



## Policy 4.15 Self-Disclosure of Criminal Convictions and Background Check Frequently Asked Questions

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### Background Checks

**1. My college/department already has a background check program. How does this policy impact our existing program?**

Your existing program must comply with the [Minimum Standards for Conducting Background Checks](#) and be approved by the Office of Human Resources. Units may go above and beyond what is required, however, the policy outlines specific positions that must be background checked by the Office of Human Resources background check coordinator (OHRBCC) and/or the unit background check coordinator (BCC).

**2. How do I decide when it is appropriate to conduct a background check on graduate associates, student employees, and/or volunteers?**

Consider whether the position responsibilities are of a “sensitive” nature. Examples may include: handling financial matters; possession of building master or sub-master key(s); access to university-owned residential facilities and certain other facilities; direct responsibility for the oversight, care, safety and security of non-enrolled minors; direct access to, or control over, cash, checks, credit/debit card account information; access to detailed personally identifiable information about students, faculty, staff, or alumni that might enable identity theft; access to controlled substances/drugs; routine driving of university vehicles, etc.

**3. My unit needs to create our own background check program. What should we do?**

Unit background check programs must comply with the [Minimum Standards for Conducting Background Checks](#) and the background check processes must be approved by the OHRBCC. For guidance and help with program creation, contact the OHRBCC.

**4. Who is the Office of Human Resources background check coordinator (OHRBCC) and how do I contact her/him?**

The OHRBCC is an Office of Human Resources employee(s) designated to administer the background check process for the positions specified in Policy 4.15 and for those colleges and units that have centralized their background check processes. The OHRBCC may be reached by calling 614-292-2800 or emailing [ohrbcc@hr.osu.edu](mailto:ohrbcc@hr.osu.edu).

**5. Does the department have to conduct a background check on auxiliary faculty when they return to the university after a break in service?**

If the auxiliary faculty member has had a break in service from the university for twelve months or longer, then a background check must be done.

**6. Is a background check required for unpaid appointments?**

A background check is required for all positions listed in Policy 4.15, Section II-Regulations, regardless of whether the appointment is paid or unpaid.

**7. Can the background check coordinator (BCC) be involved in the interview process for a position?**

Yes. The BCC can be involved in the interview process for a position. The BCC must not reveal any information obtained from the background check process.

**8. Are background check results subject to the Ohio Public Records Act?**

Yes.

**9. Who is required to notify the candidate that background check results are subject to the Ohio Public Records Act?**

The hiring manager is responsible.



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**10. The Self-Disclosure of Criminal Convictions and Background Check policy states that the hiring manager must ask candidates about negative information revealed on their application regarding past criminal offenses.**

**What types of questions can or cannot be asked?**

Questions regarding criminal convictions should focus on the relevancy to the job duties as well as the time frame, nature, gravity, circumstances surrounding the conviction, and the candidate’s history since the conviction. The questions must not indicate assumptions about the candidate’s moral character or be irrelevant in determining the nature of the conviction(s).

Questions must focus solely on convictions and **not** arrests.

Examples of questions that can or cannot be asked include:

Appropriate Questions	Inappropriate Questions
Can you tell me about the circumstances surrounding the conviction?	Have you ever been arrested?
When and where were you convicted of this offense?	Was this the first/only time you were arrested?
What was the official offense of which you were convicted?	How drunk were you? Do you have a problem with alcohol/drugs?
Are there other convictions not listed on your application?	How old were you when you were arrested?

For additional guidance, contact the Office of Human Resources at 614-292-2800 or [ohrbcc@hr.osu.edu](mailto:ohrbcc@hr.osu.edu) .

**11. Can a hiring manager ask a candidate about criminal convictions not listed on the application and/or consent form?**

The hiring manager should ask the candidate if there are any criminal convictions not listed on the application and/or consent form and discuss the details with them. If a candidate indicates that a criminal record was expunged, no further questions should be asked about it. Expungements cannot not be taken into account regarding the candidate’s suitability for employment.

**12. Is a background check required for positions classified as interim?**

Any interim appointment to the positions listed in Policy 4.15-Section II-Regulations also require background checks. For any interim appointment to positions not listed in Policy 4.15-Section II-Regulations, decisions to conduct background checks should be based upon established unit processes.

