

	Background Investigation Policy	Responsible Administrative Unit: Human Resources
	Issued: July 1, 2007 Revised: May 1, 2018	Policy Contact: Director, Human Resources mdarveau@mines.edu

1.0 BACKGROUND AND PURPOSE


The Colorado School of Mines (“Mines” or “the school”) seeks to assure that its academic and research missions are supported by qualified faculty, staff, and student employees. It is also important that individuals hired or appointed do not pose threats to the physical safety of the campus community or unacceptable risks to the integrity of financial processes, assets, and records. In order to meet this standard, reasonable efforts will be made to check background information as described below for individuals being considered for employment or appointment, or who will be engaged in activities working with minors after their employment or appointment has begun.

The specific purpose of conducting a background investigation is to verify within legal and professional limits the objective credentials and suitability of the candidate for employment or appointment with Mines. The school strives to ensure that individuals who work with minors, as defined in the [Policy on the Protection of Minors](#), and newly hired faculty, staff, volunteers, and student employees are well-qualified, have a strong potential to be successful, have honestly presented their background and credentials, and have fully disclosed information that is relevant to the hiring decision.

The following policy and procedures are intended to assist applicants, employees and supervisors in understanding the considerations and processes involved in conducting background investigations and making decisions with respect to information obtained during the investigation.

2.0 DEFINITIONS

- 2.1 Appointment/Appointee:** Refers to a non-paid position, held by a student or non-student, whether it be volunteer or non-remunerative.
- 2.2 Background Investigation or Background Check:** Process of acquiring records and information regarding an individual that are used to determine the individual’s suitability for employment or appointment or assignment to a program, event, or activity designed for minors. At a minimum, a background investigation will include criminal history, sex offender registry check, and verification of social security number (potential employees only). Depending on the position, background checks may also include, but are not limited to verification of employment history, educational credentials, licenses held, etc.

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2.3 Employment/Employee: Refers to positions at Mines that are paid through the Mines payroll system for work performed, regardless of whether part-time or full-time, or held by a student or non-student. For purposes of this policy, student employment includes graduate student employment.

2.4 Executive: A Vice President, the Provost, or the President, or their designees.

3.0 POLICY

3.1 Protection of Minors

It is the policy of the Colorado School of Mines to conduct background investigations as a condition of Employment or Appointment, or for those who work with minors as defined in the [Policy on the Protection of Minors](#). Specifically, background investigations will be conducted on persons to whom it offers:

- Non-student Employment
- Non-remunerative or Volunteer Appointment
- Student Employment in the following departments:
 - Department of Public Safety
 - Office of the Registrar
 - Payroll
 - Residence Life
 - Human Resources
 - Legal Services
 - Bursar's Office / Cashier's Office
 - Other departments at the request of the department head
- Student Employment that involves operating a motor vehicle
- Appointment or Employment in Athletics camps
- Assignments with minors as defined in the [Policy on the Protection of Minors](#)

Employment, Appointment, or participation in programs, activities, or events that are designed for minors is contingent upon the successful completion of the background investigation for the selected applicant. Having a criminal history or criminal conviction does not necessarily preclude an individual from Employment or Appointment with the school. Review will occur on a case-by-case basis. The supervisor of the unit in which the applicant seeks Employment or Appointment and the responsible Executive, with advice from

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Human Resources and Legal Services, will evaluate the relevance of information obtained during the background investigation.

Faculty, staff, student employees, and appointees who are charged with or convicted of any misdemeanor or felony involving minor children or are charged with or convicted of a felony not involving minor children **after** they have been offered Employment or Appointment or have begun Employment or Appointment must contact Human Resources within five (5) days of the conviction and provide information about the conviction. Failure to provide this information within the five (5) day period will subject the employee or appointee to disciplinary action up to and including termination of his or her Employment or Appointment with Mines.

3.2 Federal Tax Information Requirement

Any applicant, contractor, employee, or other individual who may have access to federal tax information (FTI) (as defined in Federal Internal Revenue Service Publication 1075, as amended) received from the federal government will need to complete a fingerprint-based criminal history record check. Mines Police Department will collect the fingerprints and forward them to the Colorado Bureau of Investigation (CBI), who will then forward the prints to the FBI. Mines shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether the applicant, employee, contractor or other individual is qualified to have access to FTI unaccordance with IRS Publication 1075. If an applicant, contractor, employee or other impacted individual does not pass the fingerprint-based criminal history record check they shall not have access to FTI received from the federal government.

3.3 Exclusions

Background investigations are not required for the following categories of Employment or Appointment:

- Transitional retirees;
- Emeriti faculty reappointments;
- Returning Employees or Appointees (non-tenure track faculty, adjuncts, research faculty if the period since the prior appointment is not in excess of two years);

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- Student or graduate student Employees who are offered a temporary non-student Appointment or Employment upon graduation; and
- Staff retirees of Mines returning for short term or temporary assignments.

