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Introduction

Policy 4.15, Background Check requires background checks to be conducted on final candidates for specified university positions. 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. Units must assess the need for any background check not mandated by this policy. Any such requests must be consistent with this policy, 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 both the policy and university processes.

Offers of Employment

All offers of employment are contingent upon successful completion of the background check and all written offers of employment must state: “This offer of employment is conditioned on your satisfactory completion of certain requirements, as explained in this letter and the attached Addendum. Your employment is subject to the terms and conditions set forth in this letter.” Addendum to Offer Letter, Section (3), “Ohio State’s verification of credentials and other information required by law and/or university policies, including, but not limited to, a criminal background check.”

Types of Positions Required by Policy 4.15

Background checks must be conducted on final candidates for the following positions, or where other university policies, or federal or state background check requirements apply:

1. Faculty;
2. Regular (ongoing) staff, including seasonal staff;
3. Student employees, including graduate associates, with access to **restricted institutional data**, and may also include student employees with access to residence hall keys, or other building access that is unavailable to non-student employees;
4. Temporary, term, and intermittent staff (excluding graduate associates and student employee positions other than those described in B.2-3 above); and
5. Visiting Fellow.

Background checks are required to be completed for these positions regardless of whether the position is paid or unpaid.

Internal candidates, or candidates for interim positions, who have had a background check within the past 12 months are not required to have a new background check unless additional searches are required by the position description or responsibilities. The additional searches must be conducted prior to 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.

Former Ohio State Wexner Medical Center employees, including student employees and graduate associates, who have a break in service and who were employed in areas that are not included in the Health System definition, may have to complete a FBI/BCI background check prior to being reemployed by Ohio State Wexner Medical Center. Former university and Health System employees may have a break in service for up to 90 days before a background check is required to return to the university, but these individuals must complete a [Self-Disclosure of Criminal Convictions](#) form.

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Background Check Requirements for Individuals with Access to Restricted Institutional Data

The Ohio State University's Information Risk Management Program requires each college and business unit to manage information risks. As part of this program, the university has defined Information Security Control Requirements to better protect institutional data.

These changes required revisions to Ohio State's background check policy. This revision requires any individual who has, or is granted, access to restricted institutional data to have a background check on file.

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](#).

Background Check Standards

For those positions specified in Policy Details Section II Requirements of Policy 4.15 Background Check and as listed above, the following types of online checks for a 7-year residence history *must* be completed on **non-hospital or non-patient care** candidates through First Advantage:

- 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 positions specified in Policy Details Section II Requirements of Policy 4.15 Background Check and as listed above, the following types of fingerprint checks *must* be completed on **hospital, medical center, or patient care** candidates through the Ohio Attorney General's Bureau of Criminal Investigation (BCI):

- Bureau of Criminal Investigation (BCI)
- Federal Bureau of Investigation (FBI)

Candidates may also be subject to additional background check searches based upon position responsibilities and/or access requirements. Refer to [Background Check Package Selection Tool](#).

Law and Regulation Specific Background Checks

There are fundamental requirements for background checks under federal, state, and local regulations but may not be specified under Policy 4.15 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](#).

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HR Business Partners must coordinate with hiring and/or program managers to ensure these background checks are conducted and/or work with the necessary parties (e.g., governmental licensing, regulatory agencies, etc.) to ensure compliance.

Fingerprint checks are available to be conducted through the Office of Human Resources. See [Fingerprint BCI/FBI Background Check Services](#). Remote candidates that are unable to complete the fingerprint process on campus are able to complete the BCI/FBI process at a local Webcheck agency, which can be located through the Ohio Attorney General’s [website](#). Units may consult with the BCC for remote and out-of-state fingerprint accommodations.

Determining Position and/or Access Specific Background Checks

Effective January 3, 2021, existing unit specific background check programs must not be used. The university has developed background check standards which must be applied consistently and without bias toward or against any particular individual or class of individuals. There are certain types of searches that are considered best practice that must be conducted for final candidates. Refer to [Background Check Package Selection Tool](#).

A Talent Acquisition Consultant must initiate the background check process, select the appropriate package through WorkDay, and consult with the BCC for policy and position requirements.

Background Check Searches and Descriptions

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 final candidate are defined below.