**13. We are planning on hiring a candidate into a non-regular status position (e.g. temporary, seasonal, intermittent, term, visiting scholar). Are we required to conduct a background check on this person?**

Yes. Non-regular status positions such as temporary, term, seasonal, auxiliary, intermittent, and visiting scholar appointments are required to have a background check.

**14. Do we need to conduct a background check every time an intermittent employee is re-hired?**

Yes. A background check must be conducted on intermittent employees each time they are rehired.

**15. Do we need to conduct a background check when an employee returns from a disability separation?**

Yes. A disability separation is a break in university employment. Please consult with the OHR employment law and compliance manager to discuss how background check information should be assessed.

**16. Do we need to conduct a background check on an employee who is subject to a reduction in force?**

Yes. If an employee exercises her/his displacement rights and is placed into a new position that would otherwise require a background check per Policy 4.15, then a check is required to be conducted.

**17. Is a background check required when an incumbent is being reclassified?**

No. A background check is not required when an incumbent is reclassified into a different title.

**18. Once the background check process begins on a final candidate, is the hiring manager required to wait until a determination of eligibility is communicated before making an offer to a different candidate?**

Yes, a hiring manager must wait until the BCC or OHRBCC communicates a determination on a candidate's eligibility for hire.

**19. What is the process for OHR conducting background checks for positions specifically outlined in Policy 4.15, Section II-Regulations or for those colleges/units whose process is centralized to OHR?**

The OHR background check coordinator (OHRBCC) receives the request from the department/unit and submits the information to an outside vendor. Once the background check results are received, the OHRBCC analyzes the results and makes a determination on eligibility to hire. When appropriate, unit leadership (provided they are not the hiring manager), Office of Academic Affairs, senior human resource professional, Office of Legal Affairs and/or the OHR employment law and compliance manager will be consulted.

**20. How do I submit a request and pay for a background check that OHR conducts on my candidate?**

A completed [Background Check Disclosure, Authorization and Release](#) form must be sent to the OHRBCC, or the final candidate may electronically sign the form on the background check vendor's website, before a check can be conducted. Units will be invoiced directly for all background checks they request.

**21. Why isn't the specific information contained in a background check report communicated to the hiring manager?**

This information is not shared to protect the privacy of candidates and to minimize bias in employment decisions.

**22. I'm the background check coordinator (BCC) for my unit, and I'm also the hiring manager for a position. Should I still review the background check information for the candidate?**

No. The unit should designate another qualified employee to serve in the role of BCC. This employee should conduct the check, review the information received, and determine the eligibility of the candidate.

**23. If an internal candidate's background check reveals information that could potentially preclude her/him from the position, does the background check coordinator have an obligation to communicate this to the candidate's home unit?**

Contact the Office of Human Resources for guidance since communicating with the candidate's home department may depend on a variety of factors (e.g. the type of information found, when the conviction occurred, the relation of the information to the candidate's current job, etc.).

**24. What happens if an internal candidate fails to disclose or fails to provide truthful, accurate, and complete information regarding criminal conviction?**

The internal candidate will be ineligible for hire for the current position and may be prohibited from remaining in her/his current position or from future employment consideration. Contact the Office of Human Resources for guidance.

**25. If a search firm is used to fill a position requiring a background check under Policy 4.15 and the firm conducts one, does the policy still apply?**

If a search firm conducts a background check as part of their screening process, the university will not conduct its own background check provided that the firm is in compliance with the required checks mandated by Policy 4.15. If the firm is not in compliance then the university will conduct its own background check.

**26. What are the records retention guidelines for background check results and the [Background Check Disclosure, Authorization and Release](#) form?**

In accordance with the [University Archives Records Retention Schedule](#):

- For candidates who are hired:
  - The background check results must be retained until reviewed by the unit background check coordinator (BCC) and a determination to hire is made. Once this occurs, the BCC will destroy the background check results to ensure confidentiality.
  - The [Background Check Disclosure, Authorization and Release](#) form (including a notation from the BCC as to when the background check was completed) must be retained in a location separate from the candidate's personnel file for the length of employment plus three years.
- For candidates who are not hired due to the information revealed in the background check, both the background check results and the background check consent form (including a notation from the BCC as to when the background check was completed) must be retained for three years by the BCC in a file separate from other documents generated by the selection process.

