



Applies to: Faculty, staff, applicants, graduate associates, student employees, third party staffing vendors, volunteers, non-student residents, and other non-employees.

**Responsible Office**

**Office of Human Resources**

**POLICY**

Issued: 09/01/2008

Revised: 01/03/2021

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**

<b>Term</b>	<b>Definition</b>
Background check	Process of acquiring records regarding an individual that are used to determine eligibility for initial or ongoing employment or other university activities. The types of background checks are explained in the <a href="#">Background Check Standards and Toolkit</a> .
Background check coordinator (BCC)	Office of Human Resources employee(s) designated to administer the background check process for the positions specified in this policy.
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 (FCRA)	Federal law that regulates collection, dissemination, and use of consumer information.
Final candidate	Internal or external applicant identified as the finalist for a position.
Health System	University Hospital, East Hospital, Brain and Spine Hospital, Richard M. Ross Heart Hospital, Harding Hospital, Dodd Rehabilitation Hospital, Ambulatory Clinics and Services, and Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and Outreach Sites.
Interim position	A position filled by an individual on other than a regular basis when the former incumbent has vacated the position.
Non-employee	One who is not employed by the university, who is providing a service to the university, and who may need access to buildings and/or systems that are not available to the public.
Non-student residents	Individuals not employed by the Office of Student Life Residence Life nor enrolled at the university who reside in university housing with hall directors, assistant hall directors, or housing coordinators.
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 <a href="#">Institutional Data Element Classification Assignments</a> .
The Ohio State University Wexner Medical Center (Ohio State Wexner Medical Center)	University Hospital, East Hospital, Brain and Spine Hospital, Richard M. Ross Heart Hospital, Harding Hospital, Dodd Rehabilitation Hospital, Ambulatory Clinics and Services and Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and Outreach Sites; College of Medicine and its School of Health and Rehabilitation Sciences; the Office of Health Sciences, including OSU Faculty Group Practice; various research centers, programs and institutes; The Ohio State University Comprehensive Cancer Center.



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Table with 2 columns: Term, Definition. Rows include Third party staffing vendor and Unit.

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 utilizes fair and consistent methods to obtain, analyze, apply, and retain background check information.
C. Hiring and appointment practices will emphasize prevention of discrimination and harassment. See the Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment policy.
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.
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, 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.3 above); and
5. Visiting scholars.
C. Background checks must be conducted on non-employees as outlined in the Non-Employee Background Check Standards.
D. Background checks must be conducted on all non-student residents prior to moving into university housing.
E. Any individual who has, or is granted, access to restricted institutional data must have a completed background check. Examples of restricted institutional data can be found in the Institutional Data Element Classification Assignments.
F. 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.
G. 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.
H. 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.
I. Background checks must be conducted on individuals in compliance with applicable laws, regulations, and other standards. Unit human resource professionals must coordinate with hiring managers to ensure these



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background checks are conducted and/or work with the necessary parties (e.g., governmental licensing, regulatory agencies, etc.) to ensure compliance.

- J. Individuals subject to other university policies with background check requirements must also comply with those policies, including [Activities and Programs with Minor Participants](#), [Individual Investigator Use of Controlled Substances in Non-Therapeutic Research](#), and [Payment Card Compliance](#).
- K. 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.

### III. Disclosure and Use of Criminal Convictions

- A. Individuals must accurately disclose all **criminal convictions** on all 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 prohibited from future employment or consideration for other involvement with the university. Individuals who fail to disclose may also be subject to corrective action, which may include termination.
- C. If a candidate discloses or has questions about criminal convictions during the interview process, the Talent Acquisition consultant should refer the individual to the BCC. Consult the [Background Check Standards and Toolkit](#) for appropriate questions and further information.
- D. Employees and other individuals subject to the [Self Disclosure of Criminal Convictions 4.17 policy](#) are required to self-disclose criminal convictions that occur after hire or commencement of other activity.

## PROCEDURE

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### I. Authorization and 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. Individuals must also authorize and consent to the BCI/FBI background check by signing the [Fingerprint Consent form](#), when required. 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 an individual from consideration for a position and may result in corrective action, which may include termination.
- B. A Talent Acquisition consultant must initiate the background check process and consult with the BCC for policy and position requirements.
- C. The unit human resource business partner, Talent Acquisition consultant, and Talent Acquisition supervisor, and any other individuals involved in the selection process must, to the extent possible, maintain the confidentiality of any criminal information disclosed by the candidate, or discovered as part of the background check process. See the [Background Check Standards and Toolkit](#) for further information regarding confidentiality.

### II. Processing Background Checks

- A. Background checks for university criminal justice employment and administration candidates will be conducted and adjudicated by Public Safety as set forth in the [LEADS Security Policy](#). Such candidates include, but are not limited to:
  - 1. Police officers;
  - 2. Dispatchers; and
  - 3. Security officers.