Component	Description
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.
National Criminal Database	Searches records in proprietary databases of criminal convictions.
National Sexual Offender Registry	Searches Sex Offender Registries.
County Felony and Misdemeanor	A search of both the primary and lower court to obtain Felony & Misdemeanor record information.
Credit Report	Credit reports often include the subjects name, generation, previous addresses, Social Security number, age, year of birth, phone number, spouse name, employment information, file dates, account types, terms, amounts past due, subscriber information, loan types, balances, public records, account numbers, high credit amounts, dates opened, dates closed, pay patterns, credit limits, dates verified and modes of payment.
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.
Employment Verification	Verifies date of employment and job titles. Salary, circumstances of termination and eligibility for rehire if available.
Education Verification	Verifies date of attendance, course major (when available), degree(s) attained, and the date of the degree awarded from any institution of higher learning worldwide.
Global Sanctions Search	This search helps assist with compliance guidelines mandated by the Office of Foreign Asset Control (OFAC) and the USA PATRIOT Act. This multi-source search includes U.S. and foreign database sources such as: <ul style="list-style-type: none"> • Office of Foreign Assets Control (OFAC)

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Component	Description
	<ul style="list-style-type: none"> • FBI Most Wanted Lists • Terrorist Exclusion List (TEL) • World Bank Debarred Parties List • Bureau of Industry and Security List (BIS) • DTC Debarred • EU Consolidated List • OSFI Consolidated List
Professional License Verification	Verifies a valid occupational license.
References	References are conducted based on information submitted by the candidate. This process checks for accuracy of dates of relationship and familiarity of contact with the candidate. Questions may include work ethic, character establishment and general knowledge about the applicant.
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.
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.

Authorization and BCC Notification

Prior to *any* background check performed by an approved third-party background check vendor, individuals must be provided the disclosure and authorization information in compliance with FCRA and/or other federal, state, and local regulations. Individuals must authorize the university to conduct a background check screening through a third-party background check vendor when they sign the authorization form. Failure to sign the form will preclude an individual from consideration. This information is either provided as part of the online application process or at the time of fingerprinting. Refer to [Background Check Online Disclosure and Authorization Form](#) for the First Advantage authorization and/or [Fingerprint Consent Form](#) for BCI/FBI authorization.

Talking with Candidates about Criminal Convictions

As of March 2016, Ohio law prohibits questions about conviction history to be asked on public employer job applications. Units and Talent Acquisition Consultants are discouraged from asking candidates about criminal convictions in the interview process. There is risk associated with inconsistently asking candidates about convictions in their background.

- If a candidate discloses or asks questions about criminal convictions during the hiring or interviewing process, the recruiter should refer the individual to contact the BCC.
- HR staff must communicate to the BCC any negative information that had been provided by the final candidate and/or received by an external source.
- The BCC will ask questions about convictions and/or open cases only. Questions will be related to the circumstances, time frame, nature, gravity, relevancy, and sentencing of the conviction(s).
- 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?

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Are there other convictions not listed on your application and/or disclosure form?

How old were you when you were arrested?

Assessing Background Check Information

No Adverse Information Revealed

If no conviction or adverse information is revealed by the background check or through self-disclosure by the candidate/employee, the BCC will notify the Talent Acquisition Consultant that the individual has passed the background check and/or the individual's status will not be impacted if currently employed.

General Clarification Required

If the BCC needs clarification regarding information received from the background check vendor or disclosed by the candidate/employee, they will contact the vendor or the individual directly. If the information revealed by the background check conflicts with the information provided by the individual (e.g. the social security number, date of birth, or driver's license number does not match the name, etc.), the BCC will contact the individual to resolve the issue(s).

Adverse Information Revealed

Assessment of Information

If conviction or adverse information is revealed on a background check or through self-disclosure by the candidate/employee, the BCC will assess the information based on an individualized case-by-case basis in accordance with the law and EEOC guidance. The assessment of information will be based on the following:

- Convictions and open cases may be considered when reviewing an individual's criminal history. The university 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.
 - A criminal conviction will not necessarily preclude an individual from initial employment, continued employment, or involvement.
 - Open criminal cases may preclude a final candidate from eligibility or may impact the employment status of a current employee.
- An arrest or charge in a closed case that resulted in a non-conviction will not be considered.
- Expunged records must not be considered when making a determination of an individual's eligibility unless required by law.
- Information that potentially precludes an individual from consideration should be analyzed by considering:
 - Relevancy of the information 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 individual from employment or involvement 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 individual's qualifications and fit for the position.
- Information that potentially impacts an employee's employment status will be analyzed in accordance with the university's corrective action policies and practices.
- If there are no questions about the adverse information or concerns with the individual fulfilling the job responsibilities, the BCC will notify the HR Business Partner and/or Talent Acquisition Consultant that the individual has passed the background check and/or the individual's status will not be impacted if currently employed.



