



University of Colorado at Denver and Health Sciences Center

Campus Administrative Policy Statement

Policy Title: **Background Investigations**

Source: Human Resources

Prepared by: Assistant Vice Chancellor for Human Resources

Approved by: Dr. James H. Shore, Chancellor

Effective Date: December 1, 2005

Replaces: HSC Background Investigation Policy, 2004

Reference: University APS: [Background Checks for Security-sensitive Positions and Officers](#)

Applies to: All campuses

A. Introduction

UCDHSC intends to maintain a safe and productive educational, clinical, research, and employment environment. Therefore, prospective UCDHSC employees and current UCDHSC employees seeking promotional opportunities (collectively referred to as "Applicants") must consent to and pass a background investigation prior to any final appointment, hiring, or promotion decisions. All offers of appointment, employment, 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, and students of UCDHSC.

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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, and motor vehicle records 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 the UCDHSC Human Resources (HR) Office. The UCDHSC HR Office may work with Campus Police 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 either the Provost or Vice Chancellor and the Human Resources Director or their designees.

E. Applications

1. All Applicants who apply for a position on or after the effective date of this policy shall be subject to the background investigation policy.
2. UCDHSC 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. However, current employees who apply for or are otherwise considered for promotional opportunities (except as defined in K.7.) within UCDHSC will be required to comply with any background investigation required for the positions for which they apply.
3. UCDHSC retains the right to conduct 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, or regulations.
4. UCDHSC 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 encouraged to require background investigations through the affiliate's HR Office.

F. Job Announcements

1. Notice of Background Investigations

The following statement is posted on the UCDHSC 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 UCDHSC. 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 UCDHSC job announcements and must be mentioned in all recruitment efforts:

“The University of Colorado at Denver and Health Sciences Center requires background investigations for employment.”

G. Procedures for Background Investigations

1. Request to Conduct a Background Investigation

Upon the identification of finalist(s), the hiring or appointing department or the Applicant will submit the “UCDHSC Background Disclosure and Authorization” form(s) to the UCDHSC HR Office. The Applicant must sign the [UCDHSC Background Disclosure and Authorization](#) form. The UCDHSC HR Office 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 department. 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 the UCDHSC HR Office questioning the accuracy of any information that the Applicant identifies as incorrect. The additional information from the Applicant must be received by the UCDHSC HR Office 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. The UCDHSC HR Office 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 or the HR Office may submit a written request for reconsideration to the hiring or appointing department with a copy to the UCDHSC HR Office. Any exceptions or special consideration by hiring or appointing authorities will require concurrence by either the Provost or Vice Chancellor and the Human Resources Director or their designees. The hiring/appointing authority is not required to stop the hiring or appointment process for another Applicant while the UCDHSC HR Office considers the request of the Applicant for reconsideration for extenuating circumstances. The HR

Office and/or 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 UCDHSC 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. Any information (e.g., consent form, criminal report, financial/credit report, etc.) beyond the notification letter will be destroyed upon completion of the investigation.
- 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 UCDHSC 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. The UCDHSC HR Office 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
 - 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 the UCDHSC HR Office. 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 UCDHSC 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 UCDHSC.
 - (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 (e.g., misdemeanors) where convictions are found, the job-relatedness of the convictions will be determined by the hiring/appointing authority in consultation with the Director of HR and either the Provost or 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 typically have a number of background investigations performed as part of the visa application process. The UCDHSC HR Office will work with the Office of International Education to determine whether additional investigations are necessary.

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 UCDHSC. 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 UCDHSC. If the individual has lived in Colorado less than five (5) years, UCDHSC 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 UCDHSC.

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 the UCDHSC HR Office separate from other employment records with the exception of employees who apply for promotional opportunities and 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. In certain circumstances, the UCDHSC HR Office has the authority and discretion to discuss questionable or incomplete background investigation results with the hiring/appointing authority and/or the Provost or 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 UCDHSC, including individuals not currently employed by UCDHSC and current UCDHSC employees seeking promotional opportunities. This Background Investigation Policy shall apply to all Applicants for the following types of positions at UCDHSC:

- a. All faculty, full and part time, including faculty in the Research Associate series* and Lecturers and Instructors
- b. All University officers employed at UCDHSC
- c. All classified employees, including classified staff transferring from other state agencies
- d. All exempt professional employees
- e. Student employees upon request of the hiring/appointing authority

* Faculty members who are affiliated with University Physicians, Inc. (UPI) are subject to background investigations as part of the licensing verification process. Upon notification of a pending faculty hiring decision, the UCDHSC HR Office will attempt to receive verification of the UPI background investigations prior to the hiring decision, or in the absence of such verification will conduct a background investigation according to campus procedures.

2. *Background Investigation Notification Letter* is the letter sent by the UCDHSC HR Office 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, UCDHSC reserves the right to review other states' motor vehicle records.
7. *Promotional Opportunities* are job advancement, title enhancement, and/or pay increase actions or processes open to current UCDHSC employees. For classified staff employees, a promotional opportunity that results in a promotion or reallocation, i.e., appointment to a class with a higher pay grade midpoint than their current or previous position. For UCDHSC faculty, a promotional opportunity occurs when the faculty member accepts a higher-level job title, e.g., Professor to Associate Dean, or is promoted within a job title to another department at the same or higher salary, e.g., PRA transfer to another department. Any UCDHSC employee who applies for a promotional opportunity within UCDHSC 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. Promotional opportunities do not include promotions that are built into a current position, e.g., academic progression from Assistant Professor to Associate Professor or entry-level classified staff positions that normally progress to the next classification level without a competitive selection process, and background investigations are not required in such cases.
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 [UCDHSC 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 the UCDHSC HR Office 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.