



University of Colorado Denver

Administrative Policy

Title: Background Investigations

Source: Human Resources

Prepared by: Assistant Vice Chancellor for Human Resources

Approved by: M. Roy Wilson, MD, MS
Chancellor

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Replaces: HSC Background Investigation Policy, December 1, 2005

Applies: All campuses

A. Introduction

University of Colorado Denver (UC Denver) strives to maintain a safe and productive educational, clinical, research and employment environment. Prospective University of Colorado Denver employees and current employees seeking promotional opportunities (collectively referred to as "Applicants") must, therefore, consent to and pass a background investigation prior to any final appointment, hiring or promotion decisions. All offers for appointment or promotion are contingent upon the Applicant passing the necessary background investigation(s). The type of background investigation varies by position and is intended to protect the assets, employees, students and guests of University of Colorado Denver.

B. Table of Contents

- A. Introduction
- B. Table of Contents
- C. Policy Statement
- D. Enforcement
- E. Application
- F. Job Announcements
- G. Procedures for Background Checks
- H. Types of Investigations
- I. Pass/Fail Criteria for Background Investigations
- J. Confidentiality
- K. Definitions

C. Policy Statements

1. All Applicants must consent to a criminal background investigation in order to be considered for any position or promotional opportunity. Background investigations are only conducted for the final Applicant.
2. Applicants for certain positions may be required to consent to additional pre- and post-appointment background investigations as deemed necessary by the hiring/appointing

authority. These additional background investigations may include civil, financial/credit, motor vehicle records and other investigations.

3. An Applicant who refuses to consent to any form of required background investigation, refuses to provide information necessary to conduct the background investigation or provides false or misleading information in regard to the background investigation will not be considered for the position for which he/she has applied.
4. Any Applicant who has been hired, appointed or promoted and is subsequently found to have provided false or misleading information related to the background investigation will be subject to disciplinary action, up to and including termination.

D. Enforcement

This policy is enforced and monitored through University of Colorado Denver Human Resources (HR). University of Colorado Denver HR may work with law enforcement or contract with outside agencies for any and all background investigations. Any exceptions or special consideration by hiring or appointing authorities will require concurrence by the applicable Vice Chancellor and the Assistant Vice Chancellor for Human Resources or their designees.

E. Applications

1. All Applicants who apply for a position on or after December 1, 2005 shall be subject to the background investigation policy.
2. University of Colorado Denver Applicants employed or appointed prior to the effective date of this policy will not be subject to background investigations, except when background investigations are required by any state or federal law, regulation or rule. Current employees who apply for or are otherwise considered for promotional opportunities (except as defined in K.7.) within University of Colorado Denver will, however, be required to comply with any background investigation required for the positions for which they apply. Background checks conducted by University of Colorado Denver HR for appointment or promotion will be considered valid for three years, except as noted below.
3. University of Colorado Denver retains the right to conduct additional background investigations 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, regulations or change of assignment. All current employees are required to notify University of Colorado Denver HR upon final conviction of a misdemeanor or felony and are subject to an additional background check.
4. University of Colorado Denver departments with employees hired and paid through affiliates (e.g., University of Colorado Hospital, University Physicians, Inc., Veterans Administration, The Children's Hospital, and the University of Colorado Foundation) are subject to background investigations under the affiliates' policies.

F. Job Announcements

1. Notice of Background Investigations

The following statement is posted on the University of Colorado Denver employment web site:

“The University of Colorado at Denver and Health Sciences Center performs background investigations as a condition of employment for all prospective employees and current employees seeking promotional opportunities within University of Colorado Denver. The investigations are initiated at the request of the hiring/appointing authority prior to making any job offer. Applicants will be asked to provide personal data and sign a release form before the investigations are conducted. Applicants who fail to provide the data and consent will not be considered for employment, appointment, or promotion. Background investigations always include review of criminal records, and may, for designated positions, require investigation of any or all of the following: motor vehicle, civil and financial/credit records.”