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- B. Background checks required to maintain regulatory compliance for university research safety, radiation safety, and biosafety will be conducted and adjudicated by Environmental Health and Safety as set forth in the [Federal Select Agent Program](#).
- C. The BCC is responsible for conducting background checks (excluding those defined above in Procedure II.A. and B.)
- D. Unit human resources business partner(s) must assess the need for any background check not mandated by this policy and seek approval from the BCC in conjunction with the Office of Legal Affairs. 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.
- E. All offers are contingent upon successful completion of the background check.
  - 1. Talent Acquisition must ensure that all posted position descriptions include the language “requires successful completion of background check” in the “requirements” section.
  - 2. Talent Acquisition must ensure that all verbal and written offers of employment include the following statement: “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.” See the [Recruitment and Selection 4.27 policy](#).
- F. **Third party staffing vendors** who conduct background checks on staff assigned at the university must comply with the minimum standards outlined in the [Non-Employee Background Check Standards](#). In such cases, the Purchasing department must incorporate the requirement that third party staffing vendors conduct background checks into the applicable contract or service agreement.
  - 1. Unit human resources business partner(s) must ensure or work with the BCC to ensure that third party staffing vendors used by the unit comply with this policy, as outlined in the [Non-Employee Background Check Standards](#).

### III. Background Check Assessment Principles

- A. Convictions will be evaluated when the BCC reviews an individual’s criminal history.
- B. An arrest or charge in a closed case that resulted in a non-conviction will not be considered.
- C. 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 may consult with the Talent Acquisition supervisor, human resources business partner, Office of Legal Affairs, and/or university employee and labor relations consultant, to determine whether the individual is eligible for employment or other activities.
- D. A criminal conviction is not necessarily a bar to initial employment or continued employment or other activities with the university.
  - 1. Criminal convictions on a background check will be evaluated by the BCC based on time frame, nature, gravity, and relevancy of the conviction to the job duties or other activities. The BCC will also consider factors outlined in the [Background Check Standards and Toolkit](#). 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 to determine whether the individual is eligible for employment or other activities.
  - 2. If the evaluation results in no adverse action, the BCC will communicate the outcome to the human resources business partner.
  - 3. 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 action based on the information revealed in a third party vendor background check, the following actions must be taken in accordance with the Federal Credit Reporting Act (FCRA):



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- 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 and/or dispute the information revealed in the background check.
3. 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.
4. For more information, refer to the Background Check Standards and Toolkit. Refer to the Recruitment and Selection 4.10 policy for information regarding the rescission of an offer of employment.
B. For information about the retention of background check results and Background Check Disclosure and Authorization forms, refer to the General Records Retention Schedule.
C. Background check documentation must not be stored in an employee's personnel file. See the Personnel Records 1.20 policy.
D. All information received in connection with the background check process will be treated with discretion and only disclosed as necessary.

Responsibilities

Table with 2 columns: Position or Office, Responsibilities. Rows include: Background check coordinator (BCC), Talent Acquisition supervisor; Environmental Health and Safety; Faculty, staff, applicants, graduate associates, student employees, volunteers, non-student residents, and other non-employees; Human Resources business partner (HRBP); Office of Legal Affairs.



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Position or Office	Responsibilities
Public Safety	Conduct and adjudicate background checks for university criminal justice employment and administration candidates.
Purchasing department	Incorporate requirement that third party staffing vendors conduct background checks into applicable contracts and service agreements.
Talent Acquisition consultant	<ol style="list-style-type: none"> <li>1. Initiate required background checks as outlined in Background Check Standards and Toolkit; consult with BCC for policy and position requirements.</li> <li>2. Refer individual to BCC if individual discloses or has questions about criminal convictions during interview process.</li> <li>3. Ensure that required language appears in all position descriptions and written and oral offers of employment.</li> <li>4. Maintain confidentiality of any criminal information disclosed or discovered as outlined in this policy.</li> </ol>

Resources

Forms

- Fingerprint Consent form, [hr.osu.edu/wp-content/uploads/form-background-check-fingerprint-consent.pdf](http://hr.osu.edu/wp-content/uploads/form-background-check-fingerprint-consent.pdf)
- Online Background Check Application form, [hr.osu.edu/wp-content/uploads/form-background-check-application.pdf](http://hr.osu.edu/wp-content/uploads/form-background-check-application.pdf)
- Online Background Check Disclosure and Authorization form, [hr.osu.edu/wp-content/uploads/form-background-check-consent.pdf](http://hr.osu.edu/wp-content/uploads/form-background-check-consent.pdf)
- Self-Disclosure of Criminal Convictions form, [hr.osu.edu/wp-content/uploads/form-self-disclosure-criminal-convictions.pdf](http://hr.osu.edu/wp-content/uploads/form-self-disclosure-criminal-convictions.pdf)

Governance Documents

Laws

- Fair Credit Reporting Act, [www.ftc.gov/enforcement/statutes/fair-credit-reporting-act](http://www.ftc.gov/enforcement/statutes/fair-credit-reporting-act)
- Ohio Public Records Act, [codes.ohio.gov/orc/149.43](http://codes.ohio.gov/orc/149.43)

University Policies, [policies.osu.edu](http://policies.osu.edu)

