



Minimum Standards for Conducting Background Checks

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Introduction

Policy 4.15, Self-Disclosure of Criminal Convictions and Background Check requires background checks to be conducted on final candidates for specified university positions. Units may conduct background checks on candidates for positions not mandated by Policy 4.15. The Office of Human Resources (OHR) must approve unit background check processes that go above and beyond the policy requirements.

The principles in this document must be used to ensure consistent and fair practices for background checks mandated by Policy 4.15 and for unit background check programs that go above and beyond the policy requirements. The Office of Human Resources is available for consultation regarding both the policy and unit processes.

Identifying a Background Check Coordinator (BCC)

The first step for a college or VP unit is to assign the role of background check coordinator (BCC). The BCC should be an employee in the college or VP unit, should have human resource responsibilities, and must not be the hiring manager. The BCC is responsible for all activities involved with the background check process:

- Determine the types of checks to be performed for each job title, based upon the job responsibilities.
- Ensure consistency in background check processes and decisions across the unit.
- Review documentation and forms received from final candidates to ensure completeness.
- Request background checks from the approved background check vendor.
- Assess and make decisions on the final candidate's suitability for the position based on background check results unless this service is centralized to OHR.
- Consult with the Office of Human Resources background check coordinator (OHRBCC), unit leadership (provided they are not the hiring manager), Office of Academic Affairs, senior human resource professional, Office of Legal Affairs, and/or OHR employment law and compliance manager in cases when a decision to hire is uncertain based on a final candidate's background check results and additional consultation is needed.
- Work with the final candidate to resolve issues related to the background check and establish timelines for the final candidate to resolve issues as needed. This is applicable when the final candidate disputes the accuracy of information revealed through the background check.
- Notify the hiring manager as to whether information revealed by the background check would preclude the final candidate from being hired.
- Provide the results of a background check performed by an approved background check vendor or any checks other than those listed in section two of Required Background Checks to candidates not hired due to the information obtained in the check.
- Process background check documentation in accordance with the [University Archives Records Retention Schedule](#).
- Maintain confidentiality of background check information and documentation on a strict need-to-know basis.

The Background Check Vendor

The university uses specific approved background check vendors. Units are required to use a university approved background check vendor to conduct background checks, in accordance with the university purchasing policy. As of April 1, 2011, the university's exclusive vendor for background checks is LexisNexis.

Types of Positions Required by Policy 4.15 to be Background Checked

Background checks must be conducted on internal and external final candidates for the following positions:

1. Regular faculty and staff,
2. Auxiliary faculty, visiting scholar, temporary, term, seasonal and intermittent appointments (excluding graduate associate and undergraduate student appointments),



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- 3. Temporary staff provided by third party vendors unless the third party vendor has conducted its own background check that complies with university requirements,
4. Individuals appointed to President's Council, and
5. Other positions as noted within the policy or required by law, regulation, or standard.

Determining Who to Check and How

If the unit intends to conduct background checks on candidates in addition to those required by the policy, it is necessary to set standards as to which positions will require background checks and which types of background checks will be conducted.

Some units have established processes of background checking final candidates for all position openings. In other cases, units decide to background check candidates, graduate associates, student employees, volunteers, and/or employees of non-staffing vendors provided there is a business justification such as when the position has responsibilities deemed to be "sensitive" in nature or when a background check is required by law. Examples of sensitive responsibilities include:

- Care of children or minors, such as child care workers, camp counselors, etc.
• Handling of financial matters; can be limited to those positions with approval authority or access above a set dollar amount.
• Direct access to or control over cash, checks, credit/debit card account information.
• Access to master keys of residences and areas requiring a high level of security, such as those that store controlled substances or money, research facilities, etc.
• Routine operation of university owned vehicles.
• Access to controlled substances.
• Access to and use of firearms.
• Care of patients in health care settings such as hospitals, dental clinics, vision clinics, mental health facilities, etc.
• Access to restricted levels of information technology systems or data.
• Access to export-restricted information or materials by applicants for research faculty and research scientist positions who are not naturalized citizens or do not have permanent resident status.

While the university does not currently specify what process a unit adopts, processes must be applied consistently and without bias toward or against any particular candidate or class of candidates.

