



UNIVERSITY OF DENVER
POLICY MANUAL
BACKGROUND CHECKS

Responsible Department: Office of Enterprise Risk Management

Recommended By: Senior Vice Chancellor for Business and Financial Affairs, Executive Director of Enterprise Risk Management, Vice Chancellor for Human Resources

Approved By: Chancellor

Policy Number
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I. INTRODUCTION

This Policy establishes the circumstances under which the University will conduct background checks for purposes of evaluating an individual's eligibility for employment at the University, serving in a particular position, or engaging in certain activities, and the processes that will be followed to promote fair treatment of candidates, employees, and other individuals with respect to background checks.

II. POLICY OVERVIEW

The University strives to provide a safe learning, working, and living environment for its faculty, staff, volunteers and students. To support this environment and comply with applicable laws and regulations, the University conducts background checks as set forth in this Policy. The type of background check conducted varies by position and can include, but is not limited to, criminal history, sex offender registry, motor vehicle driving history, financial history, and/or verification of education and other credentials. The University will also conduct background checks when required by law or contract and when, the University in its sole discretion, deems it is reasonable and prudent.

III. PROCESS OVERVIEW

A. Required Background Checks:

1. New Hires: The University conducts the following background checks on all newly hired or rehired individuals: (a) a Social Security Trace; and (b) a criminal history.
2. Position specific: Prior to an employee starting in certain positions or

undertaking certain duties, the University may require additional background checks, including one or more of the following:

- a. Verification of education, employment, and/or other credentials;
 - b. Financial history;
 - c. Motor vehicle record;
 - d. Sex offender registry; and/or
 - e. Office of Foreign Assets Control (“OFAC”) Screening.
3. Non-Employees: Except as noted below, the University requires a background check as described in Section III.A.1 above for individuals offered volunteer opportunities, participating in a clinical practicum in a University degree program, or designated as Special Community Members prior to engaging in such activities when the position meets one or more of the following sensitive conditions:
- a. Interacts with students or minors;
 - b. Conducts on-campus research;
 - c. Has unsupervised access to residence halls or secure facilities;
 - d. Has access to controlled substances (as defined in the Controlled Substances Act, 21 U.S.C. 801 et. seq.), select agents or other sensitive research materials/information;
 - e. Has access to animals;
 - f. Has access to sensitive information;
 - g. Has cash handling responsibilities; and/or
 - h. Requires a background check to participate in a clinical practicum.

The only exception to this requirement is when a vendor with a contractual relationship with the University completes the background check as specified in the contract, such as Aramark, Sodexo, AimHire, and the Denver Art Museum (DAM).

4. Break in Service/Rehires: The University will conduct a new background check when an individual's employment, contract, or other relationship with the University has a break in service that is more than one (1) year after last day worked or services performed for the University, provided that sabbatical leave, parental leave, military leave, and other types of University-approved leave do not constitute a break in service.

B. Notice and Consent:

1. For new hires and employees, the University will include notification of the background check requirements in the job posting, and the University will ask candidates to consent to such check after being offered the position and prior to finalizing the employment decision. Failure to consent to a background check will disqualify the candidate from employment. A candidate who fails to provide the necessary information or who provides

false or misleading information may be disqualified from further consideration. A final offer of employment is contingent on the successful completion of the background check. If the University subsequently learns that a candidate or employee provided false or misleading information related to the background check, the University may subject the employee to disciplinary action up to and including termination.

2. For non-employees for which a background check is required to participate in an activity addressed in Section III.A.3 above (a “covered activity”), the University will require the non-employee to consent to a background check prior to participating in the covered activity. Failure of a non-employee to consent to a background check will disqualify the individual from participation in the covered activity.
- C.** The University retains the right to conduct background checks of current employees when the University has reasonable grounds to do so and when required to do so by contract or pursuant to state or federal laws, rules, and regulations.
- D.** Confidentiality: All employees are responsible for protecting the integrity and confidentiality of the background check process. Employees must only share information with those individuals, entities or government agencies with a legitimate need to know. Employees must treat all information received in connection with a background check as “sensitive information” as defined in the University Policy IT 1.10.080 - *Information Security*.
- E.** Adverse Employment Decision/Participation Decision: If the University learns of information during a background check permitted under this Policy that could potentially result in an adverse employment decision/participation in a covered activity, Human Resources (HR), or, the University will take the following steps through Human Resources (for candidates and employees) or through the applicable program director (for non-employees):
1. Pre-Adverse Employment Decision/Participation Decision Notice:
 - a. Notify the individual that negative information was revealed during the background check process that may impact the employment decision/participation in a covered activity;
 - b. Provide a copy of the supporting report to the individual, along with a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act."
 - c. Allow the individual no less than five (5) business days to challenge the information provided in the report and take steps to correct inaccuracies or provide an explanation.
 2. Decision Stay: The University will not make a final decision regarding employment or participation in a covered activity until after the individual

has submitted information as set forth in Section III.E.1 or the time for submitting such information has lapsed.

3. Adverse Employment Decision/Participation Decision Notice: If, after considering any candidate or employee response pursuant to Section III.E.1, the University determines that the negative information revealed results in an adverse employment decision/participation decision regarding employment/participation in a covered activity, the University will send a second written notification to the individual. This notice shall include the following:
 - a. The name, address, and phone number of the vendor Consumer Report Agency (CRA) that supplied the report;
 - b. A statement that the CRA supplying the report did not make the decision to take the adverse employment decision/participation and cannot give specific reasons for such decision; and
 - c. A notice of the individual's right to dispute the accuracy or completeness of any information the CRA furnished, and their right to receive an additional free consumer report upon request within 60 days and to dispute with the CRA directly the accuracy or completeness of any information in the consumer report.

