

Campus Administrative Policy

Policy Title: **Employment Background Checks**

Policy Number: 4012 Functional Area: Human Resources

Effective:	July 1, 2020
Date Last Amended/Reviewed:	June 16, 2020
Date Scheduled for Review:	July 1, 2027
Supersedes:	Background Investigations (October 15, 2014, October 1, 2007) HSC Background Investigation (December 1, 2005)
Approved by:	Donald M. Elliman Jr. Chancellor, University of Colorado Anschutz Medical Campus Dorothy A. Horrell Chancellor, University of Colorado Denver
Prepared by:	Director of Human Resources
Reviewing Office:	Executive Vice Chancellor for Administration and Finance Senior Vice Chancellor for Administration and Finance
Responsible Officer:	Associate Vice Chancellor for Human Resources
Applies to:	CU Anschutz Medical Campus CU Denver Campus CU South Denver Location

A. **INTRODUCTION AND PURPOSE**

The CU Denver Campus and CU Anschutz Medical Campus (“the university”) strives to maintain a safe and productive educational, clinical, research and employment environment. All prospective employees and current employees must, therefore, consent to and pass background checks *prior* to any final appointment/employment. Background checks are also required for volunteers, trainees, and contractors. Individuals who will have contact with students, patients, minors, or visitors or who have direct access to University resources such as facilities, equipment, funds, or other property are also required to have a background check. Anyone subject to a criminal background check in accordance with this policy is referred to as a “Candidate.” All appointments are contingent upon the Candidate passing the necessary background check(s).

This policy is written in accordance with the CU System Administrative Policy Statement 5050 “Background Checks.” This version supersedes any previous version of this policy and procedure.

This policy is to establish process for employment background checks for all employees, volunteers, trainees, and contractors at the university.

B. TABLE OF CONTENTS

A. Introduction and Purpose.....	1
B. Table of Contents	2
C. Policy Statements	2
D. Enforcement	3
E. Policy Applications	3
F. Job Announcements	4
G. Procedures for Background Checks	5
H. Types of Background Checks.....	6
I. Pass/Fail Criteria for Background Checks	6
J. Confidentiality	8
K. Contractors	8
L. Definitions	8
Notes	10

C. POLICY STATEMENTS

1. Human Resources is solely authorized to conduct and oversee the employment Background Check process for Candidates. Human Resources may work with law enforcement or contract with outside agencies in executing any of the obligations set forth in this policy. Human Resources is responsible for making decisions regarding what type of background checks are appropriate, interpreting background check records and information, determining whether a Candidate is eligible for employment, and for making recommendations to the Hiring Authorities, University Legal Counsel, and leadership.
2. Job Applicants must be informed that they will be subject to background checks in job announcements and consent in their applications to the criminal background check, as a condition of submitting such applications. Only the final Candidate identified for appointment, however, will submit a Background Disclosure and Authorization Form via *HireRight* and be subject to the actual background check, along with any other additional required checks (e.g. motor vehicle records if driving is required for the position, sex offender, financial, etc.).
3. Candidates for certain positions may also be subject to additional pre- and post-appointment background checks as deemed necessary for regulatory compliance or to address a specific risk associated with an assignment. These additional background checks may include civil, financial/credit, motor vehicle records, sex offender, and other checks.
4. A Candidate who refuses to consent to any form of required background check, refuses to provide information necessary to conduct the background check or provides false or misleading information in regard to the background check will not be

considered further for the position for which they have applied. If an employee has begun work, they will be terminated.

5. Any Candidate who has been hired or appointed and is subsequently found to have provided false or misleading information related to the background check will be subject to disciplinary action, up to and including termination.

D. ENFORCEMENT

This policy is enforced and monitored through the university Human Resources office.

E. POLICY APPLICATIONS

1. Final Candidates identified for employment are subject to criminal background checks, sex offender checks, and excluded/denied parties checks.
2. The hiring department is responsible for initiating the background check process by submitting the on-line *Background Check Request Form* through the central Human Resources website.
3. Current employees who apply for or are otherwise considered for promotional opportunities within the university may be subject to criminal background checks.
4. The university retains the right to conduct additional background checks of current employees when it has reasonable grounds to do so, e.g., workplace violence incident or when it is required to do so pursuant to state or federal laws, rules, or regulations, or change of assignment.
5. All current employees are required to notify Human Resources upon final conviction of a misdemeanor, felony, or designation as a registered sex offender regardless of conviction and are subject to an additional background check.
6. University employees hired and paid through affiliates (e.g., UC Health (formerly University of Colorado Hospital), University of Colorado Medicine (formerly UPI), Veterans Administration Hospital, and Children's Hospital Colorado) are also subject to background checks under this policy.
7. Contractors are subject to background checks as required by CU Denver Campus and CU Anschutz Medical Campus (see Section K).
8. Minors (under the age of 18) are not subject to background checks. Once an individual turns 18, a background check is required.