Background checks must also be conducted consistently over time. For example, if a unit decides to background check final candidates for any position not covered by the policy, care must be taken to ensure background checks are completed for identical position searches.

What Types of Background Checks to Conduct

"Background check" covers many different methods of obtaining information about a candidate's personal and employment history. The most widely used background checks are identified below.

Table with 2 columns: Type and Purpose. Rows include Social Security Number (SSN) Trace, Criminal Records (County and State Criminal Felony and Misdemeanor, National Criminal Database, Federal Criminal), and National Sexual Offender Registry.



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Most Commonly Conducted Checks	
Type	Purpose
Search	
Education and Credential Verification	Used to verify if a degree or credential was issued and to confirm the date awarded.
Employment History	Used to verify dates of employment, position, and salary history.
Professional Licensing/Certification	Used to verify that professional licenses are up-to-date and valid for practice in the local jurisdiction. Also checks for prior suspensions of a license or disciplinary action against a candidate. Most often completed by contacting the responsible licensing board to verify that the candidate has a current and valid license.
Reference Check	Used to assess a candidate's work history, capability, growth potential, and industry skills. Can include discussions with a number of individuals at prior places of employment, not just those listed by the candidate.
Civil Case History	Used to identify past civil court cases, including court settlements that may indicate an applicant who previously engaged in business-related wrongdoings.
Credit Report History	Used to identify if an applicant has any financial accounts in collections, open loans, etc., by accessing credit bureau information. May be relevant if an applicant's position requires responsibility for significant funds. Caution should be taken in correlating candidates' personal credit histories with their perceived ability to manage institutional funds appropriately. Personal financial situations may not be reliable points of reference. Additionally, candidates' credit reports may reflect inaccurate information if they have been subjected to identity theft.
Drug and Alcohol Testing	Used in accordance with federal law to test individuals with commercial driver licenses (CDL). Some states recommend drug and alcohol testing for certain positions such as those in which employees carry firearms.
Export Control Database Check	Used in accordance with federal law to identify applicants who are restricted from access to sensitive research information or materials, which cannot be released to research faculty and research scientists who are not naturalized citizens or do not have permanent resident status, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulations (ITAR) or the Department of Commerce for items controlled by the Export Administration Regulations (EAR). The Office of Research Compliance has access to an updated database of EAR and ITAR restricted persons and is available for consultation at 614-292-4284.
Fingerprinting	Used in some states that require fingerprinting of individuals in sensitive positions, such as teachers or day care workers who supervise children.
Motor Vehicle Records/Licensing	Used to determine candidate's past driving records and/or to ensure candidate is permitted to operate various types of machinery as required by position responsibilities. Used for candidates applying for a position with primary responsibilities of driving a vehicle or operating machinery.

For those positions specified in Policy Details Section II Regulations of Policy 4.15 Self-Disclosure of Criminal Convictions and Background Check, the following types of checks are required be completed by OHR and/or the hiring unit:

- Social Security Number (SSN) Trace
- Criminal Records (County and State Criminal Felony and Misdemeanor, National Criminal Database, Federal Criminal)
- National Sexual Offender Registry Search

For those positions specified in Policy Details Section II Regulations of Policy 4.15 Self-Disclosure of Criminal Convictions and Background Check, the following types of checks should be completed by OHR and/or the hiring unit:

- Education and Credential Verification
- Employment History
- Professional Licensing/Certification
- Reference Check

Units should also request a history of a candidate's residences for the past seven years and conduct background checks in those jurisdictions (i.e., county, state, province, country, etc.). If a final candidate lists a residence outside the United States, the unit



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should conduct a background check in those countries. The background check vendor can help research which countries provide background information.

There are fundamental requirements for background checks which are conducted but which are not mandated by Policy 4.15:

- Unit background check processes must be consistent with the guiding principles established in Policy 4.15, Self-Disclosure of Criminal Convictions and Background Check.
- Unit background check processes must be applied objectively and consistently within the unit over time.
- Units must fully document background check processes to ensure consistent application. Documentation must include the business rationale for conducting checks above and beyond what is required in Policy 4.15, particularly if the practice is not applied to all final candidates in the department.
- The types of background checks conducted must be relevant to the position responsibilities.