- Affirmative Action, Equal Opportunity, & Non-Discrimination/Harassment 1.10, [policies.osu.edu/assets/docs/policy\\_pdfs/AffirmativeActionEqualEmploymentOpportunityandNon-Discrimination-Harassment\\_FINAL.pdf](http://policies.osu.edu/assets/docs/policy_pdfs/AffirmativeActionEqualEmploymentOpportunityandNon-Discrimination-Harassment_FINAL.pdf)
- Individual Investigator Use of Controlled Substances in Non-Therapeutic Research, [orc.osu.edu/files/Individual-Investigator-Use-of-Controlled-Substances-In-Non-Therapeutic-Research.pdf](http://orc.osu.edu/files/Individual-Investigator-Use-of-Controlled-Substances-In-Non-Therapeutic-Research.pdf)
- Institutional Data, [it.osu.edu/sites/default/files/files-1477502242/institutionaldata.pdf](http://it.osu.edu/sites/default/files/files-1477502242/institutionaldata.pdf)
- Payment Card Compliance, [busfin.osu.edu/sites/default/files/515\\_creditcard.pdf](http://busfin.osu.edu/sites/default/files/515_creditcard.pdf)
- Personnel Records 1.20, [hr.osu.edu/wp-content/uploads/policy120.pdf](http://hr.osu.edu/wp-content/uploads/policy120.pdf)
- Self-Disclosure of Criminal Convictions 4.17, [hr.osu.edu/wp-content/uploads/policy417.pdf](http://hr.osu.edu/wp-content/uploads/policy417.pdf)
- Staff Employment 4.20, [hr.osu.edu/wp-content/uploads/policy420.pdf](http://hr.osu.edu/wp-content/uploads/policy420.pdf)

University Rules

- University Rule 3335-5-04, [trustees.osu.edu/bylaws-and-rules/3335-5](http://trustees.osu.edu/bylaws-and-rules/3335-5)

Additional Guidance

- Background Check Standards and Toolkit, [hr.osu.edu/wp-content/uploads/policy415-standards.pdf](http://hr.osu.edu/wp-content/uploads/policy415-standards.pdf)
- Background Check Package Selection Tool, [hr.osu.edu/wp-content/uploads/policy415-package-selection-tool.pdf](http://hr.osu.edu/wp-content/uploads/policy415-package-selection-tool.pdf)
- Federal Select Agent Program, [selectagents.gov/suit-app2.html](http://selectagents.gov/suit-app2.html)
- Frequently Asked Questions, [hr.osu.edu/wp-content/uploads/policy415-faq.pdf](http://hr.osu.edu/wp-content/uploads/policy415-faq.pdf)
- General Records Retention Schedule, [go.osu.edu/retention-schedules](http://go.osu.edu/retention-schedules)
- Institutional Data Element Classification Assignments, [cybersecurity.osu.edu/system/files/osuidp-dataelementclassificationassignments\\_201209.pdf](http://cybersecurity.osu.edu/system/files/osuidp-dataelementclassificationassignments_201209.pdf)
- LEADS Security Policy, [ohio.cjisapps.com/security/launchpad/cjisdocs/docs.cgi?cat\\_id=2](http://ohio.cjisapps.com/security/launchpad/cjisdocs/docs.cgi?cat_id=2)



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Non-Employee Background Check Standards, [hr.osu.edu/wp-content/uploads/policy415-standards-nonemployee.pdf](http://hr.osu.edu/wp-content/uploads/policy415-standards-nonemployee.pdf)

Offer letters, [hr.osu.edu/services/talent-acquisition/offer-letter-guidelines/](http://hr.osu.edu/services/talent-acquisition/offer-letter-guidelines/)

PCI Requirements, [u.osu.edu/treasurer/files/2015/07/PCI-Requirements-6-30-15-FINAL-1s94ecg.pdf](http://u.osu.edu/treasurer/files/2015/07/PCI-Requirements-6-30-15-FINAL-1s94ecg.pdf)

Security Standards Council’s Payment Card Industry (PCI) Data Security Standards,

[pcisecuritystandards.org/security\\_standards](http://pcisecuritystandards.org/security_standards)

Summary of Your Rights Under the Fair Credit Reporting Act, [hr.osu.edu/wp-content/uploads/policy415-rights.pdf](http://hr.osu.edu/wp-content/uploads/policy415-rights.pdf)

U. S. Department of State, [state.gov](http://state.gov)

### Contacts

Subject	Office	Telephone	E-mail/URL
Contracts with third party staffing vendors	Purchasing Department	614-292-2694	<a href="mailto:bo-osupur@busfin.ohio-state.edu">bo-osupur@busfin.ohio-state.edu</a>
Policy questions	HR Connection	614-247-myHR (6947)	<a href="mailto:hr-backgroundchecks@osu.edu">hr-backgroundchecks@osu.edu</a> <a href="http://hr.osu.edu/services/background-checks/">hr.osu.edu/services/background-checks/</a>

### 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	
Edited:	01/01/2014	Renamed Background Check
Edited:	06/01/2016	
Revised:	12/13/2018	Minor revision
Revised:	01/03/2021	Reflects material revision approved by President’s Cabinet and subsequent minor revision adding reference to background checks conducted by Environmental Health and Safety and inserting HR Connection in the Contacts section