2. Required Recruiting Statement

The following statement is required on all University of Colorado Denver job announcements and must be mentioned in all recruitment efforts:

“University of Colorado Denver 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 investigations for all prospective employees prior to their employment.”

G. Procedures for Background Investigations

2. Request to Conduct a Background Investigation

Upon the identification of finalist(s), the hiring or appointing department or the Applicant will submit the “University of Colorado Denver Background Disclosure and Authorization” form(s) to University of Colorado Denver HR. The Applicant must sign the “[University of Colorado Denver Background Disclosure and Authorization](#)” form. University of Colorado Denver HR will determine the status of an Applicant, upon completion of the background investigation, using predetermined criteria (see *Pass/Fail Criteria for Various Background Investigations*, Section I, below). Every effort will be made to ensure that the background investigation does not impede the hiring or appointment process. Most background investigations can be completed within a few days.

2. Notice of Completion of a Background Investigation

The hiring/appointing authority will be notified via e-mail whether or not the Applicant has passed the background investigation. Applicants will be notified of their background investigation pass/fail status via a Background Investigation Notification Letter, with a copy also sent to the hiring or appointing authority. The letter to Applicants who receive a “fail” notice states that they might not be considered for the position, includes a copy of the report, and gives the applicants a specified time period in which to respond. After the specified time period, Applicants who are considered to have failed the investigation will receive a second letter informing them that they are no longer being considered for the position. The notification process for credit/financial checks is slightly different as described in Section I.2 below.

3. Disagreement with Information Found in the Background Information or Request for Reconsideration
 - a. Applicants who disagree with the accuracy of the information found in the background investigation process may submit additional information in writing to University of Colorado Denver HR questioning the accuracy of any information that the Applicant identifies as incorrect. The additional information from the Applicant must be received by University of Colorado Denver HR within five (5) calendar days after the date the Background Investigation Notification Letter is sent. The final decision regarding the hiring or promotional opportunity will not occur until the five-day period has elapsed. University of Colorado Denver HR will advise the Applicant in writing as to what, if any, decision has been made regarding the hiring or promotional opportunity.
 - b. Applicants who do not pass the background investigation and who believe that there are extenuating circumstances, that should be considered by the hiring/appointing authority and the HR Office, may submit a written request for reconsideration to the hiring or appointing authority with a copy to University of Colorado Denver HR. Any exceptions or special consideration by hiring or appointing authorities will require concurrence by the applicable Vice Chancellor and the Assistant Vice Chancellor for Human Resources or their designees. The hiring/appointing authority is not required to stop the hiring or appointment process for another Applicant while University of Colorado Denver HR considers the request of the Applicant for reconsideration for extenuating circumstances. HR and hiring authority will take the following issues into account when reconsidering an applicant's fail status on the criminal background investigation:
 - (a) whether the convictions were disclosed on the application form;
 - (b) the nature and gravity of the offense(s);
 - (c) the time that has elapsed since the conviction and/or the completion of the sentence and any other remediation;
 - (d) the nature of the position;
 - (e) in the case of current employees, job performance history.

See Section I.2. for the process for reconsideration of the credit/financial investigation.

4. Background Investigation Records
 - a. For personnel files for which the University of Colorado Denver HR Office is the custodian, copies of passing Background Investigation Notification Letters will be placed in the personnel files. For personnel files for which a school and/or department is the custodian, copies of passing Background Investigation Notification Letters will be placed by the school/department in the personnel file.
 - b. For Applicants who are not hired, background check information will be destroyed immediately upon the conclusion of the hiring process.
 - c. For Applicants who do not pass the promotional background check, the notification letter will be maintained in their personnel file as long as they remain a University of Colorado Denver employee.

