



## **Background Investigations**

---

### **A. Introduction**

CU Medicine strives to maintain a safe and productive employment environment. Prospective CU Medicine 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 hiring or promotion decisions. All offers for 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 guests of CU Medicine

### **B. Table of Contents**

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

### **C. Guidelines**

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-hire background investigations as deemed necessary by the hiring manager. 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 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. Applications**

1. All Applicants who are extended an offer of employment on or after July 7, 2008 shall be subject to the background investigation policy.
2. CU Medicine Applicants employed 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 J.7.) within CU Medicine will, however, be required to comply with any background investigation required for the positions for which they apply. Background checks conducted by CU Medicine HR for appointment or promotion will be considered valid for three years, except as noted below.
2. CU Medicine 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 CU Medicine HR upon final conviction of a misdemeanor or felony and are subject to an additional background check.

#### **E. Job Announcements**

1. A notice of background investigations statement will be included on the CU Medicine employment web site as well as on all job postings.

#### **F. Procedures for Background Investigations**

##### **1. Request to Conduct a Background Investigation**

Upon the identification of finalist(s), the hiring department or the Applicant will submit the "CU Medicine Background Disclosure and Authorization" form(s) to CU Medicine HR. The Applicant must sign the "CU Medicine Background Disclosure and Authorization" form. CU Medicine 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 H, below). Every effort will be made to ensure that the background investigation does not impede the hiring process. Most background investigations can be completed within a few days.

##### **2. Notice of Completion of a Background Investigation**

The hiring 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 CU Medicine HR questioning the accuracy of any information that the Applicant identifies as incorrect. The additional information from the Applicant must be received by CU Medicine 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. CU Medicine 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 Human Resources, may submit a written request for reconsideration to CU Medicine HR. Any exceptions or special consideration by the hiring manager will require concurrence by the Chief Operating Officer. The hiring manager is not required to stop the hiring process for another Applicant while CU Medicine HR considers the request of the Applicant for reconsideration for extenuating circumstances. HR 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 H.2. for the process for reconsideration of the credit/financial investigation.

### 4. Background Investigation Records

a. Copies of passing Background Investigation Notification Letters will be placed in the personnel files held within CU Medicine Human Resources Department.

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 CU Medicine employee.

## **G. 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, Human Resources will determine the type of additional investigation required.

## **H. 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 department, in consultation with CU Medicine 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 CU Medicine 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 CU Medicine.
- (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 Human Resources. 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.

### **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 CU Medicine. 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 CU Medicine. If the individual has lived in

Colorado less than five (5) years, CU Medicine 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 CU Medicine.

### I. Confidentiality

1. Information obtained for the purpose of and during the background investigation, will be retained by CU Medicine HR separate from other employment records with the exception of employees who fail the background check as described 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 manager will receive a copy of the same letter without any additional information.
3. CU Medicine HR has the authority and discretion to discuss questionable or incomplete background investigation results with the hiring manager to ensure the intent of the policy is met.

### J. Definitions

1. *Applicants* are current or prospective employees who submit information to be considered for positions at the CU Medicine, including individuals not currently employed by CU Medicine and current CU Medicine employees seeking promotional opportunities.
2. *Background Investigation Notification Letter* is the letter sent by CU Medicine 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, CU Medicine 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 CU Medicine employees. Any CU Medicine employee who applies for a promotional opportunity shall be subject to the same type of background investigation that an individual not currently employed by CU Medicine and seeking the same position would receive. Normal progressions through non-supervisory positions within the same department 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 CU Medicine 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 CU Medicine HR to conduct a background investigation.