Since exhaustive checking may be unnecessary and cost-prohibitive, units should consider restricting background checks to those types that are most relevant to the applicable position's responsibilities. For example, a position with driving responsibilities may warrant a motor vehicle history check, but would likely not require a credit report history check.

To determine which checks must be conducted in addition to those required by the policy, consider any background checks already required by law to ensure unit processes are not redundant. Units should consider establishing background check processes that are supplementary to legal requirements. This will ensure that funds earmarked for background checks are used efficiently and effectively.

No matter which types of checks a unit conducts, the rationale for the adopted processes must be documented by the unit and approved by OHR.

Offers of Employment

All offers of employment are contingent upon successful completion of the background check and all written or oral offers of employment must state: "This offer is contingent upon the university's verification of credentials and other information required by law and/or university policies or practices, including but not limited to a criminal background check."

Third Party Staffing Vendors

Units using staff provided by third party staffing vendors must use vendors that conduct the required background checks stipulated above. The requirement that these background checks are to be in compliance with this document must be incorporated into the contract with the third party staffing vendor. Units must use the Third Party Staffing Vendor Contract language.

Self-Disclosure of Criminal Convictions

Current faculty, staff, graduate associates, student employees, appointees, volunteers, and staff provided by third party staffing vendors are required to self-disclose post-employment criminal convictions that occur on or after July 1, 2011 within three business days of the conviction to the unit senior human resource professional or the OHR employment law and compliance manager. Auxiliary faculty that have a break in service of less than 12 months must disclose any conviction occurring during the break within three business days of returning to university employment. The unit senior human resource professional and the OHR employment law and compliance manager will work together to determine next steps.

Talking with Candidates about Criminal Convictions

Internal and external applicants are required to self-disclose criminal conviction information as part of the application process.



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- Hiring managers or unit HR staff should ask the candidate if there are other criminal convictions not listed on the application and discuss the details with the candidate.
- If a candidate indicates that a criminal record was expunged, no further questions should be asked about it as it cannot be taken into account regarding the candidate’s employment.
- Hiring managers must communicate to the BCC/OHRBCC any negative information provided by final candidates which a background check may disclose.
- Discriminatory questions are strictly prohibited. Examples of appropriate and inappropriate questions are:

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

Final Candidate Authorization and BCC/OHRBCC Notification

Prior to **any** background check performed by an approved background check vendor or any checks other than those listed in section two of [Required Background Checks](#), a unit must ensure that the following occurs:

- Final candidates must be given a copy of the [Background Check Disclosure, Authorization, and Release](#) form. Final candidates authorize the university to conduct pre-employment screening through a third party background check vendor when they complete the form. Failure to complete the form will preclude a final candidate from consideration for a position.
- Hiring managers are required to communicate with the BCC/OHRBCC when a final candidate has been identified for a position requiring a background check as identified by the documented unit process.

Assessing Background Check Information

If no information precluding the candidate from consideration is revealed by the background check, the BCC/OHRBCC will notify the hiring manager that the final candidate has passed the background check and that they may proceed with the hiring process.

If the BCC/OHRBCC needs clarification regarding information received from the background check vendor, they should contact the vendor directly.

If the information revealed by the background check conflicts with the information provided by the final candidate (e.g. the social security number, date of birth, or driver’s license number does not match the candidate’s name, etc.), the BCC/OHRBCC should contact the candidate to resolve the issue(s).

If information is revealed that potentially precludes a candidate from employment, the BCC/OHRBCC must send the [Pre-Adverse Action](#) letter which informs the final candidate that the results of the background check may disqualify her/him from consideration and that she/he has five business days to refute the information by providing supplementary documentation. The BCC/OHRBCC must also include copies of the background check results and the [Summary of Your Rights Under the Fair Credit Reporting Act](#) form. The candidate will have five business days to submit documentation, absent extenuating circumstances which may extend the time period to submit documentation.

If information is revealed that potentially precludes a candidate from consideration, the BCC/OHRBCC should take into account the following considerations:

- Only convictions may be considered when reviewing a final candidate’s criminal history. An arrest without a conviction in a closed case must not be considered. Expunged records must not be considered when making a determination of a candidate’s eligibility. A criminal conviction will not necessarily preclude a candidate from initial employment or continued employment.

