



Applies to: Faculty, staff, applicants, third party staffing vendors, graduate associates, and student employees. Additionally applies to volunteers, appointees, and non-student residents when covered by an approved unit background check program.

Responsible Office

Office of Human Resources

POLICY

Issued: 09/01/2008
Revised: 06/01/2016

The university is committed to maintaining a safe and secure environment for the campus community. The university can better promote safety and security by obtaining information produced by background checks. Federal, state, and local regulations may also require background checks for specific individuals and/or positions covered under this policy.

Purpose of the Policy

To maintain a safe and secure environment for the campus community, and ensure background checks are conducted according to established standards.

Definitions

| Term | Definition |
|------------------------------------|---|
| Appointee | An individual deemed to have an affiliation with the university in a non-compensatory capacity. |
| Background check | Process of acquiring records regarding an individual that are used to determine eligibility for initial or ongoing employment or other university activities. |
| Background check coordinator (BCC) | Office of Human Resources employee(s) designated to administer the background check process for the positions specified in this policy or for those specified under a unit's approved program. |
| Break in service | Departure from university employment either voluntarily or involuntarily for any period of time. |
| Criminal conviction | Being found guilty, entering a guilty plea, or pleading no contest to a felony or misdemeanor. |
| Fair Credit Reporting Act | Federal law that regulates collection, dissemination, and use of consumer information. |
| Final candidate | Internal or external applicant identified as the finalist for a position. |
| Non-student resident | Individuals not employed by the Office of Student Life Residence Life or enrolled at the university and residing in university housing with an assistant hall director, hall director, and/or housing coordinator. |
| Restricted institutional data | A data classification defined in the Institutional Data policy that requires specified levels of protection. Examples of this type of data can be found in the Institutional Data Element Classification Assignments. |

Policy Details

- I. Guiding Principles
 - A. The **background check** process is intended to help the university evaluate whether an individual is eligible for the position or other activities.
 - B. The university desires to promote fair and consistent methods to obtain, analyze, apply, and retain background check information.
 - C. Hiring or appointment practices must emphasize prevention of discrimination and harassment.
 - D. The **background check coordinator (BCC)** is responsible for conducting background checks and will disseminate information and consult with units and individuals regarding this policy.



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II. Requirements

- A. All background checks must comply with the minimum standards outlined in the Background Check Standards and Toolkit.
- B. Background checks must be conducted on **final candidates** for the following positions:
 1. Regular faculty and staff;
 2. All student employees, including graduate associates, with access to **restricted institutional data**;
 3. Temporary, term, seasonal and intermittent appointments (excluding graduate associates and student employee appointments except when covered by an approved unit background check program or when the position has access to restricted institutional data);
 4. Associated faculty;
 5. Visiting scholars; and
 6. Temporary staff provided by third party staffing vendors unless the vendor has conducted its own background check that complies with university requirements.
- C. All current faculty, staff, and student employees, including graduate associates, who have or are granted access to restricted institutional data must have a completed background check. See Resources section for Institutional Data Element Classification Assignments.
- D. Internal candidates who have had a background check through the university within the past 12 months are not required to have a new background check unless additional searches are required by the unit's approved background check program. The additional searches must be conducted at the time of the transfer. The BCC should review previous background check results in relation to the position for which the candidate is being considered.
- E. Employees who have a **break in service** and return to the university must have a background check if required by the position.
 1. The following groups of employees may have a break in service up to 12 months before requiring a background check be conducted upon return to the university:
 - a. Associated faculty; and
 - b. Student employees, including graduate associates, with access to restricted institutional data.
- F. Candidates granted a visa with a U.S. Department of State Bureau of Consular Affairs background check are not required to have an additional criminal search in their home country. A U.S. search must still be conducted.
- G. Background checks must be conducted on individuals in compliance with applicable laws, regulations, and other standards. When applicable, unit human resource professionals and hiring managers are responsible for being aware of additional background check requirements for positions. Unit human resource professionals must coordinate with hiring managers to ensure these background checks are conducted and/or work with the necessary parties (e.g., governmental licensing or regulatory agencies, etc.) to ensure compliance.
- H. Individuals subject to the following policies must comply with the background check requirements of those policies: Activities and Programs with Minor Participants, Individual Investigator Use of Controlled Substances in Non-Therapeutic Research, and Payment Card Compliance (including PCI Requirements).
- I. Individuals may also be subject to periodic background checks with the approval of the BCC and/or in compliance with applicable laws, regulations, and university or other standards.
- J. Units have the option to require background checks on graduate associates, student employees, volunteers, **appointees, non-student residents**, and employees of non-staffing vendors or require searches above and beyond what is required by this policy. See Procedure II.B.

