



Applies to: Faculty, staff, graduate associates, student employees, appointees, volunteers, employees provided by third party staffing vendors, and those working in activities and programs with minor participants in the course of their university duties.

Responsible Office

Office of Human Resources

POLICY

Issued: 04/01/2011
Revised: 01/01/2014
Edited: 10/20/2017

The university is committed to maintain a safe and secure environment for the campus community. The university can better promote safety and security by obtaining information produced by background checks.

Purpose of the 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 continued involvement with the university.
Background check coordinator (BCC)	Human resource employee(s) designated to administer the background check process.
Break in service	A leave from university duties 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.
Involvement with the university	Duties as a result of university employment, appointment, volunteer service, working in activities and programs with minor participants as defined in Activities and Programs with Minor Participants , policy 1.50, and employees provided by third party staffing vendors

Policy Details

- I. Guiding Principles
 - A. The requirement that an individual self-disclose criminal convictions that occur while involved with the university as described in the applies to section is intended to determine suitability for continued **involvement with the university**.
 - 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. Accountability
 - A. Associated faculty, GAs, and those working or volunteering in activities and programs with minor participants who have a **break in service** of less than 12 months must disclose any criminal convictions that occurred during the break within three business days of returning to university duties.
 - B. Staff who 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.



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- C. Faculty who fail to disclose criminal convictions or fail to provide accurate details regarding criminal convictions, and/or fail to cooperate in the background check process will be subject to [University Rule 3335-5-04](#).
- D. Graduate associates, student employees, appointees, volunteers, and those working in activities and programs with minor participants who 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.

PROCEDURE

Issued: 04/01/2011
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- I. Disclosing a Criminal Conviction
 - A. Current faculty, staff, graduate associates (GAs), student employees, **appointees**, volunteers, employees provided by third party staffing vendors, and those working in activities and programs with minor participants are required to self-disclose criminal convictions within three business days of the conviction to the unit senior human resource professional (SHRP) or designee or the OHR director of employee relations using the [Self-Disclosure of Criminal Convictions form](#).
 - B. Associated faculty, GAs, and those working in activities and programs with minor participants who have a **break in service** of less than 12 months must, within three business days of returning to university duties, self-disclose criminal convictions that occurred during the break to the unit SHRP or designee or the OHR director of employee relations using the [Self-Disclosure of Criminal Convictions form](#).
 - C. Individuals self-disclosing a criminal conviction must:
 - 1. Provide truthful, accurate, and complete information;
 - 2. Consent to a background check provided by a third party vendor by signing the [Background Check Disclosure and Authorization form](#), if necessary; and
 - 3. Provide requested information or documentation within timelines specified by the OHR director of employee relations.
- II. Assessing Disclosed Criminal Convictions
 - A. Individuals subject to termination due to information revealed via self-disclosure may request that such information be confirmed by a background check.
 - B. A criminal conviction is not necessarily a bar to continued involvement with the university. The unit SHRP or designee, will consult with ELR to assess the circumstances surrounding the criminal conviction, time frame, nature, gravity, and relevancy of the criminal conviction to the job duties using [Managing Self-Disclosed Criminal Convictions](#).
 - C. The dean or vice president, Office of Academic Affairs, unit SHRP or designee, Office of Legal Affairs and/or OHR director of employee relations or designee, as appropriate, will make a determination regarding suitability for continued involvement with the university based on the information received and collected regarding the criminal conviction.
- III. Disclosed Criminal Convictions Records
 - A. The **BCC** is responsible for providing the individuals subject to a third party vendor background check a copy of the results and a copy of the [Summary of Your Rights Under the Fair Credit Reporting Act](#) if the background check results impact continued involvement with the university.
 - B. Individuals who fail to self-disclose a criminal conviction in accordance with this policy must be notified in writing regarding any decision to discontinue their continued involvement with the university.
- IV. Recordkeeping
 - A. For information about the retention of records relating to self-disclosed criminal convictions, refer to the [General University Records Retention Schedule](#).
 - B. Self-disclosed criminal convictions must not be stored in personnel files.