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Falsification of Information

- If a final candidate fails to disclose a criminal conviction or fails to provide truthful, accurate, and complete information regarding the criminal conviction, the BCC will follow up with the candidate. If a final candidate meets the falsification criteria, she/he may be ineligible for involvement and may be prohibited from future consideration. If the final candidate is prohibited from future consideration due to the information obtained from a background check, she/he must be notified in writing.
- If an employee fails to disclose a criminal conviction or fails to provide truthful, accurate, and complete information regarding the criminal conviction, the BCC, HR Business Partner, and/or university employee relations consultant will follow up with the employee. If an employee meets the falsification criteria, she/he/they may be subject to corrective action up to and including termination.

Further Investigation Required

- If there are questions about the conviction or concerns that the adverse information could potentially preclude a candidate from involvement or an individual retaining their current position, the BCC will contact the individual to discuss the information in more detail.
- The BCC will ask investigative questions in accordance with the assessment principles outlined in this document.
- The BCC will contact the HR Business Partner to discuss the case. The BCC may consult with 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 as necessary.
- If the determination is made that the adverse information does not disqualify a final candidate from involvement or impact an individual's status, the BCC should notify the HR Business Partner and/or Talent Acquisition Consultant that the individual has passed the background check and/or the individual's status will not be impacted if currently employed.
- The BCC 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 an individual for matters unrelated to her/his/their position .

Information May Impact Hire/Involvement – Pre-Adverse Process

- If after the initial investigation, it is determined that the information revealed may preclude the individual from involvement or an employee retaining her/his/their employment status, the BCC must send a pre-adverse action letter which informs the individual the results of the background check may disqualify her/him/them from consideration or impact employment status and that they have five business days to refute the information by providing supplementary documentation.
- The BCC must also include copies of the background check results and the [Summary of Your Rights Under the Fair Credit Reporting Act](#) form. The individual will have five business days to submit documentation, absent extenuating circumstances, which may extend the time period to submit documentation.
- If supplementary documentation is received, it will be reviewed and a determination will be made whether the final candidate may still be considered for the position or employee's employment status will not be impacted.
- If the determination is made that the adverse information does not disqualify a final candidate from involvement or impact an employee's employment status, the BCC should notify the HR Business Partner and/or Talent Acquisition Consultant that the individual has passed the background check and/or the individual's status will not be impacted if currently employed.
- The BCC 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 an individual for matters unrelated to her/his/their position.

Hire Involvement Impacted – Adverse Action

- If no supplementary documentation is received or if after supplementary documentation is reviewed, it is determined that the information revealed disqualifies the individual from being involved, the BCC will send an adverse action letter which informs the final candidate that the offer of employment is revoked. The notification will:
 1. Inform the individual that he/she/they were rejected because of information in the report;
 2. Provide the name, address, and phone number of the company that provided the report;



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3. Notify the individual that the company who provided the report did not make the hiring decision and cannot give reasons for the decision;
 4. Notify the individual that he/she/they have a right to dispute the accuracy of the report and obtain an additional free report within 60 days.
- The BCC will communicate to the HR Business Partner and/or Talent Acquisition Consultant that the individual is disqualified because of the background check results.
 - In cases where it is determined the information revealed will result in corrective action, up to and including termination, for an employee, the university employee relations consultant will work with the unit and employee and follow appropriate corrective action policies and processes.
 - In all cases and throughout this process, the BCC must ensure that the details revealed in the background are treated with discretion, disclosed only when necessary, and are not communicated to anyone else involved in the selection process (e.g. hiring manager, selection committee, etc.).

Retaining Background Check Information

The Office of Human Resources is responsible for record retention of background check information. The OHR Record Retention Schedule outlines the specific requirements for each type of background check or document.

Units required to retain background check information by law or other regulatory body should work with University Archives to include these records in their unit specific record retention schedule.

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.