9. International Candidates are not subject to the campus background checks if they have been in the United States for less than one year. However, campus departments hiring an International Candidate must forward the Candidate's name and projected start date to the central Human Resources Background Check Coordinator in writing to determine if a background check is required. If an International Candidate is rehired or reappointed and has lived in the United States for more than one year, the background check shall be initiated through the background check process as stated above. If a background check was not run initially because the international employee was in the country less than one year at the time of hire, the Human Resources Business Partner should contact central Human Resources if/when the international employee is up for visa/work authorization renewal.
10. Individuals working with minors via University-Run and University-Contracted programs for Children must follow the ["APS 7009 – Protection of Children Participating in University-Run and University-Contracted Programs for Children."](#)

F. JOB ANNOUNCEMENTS

1. Notice of Background checks in Job Announcements
 - a. Job announcements will provide notification that final Candidates will be subject to a Background Check;
 - b. Job announcements will state an Applicant must consent to a Background Check in order to be considered for the job.

The following statement is posted on the CU Denver Campus | CU Anschutz Medical Campus Human Resources web site:

"The University of Colorado Denver | Anschutz Medical Campus performs background checks as a condition of employment and appointment. The background checks are initiated for final Candidates identified for appointments at the request of the hiring/appointing authority once such finalists are identified. The criminal history will not be provided or considered prior to making job offers. Candidates will be asked to provide personal data and sign an electronic background consent form through *HireRight* before the background checks are conducted. Final Candidates who fail to provide the data and authorization will not be allowed to begin work. Background checks always include review of criminal records, sex offender checks, and excluded/denied parties checks and may, for designated positions, require check of any or all of the following: civil, financial/credit, motor vehicle, and other checks."

2. Required Recruiting Statement

The following statement is required on all CU Denver Campus | CU Anschutz Medical Campus job announcements and must be mentioned in all recruitment efforts:

"University of Colorado Denver | Anschutz Medical Campus is dedicated to ensuring a safe and secure environment for our faculty, staff, students and visitors."

To assist in achieving that goal, we conduct background checks for all new employees prior to their employment.”

G. PROCEDURES FOR BACKGROUND CHECKS

1. Request to Conduct a Background Check

Once an offer has been made to the final Candidate, but prior to beginning work, the Candidate will submit the electronically signed background consent form through *HireRight*. Central Human Resources will receive the results from *HireRight* and determine the status of the Candidate, upon completion of the background check, using the established criteria described in Section I below.

2. Notice of Completion of a Background Check

The hiring/appointing authority will be notified via e-mail whether or not the Candidate has passed the background check. Candidates will be notified of their background check pass/fail status via e-mail (“Background Check Results”), with a copy also sent to the identified Supervisor and the identified HR business partner.

3. Disagreements with Information Found in the Background Check(s) and Requests for Reconsideration

- a. Candidates who disagree with the accuracy of the information found in the background check process may submit additional information in writing to central Human Resources. Additional information from the Candidate must be received by central Human Resources (HR.backgrounds@ucdenver.edu) within five (5) calendar days after they were notified of their status by e-mail. The final hiring or promotional decision will not occur until the five-day period has elapsed. Central Human Resources will advise the Candidate of any decision made regarding employment.
- b. Candidates who do not pass the background check and who believe there are extenuating circumstances about their criminal convictions that should be considered by the hiring/appointing authority and Human Resources may submit a written request for reconsideration to Human Resources, HR.backgrounds@ucdenver.edu.

The following considerations will be taken into account when reconsidering a Candidate’s final status on the criminal background check:

- (1) whether the convictions were disclosed on the background check form through *HireRight*;
- (2) the nature and gravity of the offense(s);
- (3) the time that has elapsed since the conviction(s) and/or the completion of the sentence and any other remediation;
- (4) the nature of the position;
- (5) in the case of current employees, job performance history.

4. Background Check Records
 - a. Copies of all background check results will be maintained in *HireRight* electronically.
 - b. For Candidates who are not hired or promoted, background check information will be maintained in *HireRight* electronically.