III. Disclosure and Use of **Criminal Convictions**

- A. Individuals are required to accurately disclose all criminal convictions on any documents when this information is requested.
- B. Individuals who fail to disclose all criminal convictions or fail to provide truthful, accurate, and complete information regarding criminal convictions may be ineligible for hire for the current position and may be



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prohibited from future employment consideration. Employees may be subject to corrective action up to and including termination.

- C. If a candidate discloses or has questions about criminal convictions during the interview process, the hiring manager and/or unit human resource professional should refer the individual to the BCC. Consult the Background Check Standards and Toolkit for appropriate questions and further information.
- D. Current faculty, staff, graduate associates, student employees, appointees, volunteers, and staff provided by third party staffing vendors are required to self-disclose criminal convictions that occur after hire or commencement of other activity in accordance with the Self-Disclosure of Criminal Convictions policy.

PROCEDURE

Issued: 09/01/2008
Revised: 06/01/2016

- I. Authorization and **Background Check Coordinator (BCC)** Notification
 - A. Individuals must be provided the [Background Check Disclosure and Authorization](#) form and indicate their authorization and consent prior to a background check being performed by a third party vendor. Background check results are subject to the [Ohio Public Records Act](#).
 - 1. Individuals authorize the university to conduct background checks through a third party vendor when they provide consent.
 - 2. Failure to provide consent will preclude a final candidate from consideration for a position and may result in corrective action up to and including termination for employees.
 - B. Hiring managers and/or unit human resource professionals are required to communicate with the BCC when an individual requires a background check.
 - C. The hiring manager must also communicate to the BCC or unit human resource professional any criminal information provided by a final candidate to the hiring manager. The BCC will discuss with the final candidate, if applicable, any criminal information provided.
- II. Processing Background Checks
 - A. The BCC is responsible for conducting background checks.
 - B. Units must assess the need for any unit background check programs not mandated by this policy and seek approval from the BCC and in conjunction with the Office of Legal Affairs for a unit background check program. Any such program must be consistent with this policy, have a business justification, conduct checks consistently across positions, be consistent with the Background Check Standards and Toolkit, and be approved by the BCC in conjunction with the Office of Legal Affairs.
 - C. All offers are contingent upon successful completion of the background check.
 - 1. The Office of Human Resources must include “requires successful completion of background check” in the “requirements” section of all position descriptions that are posted.
 - 2. Units must include “requires successful completion of background check” in the “requirements” section of all position descriptions that are not posted and employment advertisements for applicable positions.
 - 3. Units must ensure that all oral or written offers of employment include a statement as follows: “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.”
 - D. Third party staffing vendors must conduct background checks on staff assigned at the university in compliance with the minimum standards outlined in the Background Check Standards and Toolkit.
 - 1. The Purchasing Department must incorporate the requirement that third party staffing vendors conduct background checks into the contract with such vendors.
 - 2. Units must ensure or work with the BCC to ensure that third party staffing vendors used by the unit are in compliance with this policy by reviewing the background check results for staff prior to assignment with the unit or through an audit process outlined in the Background Check Standards and Toolkit.



