institutions name), please contact:	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 (703) 518-6360
State-chartered banks that are not members of the Federal Reserve System, please contact:	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 (800) 934-FDIC
Air, surface or rail common carriers regulated by former Civil Aeronautics Board of Interstate Commerce Commission, please contact:	Department of Transportation Office of Financial Management Washington, DC 20590 (202) 366-1306
Activities subject to the Packers and Stockyards Act, 1921, please contact:	Department of Agriculture Office of Deputy Administrator-GIPSA Washington, DC 20250 (202) 720-7051

Sex: Male Female

Race: Black, non-Hispanic Hispanic or Latino
 American Indian or Alaskan Native White, non-Hispanic
 Native Hawaiian/Pacific Islander Asian

Drivers License Number

State Issuing License

Name as it appears on license

Address information for the past 7 years must be reported on the reverse side of this form. If the verification results show that false statements, including omission(s), were made by the applicant, then his or her application for employment, as well as any actions based on it, will be voided and the person will not be eligible for future employment with the Colorado Community College System.

Signature

Date

**COLORADO COMMUNITY COLLEGE SYSTEM
ADDRESS INFORMATION**

Present Address _____ / _____
Street City State Zip County

How long did you live at this address? _____

Have you lived outside of the state of Colorado in the last seven (7) years? yes no

If yes, please list all previous addresses outside of Colorado within the past seven (7) years and the amount of time spent at each address:

Previous Address _____ / _____
Street City State Zip County

How long did you live at this address? _____

Previous Address _____ / _____
Street City State Zip County

How long did you live at this address? _____

Previous Address _____ / _____
Street City State Zip County

How long did you live at this address? _____

Previous Address _____ / _____
Street City State Zip County

How long did you live at this address? _____

Previous Address _____ / _____
Street City State Zip County

How long did you live at this address? _____

Previous Address _____ / _____
Street City State Zip County

How long did you live at this address? _____

I certify that the statements made by me in this section are true, complete and correct to the best of my knowledge and belief and are made in good faith. I understand that any false statements made herein, including omissions, will void my application and any actions based on it and I will not be eligible for future employment with the Colorado Community College System.

Print Name

Signature

Date

ATTACHMENT C

**COLORADO COMMUNITY COLLEGE SYSTEM
GENERAL RELEASE AND AUTHORIZATION**

I, _____, for myself, my successors, agents and estate, hereby release the State of Colorado, the State Board for Community Colleges and Occupational Education (SBCCOE), Colorado Community College System, including the state community colleges and the central System office, and all current and former employees, agents and attorneys of the State of Colorado from any and all claims, causes of action, liabilities, expenses and for damages which I may assert against any of them as a result of my undergoing an employment or pre-employment background and reference check by the Colorado Community College System.

Furthermore, I hereby authorize any former employer and/or agents of a former employer, to provide said information to any representative of the Colorado Community College System upon request.

Furthermore, I _____, for myself, my successors, agents and estate, hereby release any former employer and/or any agents of a former employer from any and all claims, causes of action, liabilities, expenses and for damages which I may assert against any of them as a result of the information they provided to the Colorado Community College System as part of employment or pre-employment background and reference checking on me.

Furthermore, I understand that this release shall be forever binding and no revision, modification or release therefrom may be made without the express written consent of the Colorado Community College System and SBCCOE.

A photocopy of this release will be sufficient to authorize the release of the aforementioned information.

Signature

Date

ATTACHMENT D

Date

Name

Street

City/State/Zip

RE:

Dear

This letter is to inform you that the Colorado Community College System is considering denying you employment based upon your (criminal/credit/driving) record, which we have obtained from our consumer reporting agency.

Pursuant to the Federal Fair Credit Reporting Act ("FCRA"), 15 U.S.C. 1681 and Federal Trade Commission Regulations contained in 16 C.F.R. Part 601, we are required to provide you with a copy of the consumer report containing the aforementioned information as well as a copy of your rights under the FCRA. A copy of the consumer report we received and a copy of your rights under the FCRA are therefore enclosed. The consumer reporting agency retained by (College) is (Company Name and Address). The agency's telephone number is (Agency Telephone Number).

You have ten days from the date of this letter to contact us to discuss this report with us before we make a final decision. If you wish to discuss this matter with us, please contact the undersigned directly at (Contact Telephone Number).

Sincerely,

Name

Title

Department

Enclosures

ATTACHMENT E

Date

Name
Street
City/State/Zip

RE:

Dear

This letter is to inform you that Colorado Community College System has determined you are not suitable for employment based upon your criminal record, which we have obtained from our consumer reporting agency.

Furthermore, because we have denied you employment based in whole or in part on the information we received from a consumer reporting agency, we are required under the Federal Fair Credit Reporting Act ("FCRA"), 15 U.S.C. 1681 and Federal Trade Commission Regulations contained in 16 C.F.R. Part 601, to provide you with a copy of the consumer report containing the aforementioned information as well as a copy of your rights under the FCRA, including the name, address, and telephone number of the consumer reporting agency that provided us with that information. A copy of the consumer report we received and a copy of your rights under the FCRA are enclosed. The consumer reporting agency retained by (College) is (Company Name and Address). The agency's telephone number is (Agency Telephone Number).

You have the right to obtain a free copy of this report and to dispute the accuracy or completeness of this consumer report with the consumer reporting agency within 60 days of this letter. However, the consumer reporting agency did not participate in our decision not to offer you employment; therefore, the agency will not be able to provide you with reasons for our decision.

Please contact our office at (Contact Telephone Number) if you have any questions.

Sincerely,

Name
Title
Department

Enclosures