



Campus Administrative Policy

Policy Title: ~~Background Investigations~~ Employment Background Checks

Policy Number: 4012

Functional Area: Human Resources

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Supersedes: Background Investigations (October 15, 2014, October 1, 2007) HSC Background Investigation (December 1, 2005)

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Applies to: CU Anschutz
CU Denver
CU South Denver Location

A. Introduction and Purpose

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 ~~criminal~~ background ~~investigation checks~~ prior to any final appointment ~~or promotion/employment~~. Background checks are also required for ~~new~~ volunteers ~~and~~ trainees, ~~and contractors~~. Individuals who will have ~~direct, ongoing~~ 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 ~~an~~ “applicant” “Candidate.” All appointments ~~and promotions~~ are contingent upon the ~~applicant~~ Candidate passing the necessary ~~criminal~~ background ~~investigation 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 of Colorado Denver | Anschutz Medical Campus.

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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.
- 1.2. Job Applicants must be informed that they will be subject to a criminal background checks in job announcements and consent in their applications to the criminal background investigation check, as a condition of submitting such applications. Only the final applicant Candidate 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 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.).
- 2.3. Applicants Candidates 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 checks as deemed necessary for regulatory compliance or to address a specific risk associated with an assignment. These additional background investigations checks may include civil, financial/credit, motor vehicle records, sex offender, and other investigations checks.

~~3-4.~~ An applicant A Candidate who refuses to consent to any form of required background investigation check, refuses to provide information necessary to conduct the background investigation check or provides false or misleading information in regard to the background investigation check will not be considered further for the position for which ~~s/he has~~ they have applied. If an employee has begun work, they will be terminated.

~~4-5.~~ Any applicant Candidate who has been hired, or appointed ~~or promoted~~ and is subsequently found to have provided false or misleading information related to the background investigation check 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. Policy Applications

1. Final applicants Candidates identified for appointments or promotion employment are subject to criminal background investigations checks, and 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.

~~2-3.~~ Current employees who apply for or are otherwise considered for promotional opportunities ~~(as described below)~~ within University of Colorado Denver | Anschutz Medical Campus will may 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.~~ checks.

~~3-4.~~ University of Colorado Denver | Anschutz Medical Campus retains the right to conduct additional background investigations 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.

~~4-5.~~ All current employees are required to notify Human Resources upon final conviction of a misdemeanor ~~or~~, felony, or designation as a registered sex offender regardless of conviction, and are subject to an additional background check.

~~5-6.~~ University of Colorado Denver | Anschutz Medical Campus employees hired and paid through affiliates (e.g., UCU Health (formerly University of Colorado Hospital),

University ~~Physicians, Inc.,~~ of Colorado Medicine (formerly UPI), Veterans Administration, ~~The Hospital, and Children’s Hospital, and the University of Colorado Foundation~~) are also subject to background ~~investigations~~ checks under ~~the affiliates’ policies~~ this policy.

7. Contractors are subject to Background Checks as required by the University of Colorado Denver | Anschutz Medical Campus (see ~~Section below under “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 ~~Investigations~~ 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 University of Colorado Denver | Anschutz Medical Campus ~~employment~~ Human Resources web site:

“The University of Colorado Denver | Anschutz Medical Campus performs ~~criminal~~ background ~~investigations~~ checks as a condition of employment and ~~for current employees seeking promotional opportunities appointment.~~ The ~~investigations~~ background checks are initiated for final ~~applicants~~ Candidates 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~~ Candidates will be asked to provide personal data and sign an electronic background consent form through *HireRight* before the ~~investigations~~ background checks are conducted. Final ~~applicants~~ Candidates who fail to provide the data and authorization will not be allowed to begin work. Background ~~investigations~~ checks always include

review of criminal records, ~~and sex offender checks, and excluded/denied parties checks~~ and may, for designated positions, require ~~investigationcheck~~ 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 ~~investigationschecks.~~”

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 ~~investigationschecks~~ for all new employees prior to their employment.”