F. Self-Reporting Requirement

1. Employees must obtain driving approval, including a motor vehicle records (MVR) check, prior to driving any University owned/leased/rented vehicles or driving a personal vehicle as an integral part of any University program, event, organization or work-related activity. After receiving approval from Enterprise Risk Management (ERM) to drive, employees must immediately report any new conviction as set forth in Section 2 of the [DU Driving Procedures](#), including but not limited to, suspension, revocation, cancellation, or non-renewal of their driver's license. If the incident is the subject of a legal or administrative proceeding, and the employee has the legal right to continue to work and to operate a motor vehicle while the action or proceeding is pending, then the employee must immediately report any conviction upon final disposition of the action or proceeding.
2. The applicable unit must remove any employees, associates, volunteers, or Special Community Members from any driving responsibilities following a report of a conviction for drug and/or alcohol use while driving.
3. Hiring Authorities or Supervisors who are notified by an employee of a post-employment criminal conviction, or suspension or revocation of their driver's license (if their position requires driving), must report the information to HR.
4. All employees, associates, volunteers or Special Community Members

must notify HR upon final conviction of a felony or a misdemeanor in any jurisdiction. HR will notify the individual's unit of the conviction only if HR determines that the conviction is reasonably related to the individual's ability to carry out the duties or functions of their position.

5. The University may subject employees to disciplinary action, up to and including termination, and/or prohibit participation in covered activities based on convictions required to be reported pursuant to this Section III.F and/or for failure to report such convictions. The University may also require additional background checks and rechecks at periodic intervals.
- G. Contractor Responsibility for Conducting Background Checks.** Contractors performing sensitive conditions work for the University must conduct background checks on all of their employees, agents, and subcontractors who will provide services to the University, and, upon the University's request, certify that such employees and agents have satisfactorily completed the background check.
- H. Exemptions:**
1. **Minor Candidates:** The University will not require minors to undergo pre-employment background checks at the time of hire.
 2. **International Candidates:** (a) If an international candidate has lived in the United States longer than six months, the University will conduct a criminal history check and OFAC Screening. (b) If the international candidate has not lived in the United States longer than six months, the University will only conduct OFAC Screening (and, if applicable to the position, a motor vehicle driving record check).

IV. DEFINITIONS

- A. "Associate"** is an individual who is not a University employee or student but is affiliated with the University by contract or agency relationship, and who is not paid through the University's payroll system. Associates include visiting faculty, contractors, collaborators, and all others with access to University systems.
- B. "Break in Service"** is a break in service is any separation from employment for more than one (1) year. Sabbatical leave, parental leave, military leave, and other types of University-approved leave do not constitute a break in service.
- C. "Candidate"** is an applicant for employment, clinical practicum, or volunteer position to whom the University wishes to offer the position contingent upon successful completion of a background check.
- D. "Clinical Practicum"** is a clinical position that, by law or regulation, requires a

background check to participate.

- E. **“Contractor”** is an individual, business, or corporation that provides goods or services to another entity under terms specified in a written agreement.
- F. **“Criminal History Check”** is the process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or appropriate third-party vendor relating to an individual's criminal convictions. A criminal history record does not include an individual's conviction records that have been sealed by court order. Criminal records include in-state and out-of-state, including misdemeanor and felony convictions.
- G. **“Education Verification”** is the process of gathering and reviewing education history by verifying that a degree, certificate, or diploma was awarded.
- H. **“Financial History Check”** means the process of gathering and reviewing financial history records or information furnished by any court of law, credit reporting agency (credit report), or appropriate third-party vendor. Note: Under the Colorado Employment Opportunity Act, § 8-2-126, C.R.S., employers may not request a prospective or current employee's credit report or use consumer credit information for employment purposes, unless the credit information is substantially related to the employee's current or potential job, or the person being evaluated or the employer is exempt as provided by the law. Please visit <https://cdle.colorado.gov/workplace-conditions/employment-opportunity-act-credit-history> for more information.
- I. **“International Candidate”** is a current, former, or prospective employee who is not a U.S. Citizen or permanent resident of the U.S., and does not have a U.S. issued social security number or who has obtained a social security number in the last six months.
- J. **“Minor”** means an individual under the age of 18.
- K. **“Motor Vehicle Records Check”** is the process of gathering and reviewing motor vehicle and/or driver's license records or information, including motor vehicle records from any jurisdiction where the individual has resided.
- L. **“OFAC Screening”** involves checking individuals and/or entities against the denied party lists maintained by the United States Treasury Department's Office of Foreign Assets Control (OFAC).
- M. **“Sensitive Information”** is information or knowledge essential to the University's mission and functions, the loss or compromise of which would have an unacceptable impact to the institution or an individual. Sensitive information includes, but is not limited to, personally identifiable information such as social security number, financial account number, student identification number, home

address, passport number, and computer account/password information; and information that is protected by applicable privacy laws such as Health Insurance Portability and Accountability Act of 1996 (HIPAA), Family Educational Rights and Privacy Act (“FERPA”), or Gramm-Leach-Bliley Act (“GLBA”).

N. “Special Community Member” is an individual who is not an employee or student but who needs access to various University resources in order to partner or collaborate with the University for the benefit of the University.

O. “Student” means any individual registered for or auditing classes at the University; enrolled in any University program; or on University premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-degree program.

P. “Social Security Trace” is a database search that provides the year, state of issuance, and address and name history of a particular social security number. It is a critical component of a background check.

Q. “Volunteer” is an individual who is not an employee and who is providing a service to the University without expectation of remuneration.

V. RESOURCES

A. University Policy RISK 12.10.010 – *Use of University Vehicles.*

Revision Effective Date	Purpose