



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 - Not in effect until [Workday](#) HR and Payroll are implemented at Ohio State. For information only.

Current Policy: [Background Check, 4.15](#)

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
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 Background Check Standards and Toolkit .
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 Institutional Data Element Classification Assignments .
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.
Third party staffing vendor	An organization that provides its staff to the university to supplement the university's workforce.



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Term	Definition
Unit	College or administrative 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 [\[link to be added\]](#).
 - 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 background checks are conducted and/or work with the necessary parties (e.g., governmental licensing, regulatory agencies, etc.) to ensure compliance.



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- 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.
 - B. The BCC is responsible for conducting background checks (excluding those defined in Procedure II.A.)
 - C. 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



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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.

- D. 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](#).
- E. **Third party staffing vendors** who conduct background checks on staff assigned at the university must comply with the minimum standards outlined in the [Background Check Standards and Toolkit](#). 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 [Background Check Standards and Toolkit](#).

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):
 - 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.



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- 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

Position or Office	Responsibilities
Background check coordinator (BCC), Talent Acquisition supervisor	<ol style="list-style-type: none"> 1. Serve as BCC for university and conduct background checks. 2. Provide guidance and policy interpretation to units and individuals. 3. Approve background check requests not mandated by this policy, as appropriate, in consultation with Office of Legal Affairs. 4. Discuss with individual any criminal information either received from background check vendor or self-disclosed by individual. 5. Evaluate criminal information using factors outlined in Background Check Standards and Toolkit; consult with the offices and individuals specified in this policy when assessing whether individual is eligible for employment or other activities. 6. Provide individual with copy of results, copy of summary of rights, and a specified period of time to respond to information revealed via the background check before taking adverse action in accordance with FCRA and as outlined in Background Check Standards and Toolkit. 7. Notify individual in writing of final adverse decisions in accordance with FCRA and as outlined in Background Check Standards and Toolkit. 8. Maintain background check documentation as described in this policy. 9. Maintain confidentiality of any criminal information disclosed or discovered as outlined in this policy.
Faculty, staff, applicants, graduate associates, student employees, volunteers, non-student residents, and other non-employees	<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 background check performed by a third-party vendor by signing Background Check Disclosure and Authorization form, when required. 3. Authorize and consent to BCI/FBI background check by signing Fingerprint Consent form, when required. 4. Provide requested information or documentation within timelines specified by BCC. 5. Self-disclose criminal convictions occurring after hire or commencement of other activity in accordance with Self-Disclosure of Criminal Convictions policy.
Human Resources business partner (HRBP)	<ol style="list-style-type: none"> 1. Coordinate with Talent Acquisition to ensure appropriate background checks are conducted and/or work with necessary parties to ensure compliance. 2. Communicate with BCC about any negative information provided by final candidates to hiring manager. 3. Assess unit need for conducting background checks not mandated by this policy; seek approval from BCC in consultation with OLA. 4. Ensure or work with BCC to ensure third party staffing vendors used by unit are in compliance with this policy. 5. Maintain confidentiality of any criminal information disclosed or discovered as outlined in this policy.
Office of Legal Affairs	<ol style="list-style-type: none"> 1. Approve background check requests not mandated by this policy, as appropriate, in consultation with BCC. 2. Advise on whether individuals are eligible for employment or other activities, as needed.
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"> 1. Initiate required background checks as outlined in Background Check Standards and Toolkit; consult with BCC for policy and position requirements. 2. Refer individual to BCC if individual discloses or has questions about criminal convictions during interview process. 3. Ensure that required language appears in all position descriptions and written and oral offers of employment. 4. Maintain confidentiality of any criminal information disclosed or discovered as outlined in this policy.

Resources

Forms



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Background Check Disclosure and Authorization form, hr.osu.edu/policy/resources/415consent.pdf
Fingerprint Consent form, hr.osu.edu/wp-content/uploads/form-background-check-fingerprint-consent.pdf
Self-Disclosure of Criminal Convictions form, hr.osu.edu/wp-content/uploads/form-self-disclosure-criminal-convictions.pdf

Governance Documents

Laws

Fair Credit Reporting Act, ftc.gov/os/statutes/031224fcra.pdf
Ohio Public Records Act, codes.ohio.gov/orc/149.43

University Policies, policies.osu.edu

Affirmative Action, Equal Opportunity, & Non-Discrimination/Harassment 1.10, 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
Institutional Data, it.osu.edu/sites/default/files/files-1477502242/institutionaldata.pdf
Payment Card Compliance, busfin.osu.edu/sites/default/files/515_creditcard.pdf
Personnel Records 1.20, hr.osu.edu/wp-content/uploads/policy120.pdf
Self-Disclosure of Criminal Convictions 4.17, hr.osu.edu/public/documents/policy/policy417.pdf
Staff Employment 4.20, hr.osu.edu/policy/policy420.pdf

University Rules

Faculty Rule 3335-5-04, trustees.osu.edu/bylaws-and-rules/3335-5

Additional Guidance

Background Check Standards and Toolkit, hr.osu.edu/policy/resources/415standards.pdf
Frequently Asked Questions, hr.osu.edu/policy/resources/415faq.pdf
General Records Retention Schedule, go.osu.edu/retention-schedules
Institutional Data Element Classification Assignments, ocio.osu.edu/sites/default/files/assets/Policies/OSU-IDP-Data-Elements.pdf
LEADS Security Policy, ohio.cjisapps.com/security/launchpad/cjisdocs/docs.cgi?cmd=FS&ID=41&TYPE=DOCS
Offer letters, hr.osu.edu/services/talent-acquisition/offer-letter-guidelines/
Non-Employee Background Check Standards, [\[link to be added\]](#)
PCI Requirements, 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
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
U. S. Department of State, state.gov

Contacts

Subject	Office	Telephone	E-mail/URL
Contracts with third party staffing vendors	Purchasing Department	614-292-2694	bo-osupur@busfin.ohio-state.edu
Policy questions	Office of Human Resources	614-292-3595	hr-backgroundchecks@osu.edu hr.osu.edu/services/background-checks-fingerprinting/



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History

Issued:	09/01/2008	Background Check
Revised:	04/01/2011	Renamed Self-Disclosure of Criminal Convictions and Background Check
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Revised:	08/15/2013	
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Edited:	06/01/2016	
Revised:	12/13/2018	Minor revision
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