



Applies to: Faculty, staff, appointees, volunteers, employees of third party staffing vendors, graduate associates, student employees

POLICY

Issued: 04/01/2011
Revised: 01/01/2014

The university has established this policy to promote a safe and secure environment for the campus community.

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 a final candidate that are used to determine suitability for initial or ongoing employment.
Background check coordinator (BCC)	Human resource employee(s) designated to administer the background check process.
Break in service	Leave 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 credit information.

Policy Details

I. Guiding Principles

- A. The requirement that an individual self-disclose convictions that occur while employed at the university is intended to determine suitability for continued employment.
- B. The university desires to promote fair and consistent methods to obtain, analyze, apply, and retain self-disclosure information.
- C. Review of self-disclosed criminal convictions must emphasize prevention of discrimination and harassment.

II. Self-Disclosure of Criminal Convictions Post Employment

- A. Current faculty, staff, graduate associates (GAs), student employees, appointees, volunteers, and staff provided by third party staffing vendors are required to self-disclose post-employment criminal convictions within three business days of the conviction to the unit senior human resource professional (SHRP) or the OHR director of employee relations using the Self-Disclosure of Criminal Convictions form.
- B. Auxiliary faculty and GAs that have a break in service of less than 12 months must disclose any convictions that occurred during the break within three business days of returning to university employment.
- C. Staff that fail to disclose criminal convictions, fail to provide accurate details regarding criminal convictions, and/or fail to cooperate in the background check process will be subject to corrective action up to and including termination in accordance with the appropriate collective bargaining agreement, Classified Civil Service Rules, and/or university policy.
- D. Faculty that fail to disclose criminal convictions or fail to provide accurate details regarding criminal convictions will be subject to [University Rule 3335-5-04](#).
- E. Graduate associates, student employees, and volunteers that fail to disclose criminal convictions or fail to provide accurate details regarding criminal convictions will be subject to corrective action, up to and including termination.



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PROCEDURE

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- I. Assessment of Disclosed Criminal Convictions
 - A. A criminal conviction is not necessarily a bar to continued employment or volunteering with the university. The university will assess the circumstances surrounding the conviction, time frame, nature, gravity, and relevancy of the conviction to the job duties.
 - B. The dean or vice president, Office of Academic Affairs, SHRP, Office of Legal Affairs and/or director of employee relations, as appropriate, will make a determination regarding suitability for continued employment or volunteering based on the information received and collected regarding the conviction.
- II. Disclosed Criminal Convictions Records
 - A. Individuals must complete the Self-Disclosure of Criminal Convictions form and submit it to their SHRP or the OHR director of employee relations for assessment.
 - B. Individuals subject to termination due to information revealed via self-disclosure and confirmed by a background check conducted by a third party vendor must be provided with a copy of the results and a copy of the [Summary of Your Rights Under the Fair Credit Reporting Act](#). The OHR director of employee relations or BCC is responsible for providing the results to the individual.
 - C. Individuals who fail to self-disclose a criminal conviction in accordance with this policy must be notified in writing regarding any decision about their continued employment or volunteering with the university and their future employability.
 - D. For information about the retention of records relating to self-disclosed criminal convictions by a current employee/volunteer, refer to the [General University Records Retention Schedule](#).
 - E. Self-disclosed criminal convictions by a current employee must not be stored in an employee's personnel file.
 - F. All information received in connection with a current employee's or volunteer's self-disclosure of criminal convictions must be treated with discretion and only disclosed when necessary.

Responsibilities

Position or Office	Responsibilities
Current faculty, staff, GAs, student employees, appointees, volunteers, staff provided by third party staffing vendor	<ul style="list-style-type: none"> A. Disclose post-employment criminal convictions within three business days of conviction occurring by completing and submitting the Self-Disclosure of Criminal Convictions form to the unit SHRP or OHR director of employee relations. B. Auxiliary faculty and GAs must disclose criminal convictions that occurred during any break in service within three business days of returning to university employment. C. Provide truthful, accurate, and complete information. D. Consent to a background check after self-disclosure performed by a third party vendor by signing the Background Check Disclosure, Authorization, and Release form, if necessary. Failure to complete the form may impact the individual's continued employment/relationship with the university. E. Provide requested information or documentation within timelines specified by the OHR director of employee relations.
College/VP unit and Human Resource Professional	<ul style="list-style-type: none"> A. Ensure all current and new faculty, staff, GAs, student employees, appointees, volunteers, staff provided by third party staffing vendors are aware of their responsibilities under this policy. B. Communicate in auxiliary faculty offer letters and GA appointment documents, when less than a 12 month break in service has occurred, the requirement to self-disclose any convictions that occurred during the break within three business days of returning to university employment. C. Consult with OHR about self-disclosures and future employability of individuals who fail to disclose convictions. Review and analyze post-employment self-disclosures in consultation with the director of employee relations.



Self-Disclosure of Criminal Convictions Policy 4.17

Office of Human Resources

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Position or Office	Responsibilities
	D. Prepare necessary documentation in support of appropriate disciplinary action. E. Notify unclassified employees of decision regarding employee's continued employment with the university. Notification must be in writing and must include information about future employability. F. Notify candidates who are barred from future consideration for employment at the university of this designation in writing. G. Ensure third party staffing vendors used by your unit are in compliance with this policy. H. Retain current employee self-disclosed criminal convictions documentation as described in this policy.
Office of Human Resources	A. Disseminate information and consult with units and individuals regarding this policy. B. Serve as BCC for checks. C. Review and analyze post-employment criminal convictions. D. Notify Classified Civil Service employees who are barred from future consideration for employment at the university of this designation in writing. E. Consult with units about self-disclosures and future employability of individuals who fail to disclose convictions. F. Follow up with HR Professional as necessary regarding any next steps. G. Train HRPs on policy and procedure changes.

Resources

- Communications Toolkit (sample text, PowerPoint, and flyer), hr.osu.edu/policy/resources/417toolkit.docx
- Fair Credit Reporting Act, ftc.gov/os/statutes/031224fcra.pdf
- Frequently Asked Questions, hr.osu.edu/policy/resources/417faq.pdf
- General Records Retention Schedule, library.osu.edu/documents/records-management/general-schedule.pdf
- Managing Self-Disclosed Criminal Convictions, hr.osu.edu/policy/resources/417manage.pdf
- Ohio Public Records Act, codes.ohio.gov/orc/149.43
- Self-Disclosure of Criminal Convictions form, hr.osu.edu/policy/resources/417form.pdf
- Summary of Your Rights Under the Fair Credit Reporting Act, hr.osu.edu/policy/resources/415rights.pdf
- Third Party Staffing Vendor Contract Language, hr.osu.edu/policy/resources/415vendorcontract.pdf
- University Rule 3335-5-04, trustees.osu.edu/university/facultyrules

Contacts

Subject	Office	Telephone	E-mail/URL
Policy clarification and consultation on criminal offenses	Office of Human Resources Employee and Labor Relations	614 292-2800	hr-elr@osu.edu hr.osu.edu/services/elr/

History

Issued: 04/01/2011 (Added to Background Check and renamed Self-Disclosure of Criminal Convictions and Background Check)
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