H. TYPES OF BACKGROUND CHECKS

1. All final Candidates shall be subject to the following checks:
 - a. A criminal history check
 - b. An excluded/denied parties list system check through *Visual Compliance*
 - c. A National sex offender registry check

Requirements for additional background checks may vary by position status and duties, as determined by Human Resources.

2. A Financial History Check shall be conducted for all final Candidates for the following positions:
 - a. University Officers (i.e. Deans, Assistant Vice Chancellors, and above)
3. Motor vehicle (driver's license) records checks will be considered for positions that have responsibility for operating University owned or controlled vehicles (including golf carts), require transporting of children, patients, students, clients or others in a private vehicle or require any other driving of a motor vehicle, including rental vehicles, on a regular or routine basis, to conduct University business.
4. Civil records checks may be considered for the appointment of Officers.
5. Post-appointment background checks may be required for some positions. As a condition of continued employment, employees must consent to any periodic post-appointment/employment background checks due to the amount of responsibility or risk associated with that position, or if new background check requirements for the position arise.

I. PASS/FAIL CRITERIA FOR BACKGROUND CHECKS

The following guidelines are provided for assessing background check information. The process of determining more specific criteria is intended to match the pass/fail criteria to the position's duties and responsibilities, and not to dilute the standard passing criteria for background checks.

Adverse Action Notification Procedures

If information is revealed (either by the Candidate or through the background check report) in a criminal history, financial history, motor vehicle records check, sex offender report, or

other check that could potentially result in an adverse employment decision, central Human Resources shall take the following steps:

1. Pre-Adverse Action Notice

Central Human Resources will notify the Candidate in writing that information was revealed during the background check process which may impact the employment decision and will provide a copy of the supporting report to the Candidate along with a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." The Candidate will be provided five (5) calendar days to provide a response to central Human Resources regarding the information provided in the report and take steps to correct inaccuracies or provide explanation.

2. Decision Stay

A final employment decision shall not be made until the Candidate's new information has been considered or such time that the Candidate fails to respond, as required.

3. Adverse Action Notice

After considering any Candidate response, central Human Resources will provide an email notification to the Candidate and Supervisor indicating whether or not the person passed the background check.

The criteria for assessing criminal background information are based on convictions and not arrest records. Sealed records will not be accessed. A "conviction" means a verdict, a guilty plea or a Nolo Contendere ("No Contest") plea. In addition, if a disposition is "pending" or "deferred" or if there is an outstanding warrant(s), central Human Resources reserves the right to follow up with the Candidate regarding the outcome of the case(s) prior to a pass/fail letter being sent. The Candidate will be required to provide court documentation as determined by central Human Resources. A Candidate will be considered to have "passed" the criminal background check if they meet *all* of the criteria listed below:

- a. No felony convictions for drug use or distribution in the seven (7) years immediately preceding the submission of their application for employment or promotion at the university.
- b. No felony convictions for serious or violent felonies, including but not limited to, homicide or sexual assault (no time limit).
- c. In all other circumstances where convictions are found, the job-relatedness of the convictions will be taken into account.
- d. No active warrants.

The criteria to be considered in this analysis include, but are not limited to:

- (1) whether the convictions were disclosed on the application form;
- (2) the nature and gravity of the offense(s);
- (3) the time that has elapsed since the conviction and/or the completion of the sentence and any other remediation;
- (4) the nature of the position;
- (5) in the case of current employees, job performance history.

J. CONFIDENTIALITY

1. Information obtained for the purpose of a background check will be retained by Human Resources separate from other employment records.
2. Central Human Resources has the authority and discretion to discuss questionable or incomplete background check results and responses with the supervisor, hiring/appointing authority, the appropriate Vice Chancellor, and University Legal Counsel, to ensure the intent of the policy is met.
3. All university employees are responsible for ensuring the integrity and confidentiality of the background check process.
4. Central Human Resources will not provide copies of background check reports/results to candidates or affiliate institutions.

K. CONTRACTORS

Contractor Responsibility for Conducting Background Check

Contractors performing Security Sensitive work are responsible for conducting background checks on all employees, agents, and subcontractors that provide services to the University and, upon University request, certifying that such employees and agents have satisfactorily completed the Background Check.