H. Types of Background Investigations

1. Criminal background investigations are required for all individuals covered by this policy.
2. Requirements for additional background investigations may vary by position status and duties. Prior to announcing the position, the hiring/appointing authority will determine the type of additional investigation required. University of Colorado Denver HR can provide recommendations on types of investigation by position. Additional required investigations are listed below.
3. Financial/credit records investigations should be considered for the following positions:
 - a. Administrative and officer positions at Assistant Vice Chancellor level and above.
 - b. Academic leadership positions at Director and Chair level and above.
 - c. Positions at any level that have authority for committing significant University financial resources.
 - d. Positions at any level that have direct access to, or responsibility for, cash, checks, negotiable instruments, disbursements, receipts or other assets of significant value (e.g., valuable lab or computing equipment, etc.).
 - e. Positions at any level that have direct access to, or responsibility for, controlled substances or hazardous materials/chemicals.
 - f. Positions with direct access to or responsibility for information affecting national security.
 - g. Positions with access to and the capability to create, delete, or alter records in any of the university student, financial, personnel, payroll or related computer or research databases.
4. Required motor vehicle (driver's license) records investigations should be considered for the following:
 - a. Positions that have responsibility for operating University owned or controlled vehicles.
 - b. Positions that require driving of children, patients, students, clients or others in a private vehicle.
 - c. Positions that require any other driving of a motor vehicle, including rental vehicles, on a regular or routine basis to conduct University business.
5. Civil records investigations

At the discretion of the hiring/appointing authority, individuals with the following responsibilities may be subject to civil records investigations:

- a. Administrative and officer positions at Assistant Vice Chancellor level and above.
6. Post-appointment background investigations may be required at the hiring/appointing authority's discretion and will be stated in the job posting. As a condition of continued employment, employees must consent to any periodic post-appointment background investigations as a result of the amount of responsibility or risk associated with that position.

I. Pass/Fail Criteria for Background Investigations

The following guidelines are provided for the types of background investigations. More specific criteria may be determined at the time of the position announcement by the hiring/appointing authority, in consultation with University of Colorado Denver HR. 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 investigations. Criteria that are more strict or lenient must be approved by University of Colorado Denver HR prior to posting the job announcement.

1. Criminal Records

- a. These criteria 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. An Applicant will be considered to have "passed" the criminal background investigation if he/she meets *all* of the criteria listed below:
 - (1) No felony convictions for drug use or distribution in the ten (10) years immediately preceding the submission of his/her application for employment or promotion at University of Colorado Denver.
 - (2) No felony convictions for serious or violent felonies, including but not limited to, homicide or sexual assault (no time limit).
 - (3) In all other circumstances where convictions are found, the job-relatedness of the convictions will be determined by the hiring/appointing authority with the concurrence of the Assistant Vice Chancellor for Human Resources and the appropriate Vice Chancellor. The criteria to be considered in this analysis include, but are not limited to:
 - (a) whether the convictions were disclosed on the application form;
 - (b) the nature and gravity of the offense(s);
 - (c) the time that has elapsed since the conviction and/or the completion of the sentence and any other remediation;
 - (d) the nature of the position;
 - (e) in the case of current employees, job performance history.
- b. Foreign nationals entering the United States for the first time will not have any adverse information available through this background check process and are subject to screening through the Department of Homeland Security. Those who have been in the United States for at least twelve months prior to appointment or promotion at University of Colorado Denver will be subject to this policy.

2. Financial/Credit Records

To “pass” the credit record background investigation, an Applicant must not have a significant number of negative reports, and cannot have declared bankruptcy in the seven (7) years immediately preceding the submission of his/her application for employment or promotion at University of Colorado Denver. Applicants who appear to have ‘failed’ the credit investigation will be given an opportunity to explain their situation to the HR Office prior to the hiring/appointing authority receiving notification of the ‘fail’ status. Applicants deemed to have reasonable extenuating circumstances (e.g., credit problems due to divorce, medical issues, identity theft, etc.) will be considered to have ‘passed’ the credit investigation.