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III. Background Check Assessment Principles

- A. Convictions will be taken into account when reviewing an individual's criminal history; an arrest or charge without a conviction in a closed case will not be considered.
- B. Open criminal cases may preclude an individual from eligibility for employment or other activities.
 1. The BCC will assess the circumstances surrounding the arrest or charge, as well as the time frame, nature, gravity, and relevancy of the alleged offense to the job or other activities.
 2. The BCC, in consultation with any of the following: unit leadership (provided they are not the hiring manager), Office of Academic Affairs, senior human resource professional, Office of Legal Affairs, and/or the university employee and labor relations consultant, is responsible for determining whether the individual is eligible for employment or other activities.
- C. A criminal conviction is not necessarily a bar to initial employment or continued employment or other activities with the university.
 1. The BCC will assess the circumstances surrounding the conviction, as well as the time frame, nature, gravity, and relevancy of the conviction to the job duties or other activities.
 2. Criminal convictions on a background check will be evaluated by the BCC, considering factors outlined in the Background Check Standards and Toolkit. When appropriate, any of the following may be consulted: unit leadership (provided they are not the hiring manager), the Office of Academic Affairs, the senior human resource professional, the Office of Legal Affairs, and/or the university employee and labor relations consultant.
 3. If the evaluation results in no adverse action, the BCC will communicate the outcome to the unit human resource professional. If the evaluation results in adverse action, the BCC will communicate the outcome to the individual in writing and in accordance with Procedure IV.A.

IV. Background Check Records

- A. If it is determined that there may be adverse employment action based on the information revealed in a third party vendor background check, the following actions must be taken in accordance with the **Fair Credit Reporting Act (FCRA)**:
 1. The BCC must provide the individual with a copy of the results and a copy of the [Summary of Your Rights Under FCRA](#).
 2. The BCC must give the individual a specified amount of time to respond to the information revealed in the background check.
 3. Individuals must respond and/or dispute such information within the time frame set forth by the university.
 4. If the individual does not respond or responds and the university upholds its decision, the BCC must provide the individual a letter detailing the final adverse employment decision in accordance with FCRA. For more information, refer to the Background Check Standards and Toolkit.
- B. For information about the retention of background check results and [Background Check Disclosure and Authorization](#) form, refer to the [General Records Retention Schedule](#).
- C. Background check documentation must not be stored in an employee's personnel file.
- D. All information received in connection with the background check process will be treated with discretion and only disclosed as necessary.



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Responsibilities

| Position or Office | Responsibilities |
|---|--|
| Individuals (faculty, staff, applicants, staff provided by third party staffing vendors, graduate associates, student employees, volunteers, appointees, non-student residents) | <ol style="list-style-type: none"> 1. Disclose all criminal convictions and provide truthful, accurate, and complete information regarding criminal convictions when requested. 2. Authorize and consent to the background check performed by a third party vendor by signing the Background Check Disclosure and Authorization form, if required for the position. 3. Provide requested information or documentation within timelines specified by the BCC. 4. Self-disclose criminal convictions occurring after hire or commencement of other activity in accordance with Self-Disclosure of Criminal Convictions policy. |
| College/VP unit (including hiring managers and unit human resource professionals) | <ol style="list-style-type: none"> 1. Unit HRPs must coordinate with hiring managers to ensure background checks are conducted for individuals and/or work with necessary parties to ensure compliance. 2. Be aware of additional background check requirements for positions when applicable. 3. Refer the individual to the BCC if a candidate discloses or has questions about criminal convictions during the interview process. 4. Communicate with BCC when an individual requires a background check. 5. Communicate with BCC about any negative information provided by final candidates to the hiring manager. 6. Include required language in all position descriptions and written and oral offers of employment. 7. Assess unit need for conducting background checks not mandated by this policy; seek approval from BCC in conjunction with OLA for a unit background check program. 8. Ensure or work with the BCC to ensure third party staffing vendors used by the unit are in compliance with this policy. 9. Maintain background check documentation as described in this policy. |
| Background Check Coordinator (BCC), Office of Human Resources | <ol style="list-style-type: none"> 1. Serve as BCC for the university and conduct background checks. 2. Disseminate information and consult with units and individuals regarding this policy. 3. Assess unit background check programs not mandated by this policy in conjunction with OLA. 4. Discuss with the final candidate any criminal information provided to the hiring manager or unit HRP. 5. Evaluate criminal convictions on a background check considering factors outlines in the Background Check Standards and Toolkit; consult with those offices and individuals specified in this policy when appropriate. 6. Communicate evaluation outcome to unit HRP if no adverse action will be taken. 7. Provide individuals with a copy of the results, a copy of the summary of rights, and a specified period of time to respond to information revealed on the background check before taking adverse employment action in accordance with FCRA and as outlined in the Background Check Standards and Toolkit. 8. Notify individuals in writing of final adverse employment decisions in accordance with FCRA and as outlined in the Background Check Standards and Toolkit. 9. Review and approve unit background check processes that go above and beyond this policy's requirements. 10. Maintain background check documentation as described in this policy. |
| Purchasing Department | Incorporate the requirement that third party staffing vendors conduct background checks into the contract with such vendors. |
| Third party staffing vendors | Conduct background checks on staff assigned at the university in compliance with the minimum standards outlined in the Background Check Standards and Toolkit. |