G. Procedures for Background ~~InvestigationsChecks~~

1. Request to Conduct a Background ~~InvestigationCheck~~

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

2. Notice of Completion of a Background ~~InvestigationCheck~~

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

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

- a. ~~ApplicantsCandidates~~ who disagree with the accuracy of the information found in the background ~~investigationcheck~~ process may submit additional information in writing to ~~central~~ Human Resources. Additional information from the ~~applicantCandidate~~ must be received by ~~central~~ Human Resources (~~HR.backgrounds@ucdenver.edu~~) within five (5) ~~business 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 ~~applicantCandidate~~ of any decision made regarding ~~hiring or promotion employment~~.

~~Applicantsb.~~ ~~Candidates~~ who do not pass the background ~~investigationcheck~~ 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; 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 application 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 Investigation Check Records

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

H. Types of Background Investigations Checks

- ~~1. Criminal background investigations are required for all individuals covered by this policy.~~
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 investigations checks may vary by position status and duties, as determined by Human Resources. ~~Such investigations may be permitted upon~~

2. A Financial History Check shall be conducted for all final Candidates for the approval of the following positions:

a. University Officers (i.e. Deans, Assistant Vice Chancellor for Human Resources.Chancellors, and above)

~~2. Financial/credit records investigations should be considered for the appointment of~~

Officers.

3. Motor vehicle (driver's license) records ~~investigations should~~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 ~~investigations~~checks may be considered for the appointment of Officers.
5. Post-appointment background ~~investigations~~checks 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/employment background ~~investigations as a result of~~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 ~~Investigations~~Checks

The following guidelines are provided for assessing background ~~investigation~~check 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.~~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, 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 ~~pre-adverse~~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. ~~An applicant will be considered to have “passed” the criminal background investigation if he/she meets~~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~~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 ~~ten (10)~~seven (7) years immediately preceding the submission of his/her application for employment or promotion at the University of Colorado Denver | Anschutz Medical Campus.
- (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 ~~determined by the hiring/appointing authority with the concurrence of the Assistant Vice Chancellor for Human Resources and the~~taken into account.
~~appropriate Vice Chancellor or their designees.~~
- (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 investigationcheck will be retained by Human Resources separate from other employment records.
 - ~~1. 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.~~
2. Central Human Resources has the authority and discretion to discuss questionable or incomplete background investigationcheck results and responses with the supervisor, hiring/appointing authority and, the appropriate Vice Chancellor, and University Legal Counsel, to ensure the intent of the policy is met.

3. All University of Colorado Denver | Anschutz Medical Campus 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. ApplicantsCandidates are current ~~or prospective~~ employees or the sole finalist for a position who submit information to be considered for said 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 Employment Background InvestigationCheck Policy shall apply to all applicantsCandidates 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, 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 University of Colorado Denver | Anschutz Medical Campus.
- i. All volunteers ~~and~~, 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 of Colorado Denver | Anschutz Medical Campus job postings.

3. *Background Investigation Check Notification* is the notice sent by central Human Resources via HireRight to ~~an applicant~~ a Candidate, notifying him/her of the pass/fail status of the background ~~investigation check~~ and the potential effect, if any, on the ~~applicant's~~ 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 rather than relying on criminal arrest records. A "conviction" is generally defined as a verdict, a guilty plea, or promoted 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, University of Colorado Denver | Anschutz Medical Campus 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 ~~child care~~ childcare in a child care 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.](#)

[2.8. Sex Offender Checks](#) include the review of the National Sex Offender Registry.

[3.9.](#) **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~~[may](#) be subject to the same type of background [investigation check](#) 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.~~

[4.10.](#) **Required Information** for most background [investigation 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 of Colorado Denver | Anschutz Medical Campus electronic background consent form filled out by [Applicants/Candidates](#) through *HireRight* as part of the application process. The [Applicant's/Candidate's](#) electronic agreement through *HireRight* [is](#) required as authorization for Human Resources to conduct a background [investigation 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 (Pending): 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 (Pending): 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](#)