



Background Check, Policy 4.15
Non-Employee Background Check Standards

INTRODUCTION 2

TYPES OF ASSIGNMENTS REQUIRED BY POLICY 4.15 2

BACKGROUND CHECK STANDARDS..... 2

LAW AND REGULATION SPECIFIC BACKGROUND CHECKS..... 3

INDEPENDENT CONTRACTORS AND CONSULTANTS..... 3

BUSINESS UNIT RESPONSIBILITIES 3

THIRD PARTY STAFFING VENDOR RESPONSIBILITIES..... 3

BACKGROUND CHECK SEARCHES, DESCRIPTIONS AND APPLICABLE ASSIGNEES 4

ASSESSING BACKGROUND CHECK INFORMATION 4

RETAINING BACKGROUND CHECK INFORMATION 5



Background Check, Policy 4.15 Non-Employee Background Check Standards

Introduction

Policy 4.15, Background Check requires background checks to be conducted on non-employees for specified workforce assignments. The background check must be conducted prior to initial access and/or involvement. Individuals may also be subject to periodic background checks with the approval of the BCC and/or in compliance with applicable laws, regulations, and/or university or other standards. Units must assess the need for any background check not mandated by this policy. Any such requests must be consistent with the Background Check Policy 4.15, have a business justification, and be approved by the BCC in conjunction with the Office of Legal Affairs prior to the processing of the background check.

The principles in this document must be used to ensure consistent and fair practices for background checks mandated by Policy 4.15. The Office of Human Resources is available for consultation regarding the requirements set forth in this Non-Employee Background Check Standards.

Types of Assignments Required by Policy 4.15

Background checks must be conducted on non-employees for the following assignments, or where other university policies, or federal or state background check requirements apply:

1. Access to restricted institutional data; For more information on what is classified as restricted institutional data, please see the full [Data Element Classification List](#). The list also includes detailed information on the national and state regulations that justify Ohio State's data classifications. See the [Institutional Data Policy](#).
2. Access to university computer systems, either through on-site or remote access;
3. Building and/or badging access to The Ohio State University Wexner Medical Center, including all university patient care facilities;

Background checks are required to be completed for these assignments and before work placement regardless of whether the position is paid or unpaid.

Background checks are also required for contractor employees hired through third party staffing vendors that are intended to supplement the university's workforce. Routine delivery workers, performing artists, technicians working on service calls are not required to have background checks under Policy 4.15.

Background Check Standards

For those assignments as listed above, the following types of online checks for a 7-year residence history *must* be completed on non-employees working in the **non-hospital or non-patient care** workforce through an approved background check vendor:

- Social Security Number (SSN) Validation and Address History
- National Criminal Database
- County Felony and Misdemeanor (for past 7-year residence history)
- National Sexual Offender Registry Search

For those assignments as listed above, the following types of fingerprint checks *must* be completed on non-employees working in the **hospital, medical center, or patient care** workforce, or where federal or state background check requirements apply, through the Ohio Attorney General's Bureau of Criminal Investigation:

Background Check, Policy 4.15

Non-Employee Background Check Standards

- Bureau of Criminal Investigation (BCI), State of Ohio Check
- Federal Bureau of Investigation (FBI), National Check

Non-employees may also be subject to additional background check searches based upon responsibilities and/or access requirements. Refer to Section 8, Background Check Searches, Descriptions, and Applicable Assignees.

Law and Regulation Specific Background Checks

Non-employees may also be required to have background checks under federal, state, and local regulations that include, but are not limited to:

- A licensee, administrator or employee of a daycare center covered under the Ohio Revised Code (ORC) [5014.013](#).
- An individual working or volunteering in a care, custody, or control position with a minor under the Ohio Revised Code (ORC) [2151.86](#). See [Activities and Programs with Minor Participants](#).
- An individual registered or certified as a pharmacy technician with the Ohio Board of Pharmacy under the Ohio Revised Code (ORC) [4729.90](#).

Independent Contractors and Consultants

Independent contractors, including self-employed consultants, must complete the required background check through a university approved background check vendor. Additional non-employees acting as an “independent”, including volunteers, remote or “guest” system users, may be included in this requirement. A non-employee may be required to self-pay through the university’s vendor portal as an “independent” if the sponsoring unit/department will not cover the cost of the background check.