1. Required Contract Provision

The following provision shall be included in all contracts with Security Sensitive contractors:

“Contractor acknowledges that Contractor's activities involve heightened risks as a result of access or exposure by Contractor's employees or agents to one or more security sensitive environments. Contractor expressly acknowledges that Contractor shall take all commercially reasonable measures to mitigate any such risks, which measures shall include but are not limited to conducting criminal history checks, financial background checks when appropriate, and reference checks on all employees or agents who will be performing work at the University. Upon University request, Contractor shall certify in writing that it has complied with this provision and that all employees, agents, and subcontractors performing work hereunder have satisfactorily completed Contractor's background check.”

L. DEFINITIONS

1. **Candidates** are current employees or the sole finalist for a position who submit information to be considered for said positions at the university, including individuals not currently employed by university and current employees. This Employment Background Check Policy shall apply to all Candidates for the following types of positions at the university:

- a. All full-time and part-time faculty members, including research associate series, lecturers and instructors.
 - b. All officers employed at the university.
 - c. All classified staff members, including classified staff transferring from other state agencies, institutions of higher education, and temporary employees.
 - d. All permanent and temporary university staff members.
 - e. Working retirees.
 - f. All student employees, including student assistants, research assistants and teaching assistants.
 - g. All pre-doctoral and post-doctoral fellows.
 - h. Anyone else employed by the university.
 - i. All volunteers, trainees, and contractors who will have direct, ongoing contact with students, patients, or visitors and/or who have direct access to University resources such as facilities, equipment, funds or other property.
 - j. All student and resident trainees engaged in clinical rotations at affiliated health providers, in accordance with the Background Investigation Policy for Residents and Students in Health Science Programs.
2. ***Applicants*** are individuals who apply for university job postings.
 3. ***Background Check Notification*** is the notice sent by central Human Resources via *HireRight* to a Candidate, notifying them of the pass/fail status of the background check and the potential effect, if any, on the Candidate's request to be hired.
 4. ***Credit/Financial Records*** include private credit information available through national credit bureaus, in accordance with the Fair Credit Reporting Act (FCRA).
 5. ***Criminal Records*** include public in-state, out-of-state and international criminal history, including misdemeanor and felony convictions. Every effort will be made to verify convictions. A "conviction" is defined as a verdict, a guilty plea, or a Nolo Contendere ("No Contest") plea.
 6. ***Motor Vehicle Records*** (Driver's License Records) include state of Colorado motor vehicle records. If the Candidate has lived in Colorado for less than seven (7) years, the university reserves the right to review other states' motor vehicle records.
 7. ***Security-Sensitive*** means work that meets one or more of the following criteria:
 - a. Responsibility for patient, animal or childcare in a childcare center;
 - b. Access to "select agents or toxins" or "controlled substances" as defined under state and federal law;
 - c. Access to campus buildings where students reside (e.g. residence halls), and other facilities as determined at the sole discretion of central Human Resources in consultation with the appropriate Dean or Hiring Authority as needed;
 - d. Direct work with students including food preparation and transportation;
 - e. Positions that serve a Vulnerable Population Program;
 - f. Primary responsibility for driving a University vehicle; or
 - g. Positions with information technology responsibilities.

8. ***Sex Offender Checks*** include the review of the National Sex Offender Registry.
9. ***Promotional Opportunities*** are defined as substantive job advancement, title enhancement and/or pay increase actions or processes for current university employees. Any university employee who applies for a promotional opportunity may be subject to the same type of background check that an individual not currently employed by the University and seeking the same position would receive.
10. ***Required Information*** for most background checks includes name (including any former names), address (including address history), date of birth and social security number. Information will be obtained from the university electronic background consent form filled out by Candidates through *HireRight* as part of the application process. The Candidate's electronic agreement through *HireRight* is required as authorization for Human Resources to conduct a background check.

NOTES

1. Dates of official enactment and amendments:
December 1, 2005: Adopted by the Chancellor
October 1, 2007: Revised/Reissued
October 15, 2014: Revised
March 15, 2019: Reformatted
July 1, 2020: Revised/Reissued
2. History:
March 15, 2019: Reformatted to reflect a Campus-wide effort to recast and revitalize various Campus policy sites into a standardized and more coherent set of chaptered policy statements organized around the several operational divisions of the university. University branding and links verified
July 1, 2020: Revised to streamline the background check process and eliminate the administrative burden and cost of running unnecessary duplicate checks.
3. Initial Policy Effective Date: December 1, 2005
4. Cross References/Appendix:
 - [APS 5050, Background Checks](#)