The university will assess the circumstances surrounding the arrest as well as the time frame, nature, gravity, and relevancy of the alleged offense and charge to the job duties.

- Open criminal cases may preclude a final candidate from eligibility for employment. The university will assess the circumstances surrounding the arrest as well as the time frame, nature, gravity, and relevancy of the alleged offense and charge to the job duties. The BCC or OHRBCC, in consultation with the OHR employment law and compliance manager, is responsible for determining whether the final candidate is eligible for employment.
- If a final candidate fails to disclose a criminal conviction or fails to provide truthful, accurate, and complete information regarding the criminal conviction, she/he will be ineligible for hire and may be prohibited from future employment consideration. If the final candidate is prohibited from future employment consideration, she/he must be issued an [Ineligible for University Employment Due to Falsification](#) letter.
- Criminal convictions on a background check will be evaluated by the BCC/OHRBCC considering factors outlined in this document. 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 OHR employment law and compliance manager will be consulted. The BCC/OHRBCC will communicate the outcome of the evaluation to the applicant/employee.
- Information that potentially precludes a candidate from consideration should be analyzed by considering:
 - Relevancy of the information, such as a conviction, to the job responsibilities;
 - Final candidate’s employment history since the conviction(s) or other information;
 - Circumstances of the conviction(s);
 - Whether the conviction(s) are of a violent nature (e.g. murder, attempted murder, rape, felonious assault, sexual assault, etc.);
 - Length of time since the conviction(s) occurred;
 - Whether there are multiple similar convictions that could indicate an ongoing pattern of behavior;
 - Whether the conviction(s) preclude the final candidate from employment based upon federal or state regulations (e.g. Department of Transportation, Federal Aviation Administration, etc.); and
 - Other information from the interview and reference checks that should be considered to determine the final candidate’s qualifications and fit for the position.
- If the determination is made that the conviction does not disqualify a final candidate from employment, the BCC/OHRBCC should notify the hiring manager that the final candidate has passed the background check and may proceed with the hiring process. The BCC/OHRBCC must not communicate to the hiring manager the nature of the information revealed by the background check. This will help prevent the hiring manager from being unnecessarily biased against a final candidate for matters unrelated to her/his employment.
- If the BCC/OHRBCC determines that the information will disqualify the final candidate from consideration, the BCC/OHRBCC must ensure that the details revealed in the background check remain confidential and are not communicated to anyone else involved in the selection process (e.g. hiring manager, HRP, selection committee, etc.).
 - For all background checks performed by a third party vendor or any checks other than those listed in section two of [Required Background Check](#), provide a copy of the report and a [Summary of Your Rights Under the Fair Credit Reporting Act](#) to the final candidate.
 - If supplementary documentation is received, determine whether the final candidate may still be considered for the position. Once this final determination has been made, either:
 - Communicate to the hiring manager that the final candidate is disqualified because of the background check results, or
 - Communicate to the hiring manager that the candidate has passed the background check and is eligible for hire.
- In either case, the BCC/OHRBCC must not reveal the details revealed in the background check. If the BCC/OHRBCC has not received any supplementary documentation to refute the background check information after five business days, the BCC/OHRBCC will send a copy of the [Adverse Action](#) letter to the final candidate.



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Retaining Background Check Information

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 BCC/OHRBCC and a determination of hire is made. Once this occurs, the BCC/OHRBCC will destroy the background check results to ensure confidentiality.
 - The [Background Check Disclosure, Authorization, and Release](#) form (including a notation from the BCC/OHRBCC as to when the background check was completed) must be retained in a secured location (e.g. locked file drawer) 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 on the background check, both the background check results and the Background Check Disclosure, Authorization, and Release form (including a notation from the BCC/OHRBCC as to when the background check was completed) must be retained for three years by the BCC/OHRBCC in a file separate from other documents generated by the selection process.

Background check documentation and documentation pertaining to the self-disclosure of criminal convictions must not be stored in an employee's personnel file.

All information received in connection with the background check process or the self-disclosure of criminal convictions process must be treated as confidential material.

For More Information

Visit hr.osu.edu/policy Policy 4.15

Contact the Office of Human Resources, 614-292-2800