**27. What are the records retention guidelines for documentation related to post-employment self-disclosure?**

Documentation related to post-employment self-disclosure should be retained following the same schedule as with initial hires.

**28. How long are the results of a background check valid?**

The results may be valid for as long as the employee remains in the position and title. Units in consultation with the Office of Human Resources may conduct periodic background checks as needed.

**29. Who is responsible for retaining the background check records?**

The BCC or OHRBCC that conducted the background check is responsible for retaining records as outlined above.

**30. Where should I keep the background check consent form and background check results?**

Consent forms and results should be maintained by the BCC in a secured file. This file should be separate from the personnel file and separate from other documents generated by the selection process.

**31. When must the [Background Check Disclosure, Authorization and Release](#) form and the [Summary of Your Rights Under the Fair Credit Reporting Act](#) be provided to a final candidate?**

Prior to a background check being performed by a third party vendor, final candidates must be given a copy of the [Background Check Disclosure, Authorization and Release](#) form. The [Summary of Your Rights Under the Fair Credit Reporting Act](#) form must be given to a final candidate if information revealed on a background check precludes a final candidate from eligibility to hire.

**32. Can a background check be conducted on an individual who does not have a social security number?**

Yes. An international check would need to be conducted if an individual does not have a social security number. An individual's name and date of birth are the most common identifiers used to conduct an international check.

**33. Can an individual start employment prior to the background check being completed?**

No. An individual cannot begin employment at Ohio State until the background check is complete and it is determined that the individual has successfully passed the background check.

### **Self-Disclosure of Criminal Convictions**

Effective July 1, 2011, current faculty, staff, graduate associates, and student employees must disclose criminal convictions within three business days of the conviction.

**34. What types of convictions must faculty and staff disclose?**

If faculty or staff members are found guilty, enter a guilty plea, or plead no contest to a felony or misdemeanor they must disclose.

**35. What is the definition of a felony and misdemeanor?**

Under Ohio Law, a felony is typically punishable by a maximum prison sentence of more than six months while a misdemeanor is typically punishable by a maximum jail sentence of less than six months. Courts may impose fines or other penalties instead of a jail or prison sentence, and an individual may be convicted of a felony or misdemeanor without being sentenced to either a fine or jail. Felonies and misdemeanors may be defined differently in other states or foreign jurisdictions.

Convictions for felonies and misdemeanors include convictions for all criminal offenses, traffic tickets, and municipal ordinance violations. While minor traffic offenses are misdemeanor offenses, this policy does not require individuals to report convictions for minor misdemeanor traffic violations. Under Ohio law, minor misdemeanor traffic offenses are punishable by a maximum fine of \$150 and often do not require the person charged to appear in court if they pay a ticket within a specified time period; this includes most speeding tickets and other violations such as failure to obey a red light, failure to use a turn signal, expired registration, etc. Parking violations are also not required to be reported under this policy. All other traffic offenses, such as OVI (also referred to as OMVI, DUI, or DWI [driving/operating a motor vehicle under the influence), failure to stop after an accident (also referred to as "hit skip"), and driving under suspension, must be reported.

**36. How can current faculty, staff, graduate associates, and student employees disclose convictions that occur while employed at the university?**

Faculty, staff, graduate associates, and student employees can contact the unit senior human resource professional or the OHR employment law and compliance manager in person, via phone, or e-mail to disclose the conviction.

**37. How will the conviction and related information that current faculty, staff, graduate associates, and student employees disclose be evaluated and by whom?**

The senior human resource professional and OHR employment law and compliance manager will work together to make a determination on suitability for continued employment based on the information received and collected regarding the conviction. They will consult with others such as the dean or vice president, the Office of Academic Affairs, and/or the Office of Legal Affairs, as appropriate.



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**38. Where can I obtain additional information?**

Visit [hr.osu.edu/policy](http://hr.osu.edu/policy) Policy 4.15

Contact Office of Human Resources, [ohrbcc@hr.osu.edu](mailto:ohrbcc@hr.osu.edu), 614-292-2800

**History**

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