Why

Revisions based on:
- Revised BOR policy
- UW-Madison Precollege Camps Policy
Who’s Affected

- Primarily employees, volunteers, vendors, contactors and users/lessees of university lands/properties who have unsupervised access to vulnerable populations

- Vulnerable populations
  - patients in medical treatment
  - minors in precollege camps, children in campus childcare centers, pre-college enrichment programs (doesn’t include minor UW students)
Key Policy Changes

- For those with access to vulnerable populations
  - Periodic recheck
    - Every 4 years
    - Every 2 years (precollege camps)
  - Required to report arrests, charges, and convictions (other than traffic violations that result in a fine) within 24 hours. Employees will be notified of requirement

- New employees requiring a background check will have a national database check
Continue to follow existing laws

- Wisconsin Caregiver Law
- Select Agents (Federal Laws)
- Fiduciary Responsibilities (State Law)
- Criminal Justice Data Access (State Law)
- Miscellaneous e.g. CDL, NRC, Police Officers
State Fair Employment Act prohibits discriminating against prospective or current employees based on pending criminal charges or convictions unless the “pending criminal charge” or “conviction record” is determined to be “substantially” related to the “circumstances of the particular job.”

Arrests (other than pending) or detention orders that did not result in convictions or pleas and expunged convictions cannot be considered.
If criminal convictions or unresolved arrests/criminal charges are not identified, division takes no action – notifies employee being rechecked or proceeds with hire.

If convictions or unresolved arrests/criminal charges are identified, division makes a preliminary “substantial relationship” determination and submits to campus CBC committee (OED, OLA, CHR, APO) for review and decision.
If criminal record that is substantially related to job without mitigating factors:

For applicant:

- Inform applicant he/she will not be hired
- Provide appeal process

For current employee:

- Review employment options, including:
  - Reassignment
  - Leave of absence
  - Dismissal
QUESTIONS