The above exclusions do not apply to any individual who works with minors as defined within the [Policy on the Protection of Minors](#).

3.4 Process Overview

Applicants invited for interview for Employment or Appointment will be advised by the hiring department of the background investigation requirement. If an individual who is offered Employment or Appointment fails to provide consent to conduct the background investigation, the offer will be withdrawn.

4.0 PROCEDURES

4.1 Determining Applicability


4.1.1 All Employment is subject to the background investigation process as defined in this policy and procedures.

4.1.2 For Appointments, the appointing supervisor or manager will determine if the characteristics of the Appointment match one or more of those where a background investigation is required. The decision of the supervisor or manager will be communicated to Human Resources or Academic Affairs as appropriate to the Appointment desired. If the supervisor or manager is not the department director, the supervisor or manager must obtain the department director's approval of the decision.

4.2 Candidate Disclosure Requirements

Individuals offered covered Employment or Appointment will be required to complete the [Background Investigation Disclosure and Authorization](#) form and will be provided the "[A Summary of Your Rights Under the Fair Credit Reporting Act](#)" publication.

Candidates are required to provide accurate and sufficient information necessary to conduct a thorough background check. A signed disclosure and authorization form authorizing the background check and the release of factual information by

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former employers, educational institutions, or other organizations is part of the reference and background investigation process. Refusal to sign such a release eliminates the applicant from further consideration for Employment or Appointment.

Providing misleading, erroneous, or deceptive information in the application materials (vita, resume, etc.), or in an interview may be grounds for elimination from further consideration for Employment/ Appointment, withdrawing an offer, or termination of Employment/ Appointment. Falsification of application materials may be grounds for termination of Employment or Appointment or non-selection of an applicant.

4.3 Institutional Requirements

- 4.3.1 Except as noted in §3.1, all offers of Employment/ Appointment, oral and written, must include the following statement: “This offer is contingent upon the school’s verification of credentials and other information required by school policies, including the completion of a criminal history background check.”
- 4.3.2 The hiring/appointing department, in conjunction with the Human Resources Office, will determine which of the components of the background investigation will be performed. In all cases, a criminal history, sex offender registry check, and verification of Social Security number (potential employees only) will be components of the background investigation.
- 4.3.3 The Human Resources Office will contract and work with an appropriate agent to conduct the background investigation.
- 4.3.4 Applicants will be notified of their background investigation pass/fail status by the Human Resources Office.
- 4.3.5 Hiring units are responsible for checking employment references.
- 4.3.6 Any Mines employee who receives access to background check information is required to maintain confidentiality and only share information with authorized individuals. Failure to maintain confidentiality may result in disciplinary action.

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4.4 When a Background Investigation Uncovers a Problem

- 4.4.1 If a background investigation indicates information that causes the school to consider withdrawing the offer of Employment/ Appointment, the Human Resources Office will provide a copy of the background report to the individual and will provide the applicant a pre-adverse decision notice. All related information will be treated as confidential and protected as such.
- 4.4.2 The pre-adverse decision notice will provide notice that the offer of Employment or Appointment may be withdrawn and will provide the applicant the opportunity to respond to the information revealed in the background investigation. Applicants will be given five (5) business days to submit a response. No final decision regarding the Employment or Appointment offer will be made until the five-day period has elapsed.
- 4.4.3 If the criminal history check reveals convictions, the nature of the offense(s), the time elapsed since the occurrence of the offense(s), the relevance of the offense(s) to the particular position, as well as other factors of relevance will be considered in determining the applicant's fitness for the position.

4.5 Final Decision

- 4.5.1 The final decision regarding Employment or Appointment will be made by the hiring/appointing department and the responsible Executive with the advice from Human Resources and Legal Services.
- 4.5.2 Once a final decision has been made, it will be communicated to the applicant via letter from Human Resources.

5.0 Appeals

5.1 Decisions regarding the withdrawal of an Employment or Appointment offer as a result of a background check may be appealed to the Executive responsible for the hiring/appointing department. Appeals must be in writing and received within five (5) business days of receipt of the decision notice described in § 4.5.2 above. If the applicant does not provide a response to the pre-adverse decision

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notice in accordance with §4.4.2 above, the applicant cannot appeal the final decision at a later time.

5.2 The Executive will issue a response to the appeal within ten (10) business days of the receipt of the appeal. The ten (10) day response period may be extended by the Executive due to absence from campus or for other reasons. If the response period is extended, the appellant will be notified of the extension by the Executive. The Executive's decision is final.