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C. All information received in connection with a 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, employees provided by third party staffing vendor, and those working in activities and programs with minor participants	<ol style="list-style-type: none"> 1. Disclose 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. 2. Auxiliary faculty, GAs, and those working and volunteering in activities and programs with minor participants must disclose criminal convictions that occurred during any break in service of less than 12 months within three business days of returning to university duties. 3. Provide truthful, accurate, and complete information. 4. After self-disclosure, consent to a background check performed by a third party vendor by signing the Background Check Disclosure and Authorization form, if necessary. Failure to complete the form may impact the individual's continued involvement with the university. 5. Provide requested information or documentation within timelines specified by the OHR director of employee relations.
College/VP unit and Human Resource Professional	<ol style="list-style-type: none"> 1. Ensure all current and new faculty, staff, GAs, student employees, appointees, volunteers, employees provided by third party staffing vendors, and those working in activities and programs with minor participants are aware of their duties under this policy. 2. 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 criminal convictions that occurred during the break within three business days of returning to university employment. 3. Communicate with those working and volunteering in activities and programs with minor participants, when less than a 12-month break in service has occurred, the requirement to self-disclose any criminal convictions that occurred during the break within three business days of returning to university duties. 4. Consult with OHR about self-disclosures and future involvement of individuals who fail to disclose criminal convictions. Review and analyze self-disclosures in consultation with the OHR director of employee relations. 5. Prepare necessary documentation in support of appropriate disciplinary action. 6. Notify unclassified employees of decision regarding the individual's continued involvement with the university. Notification must be in writing and must include information about future involvement with the university. 7. Notify individuals who are barred from future involvement with the university of this designation in writing. 8. Ensure third party staffing vendors used by the unit comply with this policy. 9. Retain self-disclosed criminal convictions documentation as described in this policy.
Office of Human Resources	<ol style="list-style-type: none"> 1. Disseminate information and consult with units and individuals regarding this policy. 2. Serve as BCC for background checks. 3. Review and analyze criminal convictions. 4. Notify Classified Civil Service employees who are barred from future consideration for employment at the university of this designation in writing. 5. Consult with units about self-disclosures and future involvement of individuals who fail to disclose criminal convictions. 6. Follow up with HR Professional as necessary regarding any next steps. 7. Train HRPs on policy and procedure changes.

Resources

- University Policies and Rules
 - Activities and Programs with Minor Participants, policy 1.50, hr.osu.edu/public/documents/policy/policy150.pdf
 - General Records Retention Schedule, library.osu.edu/documents/records-management/general-schedule.pdf
 - University Rule 3335-5-04, trustees.osu.edu/rules/university-rules/chapter-3335-5-faculty-governance-and-committees.html



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- Forms and Tools
 - Background Check Disclosure, Authorization, and Release form, hr.osu.edu/wp-content/uploads/form-background-check-consent.pdf
 - Communications Toolkit (sample text, PowerPoint, and flyer), hr.osu.edu/wp-content/uploads/417-communications-toolkit.docx
 - Frequently Asked Questions, hr.osu.edu/wp-content/uploads/417-faq.pdf
 - Managing Self-Disclosed Criminal Convictions, hr.osu.edu/wp-content/uploads/417-managing-self-disclosed.pdf
 - Self-Disclosure of Criminal Convictions form, hr.osu.edu/wp-content/uploads/form-self-disclosure-criminal-convictions.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
- Additional External Resources
 - Fair Credit Reporting Act, ftc.gov/os/statutes/031224fcra.pdf
 - Ohio Public Records Act, codes.ohio.gov/orc/149.43

Contacts

Subject	Office	Telephone	E-mail/URL
Policy questions	Office of Human Resources	614 292-3595	hr-backgroundchecks@osu.edu
Policy 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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