The Office of Human Resources will comply with all federal and state laws, including but not limited to, the Fair Credit Reporting Act (FCRA), when applicable, in conducting criminal background checks on independent contractors and consultants.

Business Unit Responsibilities

HR Business Partners must coordinate with staffing vendors, independent contractors/consultants, and/or managers to ensure non-employee background checks are conducted before work assignment and/or work with the necessary parties (e.g., governmental licensing, regulatory agencies, etc.) to ensure compliance.

Third Party Staffing Vendor Responsibilities

Third party staffing vendors must use a background check vendor that conducts the required background check as stipulated above. Third party staffing vendors shall complete criminal background checks on all contract employees and verify with the University that such contract employees are cleared to work for the University. The vendor remains fully responsible for complying with all federal and state laws, including but not limited to, the Fair Credit Reporting Act (FCRA) in relation to the criminal background checks of its employees.

Third party staffing vendor employees must have a new background check completed any time the employee has a break in service with vendor.

Background Check, Policy 4.15

Non-Employee Background Check Standards

Background Check Searches, Descriptions, and Applicable Assignees

A “background check” covers many different methods of obtaining information about an individual’s history. The background check service descriptions that may be conducted on a non-employee are defined below.

Component	Description	Applicable Assignees
Social Security Number (SSN) Validation and Address History	This search returns information reported to a major credit bureau. Information returned may include name and address of individuals who have used the Social Security number to apply for credit. Name variations are usually due to one of three situations: the Social Security number may have been used by a spouse or other family member; it may have been used fraudulently by one or more of the individuals named in the report; or name variations may be the result of a data entry error by the credit bureau or the credit grantor.	Non-hospital or non-patient care
National Criminal Database	Searches records in proprietary databases of criminal convictions.	Non-hospital or non-patient care
National Sexual Offender Registry	Searches Sex Offender Registries.	Non-hospital or non-patient care
County Felony and Misdemeanor	A search of both the primary and lower court to obtain Felony & Misdemeanor record information.	Non-hospital or non-patient care
Driving Record or Motor Vehicle Registration (MVR)	Verifies the type or class of driver's license, any restrictions or violations, convictions and license revocations, automobile insurance cancellations, accidents, full name, and applicant's address at the time of last license renewal. Availability of violation information varies by state.	Any individual with access to an Ohio State vehicle, and/or where driving responsibilities apply
Bureau of Criminal Investigation (BCI) Fingerprint Check	Search scope of the background check includes a statewide (Ohio) search through the Ohio Attorney General's Bureau of Criminal Investigation (BCI). BCI completes such background checks by comparing fingerprints received against a database of criminal fingerprints to determine if there is a criminal record.	hospital, medical center, or patient care; may include individuals working or volunteering in a care, custody, or control position with minors or where federal/state background check requirements apply
Federal Bureau of Investigation (FBI) Fingerprint Check	Search scope of the background check includes a nationwide search through the Ohio Attorney General's Bureau of Criminal Investigation (BCI). FBI background checks are processed by a pass-through service with BCI.	hospital, medical center, or patient care; may include individuals working or volunteering in a care, custody, or control position with minors or where federal/state background check requirements apply

Assessing Background Check Information

Third party staffing vendors must consult with the University Background Check Coordinator (BCC) regarding any convictions or open criminal cases that are violent in nature, drug or alcohol related, theft, or sexual offenses prior to determining eligibility of vendor employees for placement at the University. The vendor must also consider any fundamental restrictions or disqualifying offenses if/when the work assignment applies to specific federal, state, and local laws. The Office of Human Resources BCC must be contacted at HR-Backgroundchecks@osu.edu for assessment of criminal convictions or adverse information.

Background checks for non-employees that have been completed through the university’s vendor portal as an “independent” will be assessed by the BCC. The BCC will assess any conviction or adverse information that is revealed on a background check or through self-disclosure by the non-employee, on an individualized case-by-case basis in accordance with the law and EEOC guidance. Refer to Section 11, [Background Check Standards and Toolkit](#).



Background Check, Policy 4.15 **Non-Employee Background Check Standards**

Retaining Background Check Information

The Office of Human Resources is responsible for record retention of background check information that has been conducted through a university background check vendor. The OHR Record Retention Schedule outlines the specific requirements for each type of background check or document.

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