

Administrative Policy

Title: Background Investigations

Source: Human Resources

Prepared by: Assistant Vice Chancellor for Human Resources

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Replaces: Background Investigation Policy, October 1, 2007

Reference: CU System APS: [Background Checks](#)

Applies: All Campuses

A. Introduction

The University of Colorado Denver | Anschutz Medical Campus strives to maintain a safe and productive educational, clinical, research and employment environment. All prospective employees and current employees seeking promotional opportunities must, therefore, consent to and pass a criminal background investigation *prior* to any final appointment or promotion. Background checks are also required for new volunteers and trainees who will have direct, ongoing contact with students, patients, or visitors or who have direct access to University resources such as facilities, equipment, funds or other property. Anyone subject to a criminal background check in accordance with this policy is referred to as an “applicant.” All appointments and promotions are contingent upon the applicant passing the necessary criminal background investigation.

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C. Policy Statements

1. New applicants must be informed that they will be subject to a criminal background check in job announcements and consent in their applications to the criminal background investigation, as a condition of submitting such applications. Only the final applicant identified for appointment or promotion, however, will submit a Background Disclosure and Authorization Form via HireRight and be subject to the actual criminal background check.
2. Applicants for certain positions, upon the approval of the Assistant Vice Chancellor for Human Resources or his/her designee, may also be subject to additional pre- and post-appointment background investigations as deemed necessary for regulatory compliance or to address a specific risk associated with an assignment. These additional background investigations may include civil, financial/credit, motor vehicle records, sex offender, 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 further for the position for which s/he has applied. If an employee has begun work they will be terminated.
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 | Anschutz Medical Campus Human Resources. Any exceptions or special consideration under this policy requires concurrence by the applicable Vice Chancellor and the Assistant Vice Chancellor for Human Resources or their designees.

E. Applications

1. Final applicants identified for appointments or promotions are subject to criminal background investigations.
2. Current employees who apply for or are otherwise considered for promotional opportunities (as described below) within University of Colorado Denver | Anschutz Medical Campus will be subject to criminal background investigations. Background checks conducted by Human Resources for appointment or promotion will be considered valid for three years, except as noted below.
3. University of Colorado Denver | Anschutz Medical Campus 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 Human Resources upon final conviction of a misdemeanor or felony and are subject to an additional background check.

4. University of Colorado Denver | Anschutz Medical Campus 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 also 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 | Anschutz Medical Campus employment web site:

"The University of Colorado Denver | Anschutz Medical Campus performs criminal background investigations as a condition of employment and for current employees seeking promotional opportunities. The investigations are initiated for final applicants identified for appointments or promotions 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. Applicants will be asked to provide personal data and sign an electronic background consent form through HireRight before the investigations are conducted. Final applicants who fail to provide the data and authorization will not be allowed to begin work. Background investigations always include review of criminal records and may, for designated positions, require investigation of any or all of the following upon the approval of the Assistant Vice Chancellor for Human Resources or his/her designee: civil, financial/credit, motor vehicle, sex offender, and other investigations."

2. Required Recruiting Statement

The following statement is required on all University of Colorado Denver | 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 investigations for all new employees prior to their employment."

G. Procedures for Background Investigations

1. Request to Conduct a Background Investigation

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

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 check. Applicants will be notified of their background check pass/fail status via e-mail, with a copy also sent to the hiring or appointing authority.

3. Disagreements with Information Found in the Background Investigation and Requests 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 Human Resources. Additional information from the applicant must be received by Human Resources within five (5) business 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. Human Resources will advise the applicant of any decision made regarding hiring or promotion.
- b. Applicants who do not pass the background investigation 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. 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 applicable Vice Chancellor and the Assistant Vice Chancellor for Human Resources or their designees will take the following considerations into account when reconsidering an applicant's final status on the criminal background investigation:
 - (a) whether the convictions were disclosed on the application form through HireRight;
 - (b) the nature and gravity of the offense(s);
 - (c) the time that has elapsed since the conviction(s) 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.

4. Background Investigation Records

- a. Copies of all background investigation results will be maintained in Human Resources.
- b. For new applicants who are not hired, background check information will be maintained in Human Resources.
- c. For applicants who do not pass a promotional background check, the results will be maintained in Human Resources.

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. Such investigations may be permitted upon the approval of the Assistant Vice Chancellor for Human Resources.
3. Financial/credit records investigations should be considered for the appointment of Officers.

4. Motor vehicle (driver's license) records investigations should be considered for positions that have responsibility for operating University owned or controlled vehicles, 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.
5. Civil records investigations may be considered for the appointment of Officers.
6. Post-appointment background investigations may be required for some positions 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 assessing background investigation information. More specific criteria may be determined at the time of the position announcement by the hiring/appointing authority, in consultation with the Assistant Vice Chancellor for Human Resources. 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 the Assistant Vice Chancellor for Human Resources prior to posting the job announcement.

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. 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 the University of Colorado Denver | Anschutz Medical Campus.
- (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 or their designees. 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.

J. Confidentiality

1. Information obtained for the purpose of a background investigation will be retained by Human Resources separate from other employment records.
2. The Background notification 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 notification without any additional information.
3. Human Resources 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 | Anschutz Medical Campus, including individuals not currently employed by University of Colorado Denver | Anschutz Medical Campus and current University of Colorado Denver | Anschutz Medical Campus employees seeking promotional opportunities. This Background Investigation Policy shall apply to all applicants for the following types of positions at University of Colorado Denver | Anschutz Medical Campus:
 - a. All full-time and part-time faculty members, including research associate series, lecturers and instructors.
 - b. All officers employed at University of Colorado Denver | Anschutz Medical Campus.
 - c. All classified staff members, including classified staff transferring from other state agencies 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 University of Colorado Denver | Anschutz Medical Campus.
 - i. All volunteers and trainees who will have direct, ongoing contact with students, patients, or visitors 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. *Background Investigation Notification* is the notice sent by Human Resources 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. *Promotional Opportunities* are defined as substantive job advancement, title enhancement and/or pay increase actions or processes for current University of Colorado Denver | Anschutz Medical Campus employees. Any University of Colorado Denver | Anschutz Medical Campus 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 and university staff members, normal progressions through non-supervisory classes or titles within the same class series or job family 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.
4. *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 | Anschutz Medical Campus electronic background consent form filled out by Applicants through HireRight as part of the application process. The Applicant's electronic agreement through HireRight is required as authorization for Human Resources to conduct a background investigation.