Resources

University Policies, policies.osu.edu/

Appointments policy 4.20, hr.osu.edu/public/documents/policy/policy420.pdf

Individual Investigator Use of Controlled Substances in Non-Therapeutic Research policy, orc.osu.edu/regulations-policies/controlled-substances/

Institutional Data policy, go.osu.edu/idp

Payment Card Compliance policy 5.15, busfin.osu.edu/FileStore/PDFs/515_CreditCard.pdf



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Self-Disclosure of Criminal Convictions policy 4.17, hr.osu.edu/public/documents/policy/policy417.pdf
University Rule 3335-5-04, trustees.osu.edu/university/facultyrules

Forms and Tools

Background Check Disclosure and Authorization form, hr.osu.edu/wp-content/uploads/form-background-check-consent.pdf
Background Check Standards and Toolkit, hr.osu.edu/public/documents/policy/resources/415standards.pdf
Fingerprint Consent form, hr.osu.edu/wp-content/uploads/form-background-check-fingerprint-consent.pdf
Frequently Asked Questions, hr.osu.edu/public/documents/policy/resources/415faq.pdf
Restricted Institutional Data Checklist, hr.osu.edu/public/documents/policy/resources/415checklist.pdf
Summary of Your Rights Under the Fair Credit Reporting Act, hr.osu.edu/public/documents/policy/resources/415rights.pdf
Third Party Staffing Vendor Contract Language, hr.osu.edu/public/documents/policy/resources/415vendorcontract.pdf
Unit Specific Background Check Program Template, hr.osu.edu/public/documents/policy/resources/415template.docx

Letters

Offer letters, hr.osu.edu/services/talent-acquisition/offer-letter-guidelines/

Additional Ohio State Resources

General Records Retention Schedule, library.osu.edu/documents/records-management/general-schedule.pdf
Institutional Data Element Classification Assignments, ocio.osu.edu/sites/default/files/assets/Policies/OSU-IDP-Data-Elements.pdf
PCI Requirements, u.osu.edu/treasurer/files/2015/07/PCI-Requirements-6-30-15-FINAL-1s94ecg.pdf

Additional External Resources

Fair Credit Reporting Act, ftc.gov/os/statutes/031224fcra.pdf
Ohio Public Records Act, codes.ohio.gov/orc/149.43
Security Standards Council’s Payment Card Industry (PCI) Data Security Standards, pcisecuritystandards.org/security_standards
U. S. Department of State, state.gov

Contacts

| Subject | Office | Telephone | E-mail/URL |
|---|--|--------------|--|
| Policy questions | Office of Human Resources | 614-292-1050 | hr-backgroundchecks@osu.edu hr.osu.edu/services/background-checks-fingerprinting/ |
| Medical Center process | Wexner Medical Center HR Shared Services | 614-293-4988 | |
| Contracts with third party staffing vendors | Purchasing Department | 614-292-2694 | bo-osupur@busfin.ohio-state.edu |

History

Issued: 09/01/2008 (Background Check)
Revised: 04/01/2011 (Renamed Self-Disclosure of Criminal Convictions and Background Check)
Edited: 07/01/2011
Revised: 08/15/2013
Revised: 01/01/2014 (Renamed Background Check)
Revised: 06/01/2016