

UNIVERSITY HEALTH CARE
HOSPITALS AND CLINICS

GRADUATE MEDICAL EDUCATION

RESIDENT POLICIES AND PROCEDURES

CRIMINAL BACKGROUND CHECKS

GME 1.6

Review Date: February 2016

Chapter: Conditions for Employment

I. PURPOSE:

University of Utah Hospitals and Clinics requires successful completion of a criminal background check for all new University of Utah Hospitals and Clinics residents. The University of Utah uses a Consumer Reporting Agency to perform a Criminal History Background Check as part of the employment process. The Consumer Reporting Agency conducts an investigation that verifies the social security number, obtains information regarding past employment, and performs a criminal background check.

II. POLICY

- a. This policy applies to all house officers receiving offers of employment from any facility or entity associated with the University of Utah.
- b. Authorization: Utah law (UCA 53-5-214) authorizes the University of Utah Office of Graduate Medical Education to request criminal background checks on potential employees based on the expected patient population which may include children or vulnerable adults.
- c. The University of Utah Hospitals and Clinics requires a criminal background check as part of the credentialing process for all residents.
- d. Background checks will be performed only after the applicant has received an offer of employment.
- e. All employment offers are contingent upon satisfactory results of a criminal background check.
- f. Criminal background information released to the University of Utah Hospitals and Clinics will be used only for purposes of assisting in making hiring or other employment decisions.
- g. If a background check identifies issues which may preclude employment, the case will be referred to the GME Executive Committee.

III. PROCEDURE

- a. **Application:** Once an applicant has accepted an offer, the GME Office forwards the candidates' contact information to University of Utah Hospital Human Resources (HR). HR will contact the candidate by email with instructions for completing the background check authorization. The GME Office is notified by HR when the candidate is clear to hire. NOTE: The hiring process will not move forward until the applicant has completed this online information to initiate the background check.

a. **Convictions:**

- i. If an applicant truthfully discloses conviction(s) on the application, an evaluation of each conviction will be made before making a conditional offer of employment.
- ii. The existence of a conviction does not automatically disqualify an individual from eligibility for employment. Relevant considerations may include, but are not limited to: the date, nature and number of convictions; the relationship the conviction bears to the duties and responsibilities of the job; and successful efforts toward rehabilitation. Any decision to reject or accept an applicant with a conviction is solely at the discretion of University of Utah Hospitals and Clinics.
- iii. If the background check identifies a criminal conviction not disclosed on the employment application, the applicant will be notified and the offer of employment withdrawn. Failure to disclose all previous convictions other than minor traffic convictions will be considered falsification of records and will be the grounds for automatic dismissal or withdrawal of offer of training to an applicant. If the University of Utah becomes aware that a current employee has not completed the application truthfully, he/she will be subject to disciplinary action up to and including termination.

b. **Results:**

- i. **Confidentiality:** Reasonable efforts will be made to ensure that results of criminal background checks are kept as confidential as possible with a limited number of persons authorized to review results.
- ii. **Access to Results:** The Human Resources Department reviews all criminal background checks and reports the results to the GME Office. If adverse information deemed to be relevant to the applicant's suitability for employment is contained in the background check, the Director of Graduate Medical Education will notify the applicant in writing and will refer the report to the GME Executive Committee, which will make any decisions relative to employment.
- iii. **Information Available through Background Checks:** The criminal background check will include a record of all arrests and convictions. In almost every case, only conviction information will be considered. If the check reveals information that could be relevant to the suitability for the job, the Executive Committee may request additional information from the applicant. If the check reveals anything more than minor traffic convictions, it shall be forwarded to the Executive Committee.
- iv. **Ability of Applicant to Review Information:** The applicant may review the criminal background check received by the University by contacting the Human Resources Department in writing.
- v. **Right to Respond to Adverse Report:** The applicant will be asked to review any adverse information and to provide a written

response for the GME Executive Committee. When appropriate, the resident may be asked to meet with the committee in person to answer questions.

- vi. **Right to Change and/or Terminate Policy:** Reasonable efforts will be made to keep employees informed of any changes in the policy. However, the University of Utah reserves the right, in its sole discretion, to amend, replace, and/or terminate this policy at any time.

Approval body: Graduate Medical Education Committee

Approval date: April 2004

Policy Owner: Graduate Medical Education

Historical Information:

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