

Memorandum

To: Academic Senate

From: Jeff C. Herring
Chief Human Resources Officer, University of Utah Human Resources Management

Dale Spartz
Chief Human Resources Officer, University of Utah Health – Hospitals and Clinics

Date: September 25, 2017

Subject: Proposed Changes to University Regulations on Criminal and Other Background Checks for University Employees (Policy 5-130: Policy on Criminal and Other Background Checks, Rule 5-130A: Criminal and Other Background Checks for Faculty and Academic Personnel, and Rule 5-130B: Criminal and Other Background Checks for Campus University Staff) and proposed implementation of Rule 5-130C: Criminal Background Checks for University Hospitals and Clinics Staff

I. Introduction:

This is a proposal to update and otherwise amend the main University Policy and the two accompanying University Rules which govern criminal background check requirements and procedures for University employees and to implement a third accompanying rule for University Hospitals and Clinics.

This policy and accompanying rules A and B were originally enacted in 2009 to comply with Utah State legislation and Utah Board of Regents policy. The primary reasons for revising this set of regulations now are to expand the categories of faculty and staff employee positions for which new hires are subject to background check requirements.

The most extensive expansion is for employees in positions in both academic units and clinical care units which administratively report to the Senior Vice President for Health Sciences. As part of an administrative “rebranding” for those units, the University has adopted a new name designation, University of Utah Health, which includes both University of Utah Health - Hospitals and Clinics (UUHC) and the University of Utah Health - Academics. Due to regulatory requirements and the close association of University of Utah Health – Academics employees and University of Utah Health - UUHC employees within University of Utah Health, the need exists to make pre-hire requirements more congruent between the two types of employees. The specific changes for the regulations add certain categories of faculty, non-faculty academic personnel, and staff employees to those positions for which new hires are required to undergo background checks.

In the other University units (not part of U of U Health), the primary change is to include new hires to faculty positions which are between .50 FTE and .75 FTE.

II. Highlights of changes:

The three affected regulations are:

Policy 5-130: Policy on Criminal and Other Background Checks (effective May 2009)

Rule 5-130A: Faculty and Academic Personnel (effective May 2009)

Rule 5-130B: Criminal and Other (last revised August of 2012)

While some revisions are proposed to the policy, the bulk of the proposed changes, which outline special provisions beyond what the legislature and Board of Regents implemented, are recommended for the accompanying Rules.

Changes affecting all three of the regulations:

The Scope statements are revised to explain that in addition to these regulations dating from 2009, there is now another separate Policy covering a related topic, Policy 1-015 Safety of Minors Participating in University Programs or Programs Held on University Premises. This Policy regarding minors was enacted in 2016. Readers consulting the regulations should be made aware of this separate Policy, which imposes criminal background check requirements for some persons who might not be reached by the 5-130 set of regulations.

Policy 5-130 Policy on Criminal and Other Background Checks. Significant changes are:

- Title is changed to “Criminal and Other Background Checks for University Employees” This will help readers distinguish between the 5-130 regulations and the newer Policy 1-015 which governs non-employees, including volunteers, in contexts involving contact with minors.
- Definitions of Faculty positions were updated.
- Some reorganization and rewording was completed for clarity.

Rule 5-130A Faculty and Academic Personnel. Significant changes are:

- A definition of University of Utah Health was added.
- All new hires to faculty positions at FTE of 0.50 or above in all University units are categorically included and required to complete a background check as a condition of employment (formerly only new-hire faculty at or above .75FTE were categorically included). Unlike staff who are considered full-time employees at .75 FTE and above, faculty members are considered full-time employees at 0.50 FTE. This means that faculty members at 0.50 FTE and above are fully benefited and are eligible for the full-time employee rates on insurance. We therefore believe that this is the appropriate line for determining how best to comply with our obligations under Utah law. We have very few faculty members hired in the range between .5 FTE and .74 FTE so we expect that this would impact at most five people each year, i.e., we anticipate that we will run a background check on a maximum of five additional people each year as a result of this change.
- All new-hire faculty and academic non-faculty positions in U of U Health units, regardless of FTE, are categorically included and required to complete a background check as a condition of employment, except for unpaid adjunct faculty (formerly only new-hire U of U Health faculty at or above .75 FTE were categorically included). This change will make background check requirements for *U of U Health Academics* more congruent with *U of U Health Hospitals and Clinics* background check requirements, and will align with regulatory and accreditation requirements for health care personnel. Currently, approximately 25% of U of U Health Academics

faculty and staff are not subject to pre-hire background checks. All U of U Health Deans are supportive of this change.

- In section III. A. 6. the phrase “400 consecutive days” is replaced with “12 months” to be consistent with Rule 5-130 B: Criminal Background Checks for University Staff.
- Some reorganization and rewording was completed for clarity.
- Terminology is updated to reflect the University’s 2013 change of nomenclature from “regular” and “auxiliary” faculty to “tenure-line” and “career-line” faculty.

Rule 5-130B Criminal and Other Background Checks for University Staff. Significant changes are:

- A definition of University of Utah Health was added.
- All U of U Health staff employees are categorically included as required to complete a background check as a condition of employment, regardless of FTE (formerly only staff at or above .50 FTE were categorically included)
- Some reorganization and rewording was completed for clarity.

Rule 5-130C Criminal Background Checks for University Hospitals and Clinics Staff. Implementation of a Rule for University Hospitals and Clinics (UHC) is proposed to describe:

- The scope of UHC staff positions subject to background checks.
- The type of criminal and other background checks UHC may use.
- The related decision making processes.

III. Consultations and remaining steps.

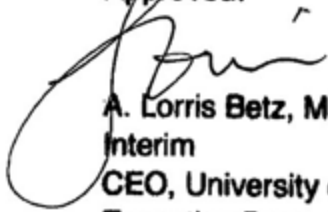
The Policy and Rules A and B have been reviewed with the Institutional Policy Committee (IPC) (twice, in March and May of 2017), Staff Council Executive Committee, Staff Council, Council of Academic Deans morning meeting, the Health Sciences Dean’s monthly meeting and were revised extensively based on their feedback. Rule C was reviewed by the IPC. Policy and accompanying Rules were presented to the Executive Committee of the Academic Senate on July 10, 2017.

Rick Smith Senior Director – HRM, Andrea D. Brown-Christensen HR Director, and Piikea Godfrey Director, Faculty Affairs, will present the proposal to the Academic Senate on October 2, 2017.

It is recommended that the effective date of the amended versions of these Policies and Rules be 7-1-17 upon final approval, with a target effective date of November 1, 2017 (if Senate and Board of Trustee approvals are completed).

For questions about the proposal of the Policy and Rules A and B, please contact Rick Smith at 801-581-5661 or rick.smith@hsc.utah.edu. For questions about the proposal of Rule C, please contact Dale Spartz at 801-585-1325 or dale.spartz@hsc.utah.edu.

Approved:



A. Lorris Betz, MD, PhD

Interim

CEO, University of Utah Health

Executive Dean, University of Utah School of Medicine

Senior Vice President for Health Sciences

Approved.



AVP for Fac. Hyg., Academic Affairs