3. Motor Vehicle Records (Driver’s License Records)

To “pass” the motor vehicle record background investigation, an Applicant must have a valid Colorado driver’s license with no suspensions in the five (5) years immediately preceding the submission of his/her application for employment, appointment or promotion at University of Colorado Denver. If the individual has lived in Colorado less than five (5) years, University of Colorado Denver reserves the right to review other states’ motor vehicle records.

4. Civil Records

To “pass” the civil records background investigation, an Applicant must have no non-insured judgments over \$200,000, such as wrongful death or civil fraud, and no restraining orders or judgments against them for civil trespass, assault, battery, or false imprisonment for the two (2) years immediately preceding the submission of his/her application for employment, appointment, or promotion at University of Colorado Denver.

5. Social Security Records

An automated match of records is performed by the University and the Social Security Administration no less than every three (3) months. Although these matches will typically occur after the date of hire. Applicants who falsify records may be subject to immediate termination. An Applicant must present a valid Social Security Card to the hiring or appointing department before his/her first day of employment. An Applicant must be entered into the University's Human Resources database using the name on his/her Social Security Card.

J. Confidentiality

1. Information obtained for the purpose of and during the background investigation, will be retained by University of Colorado Denver HR separate from other employment records with the exception of employees who fail the background check as described in section G.4.c. above.
2. The Background Investigation Notification Letter will list only a general reason(s) without details (e.g., “failure to pass criminal background investigation” or “failure to pass motor vehicle background investigation”). The hiring/appointing authority will receive a copy of the same letter without any additional information.

3. University of Colorado Denver HR has the authority and discretion to discuss questionable or incomplete background investigation results with the hiring/appointing authority and the appropriate Vice Chancellor to ensure the intent of the policy is met.

K. Definitions

1. *Applicants* are current or prospective employees who submit information to be considered for positions at the University of Colorado Denver, including individuals not currently employed by University of Colorado Denver and current University of Colorado Denver employees seeking promotional opportunities. This Background Investigation Policy shall apply to all Applicants for the following types of positions at University of Colorado Denver:
 - a. All full and part-time faculty members, including Research Associate series, Lecturers and Instructors.
 - b. All University officers employed at University of Colorado Denver.
 - c. All classified staff members, including classified staff transferring from other state agencies and temporary employees.
 - d. All exempt professional staff members.
 - e. Student employees, including student assistants, research assistants and teaching assistants.
 - f. Pre-doctoral and Post-doctoral fellows.
 - g. Anyone else employed by University of Colorado Denver.
2. *Background Investigation Notification Letter* is the letter sent by University of Colorado Denver HR to an Applicant, notifying him/her of the pass/fail status of the background investigation and the potential effect, if any, on the Applicant's request to be hired and or promoted.
3. *Civil Records* include public records of civil lawsuits recorded in Colorado courts for which the Applicant is named as a plaintiff or defendant.
4. *Credit 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 rather than relying on criminal arrest records. A "conviction" is generally 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 Applicant has lived in Colorado for less than ten (10) years, University of Colorado Denver reserves the right to review other states' motor vehicle records.

7. *Promotional Opportunities* are defined as substantive job advancement, title enhancement and/or pay increase actions or processes for current University of Colorado Denver employees. Any University of Colorado Denver employee who applies for a promotional opportunity shall be subject to the same type of background investigation that an individual not currently employed by the University and seeking the same position would receive. For classified staff members, normal progressions through non-supervisory classes within the same class series do not require background investigations. Similarly, faculty promotions that are built into a current position, e.g., academic progression from Assistant Professor to Associate Professor do not require background investigations.
8. *Required Information* for most background investigations includes name (including any former names), address (including address history), date of birth and social security number. Information will be obtained from the [University of Colorado Denver Background Disclosure and Authorization](#) form filled out by Applicants as part of the application process. The Applicant's signature or electronic agreement on the form is required as authorization for University of Colorado Denver HR to conduct a background investigation.
9. *Social Security Investigations* include comparison of employee data against Social Security Administration database to match name, address, etc. This investigation occurs within one to three months after date of hire and is conducted by University Payroll Benefit Services through an automated process involving University payroll records.