



Self-Disclosure of Criminal Convictions and Background Check Policy 4.15

Office of Human Resources

Applies to: Faculty, staff, appointees, volunteers, applicants, third party staffing vendors, graduate associates, and student employees

This policy will be administered by Health System Human Resources in coordination with the Office of Human Resources.

POLICY

Issued: 09/01/2008
Revised: 04/01/2011

The university has established this policy to promote a safe and secure environment for the campus community.

Definitions

Term	Definition
Background check	Process of acquiring records regarding a final candidate that are used to determine suitability for initial or ongoing employment.
Background check coordinator (BCC)	Unit human resource employee(s) designated to administer the background check process for the positions specified in this policy or for those specified under a unit's approved program.
Break in service	Leave university employment either voluntarily or involuntarily.
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.
Final candidate	Internal or external applicant identified as the finalist for a position.
OHR background check coordinator (OHRBCC)	Office of Human Resources (OHR) employee(s) designated to administer the background check process for the positions specified in this policy and for those colleges and units who have centralized their background check processes.
Appointee	An individual deemed to have an affiliation with the university in a non-compensatory capacity.

Policy Details

I. Guiding Principles

- A. The requirement that an individual self-disclose convictions that occur while employed at the university is intended to determine suitability for continued employment.
- B. The background check process is intended to help the university evaluate whether a candidate is suitable for the position.
- C. The university desires to promote fair and consistent methods to obtain, analyze, apply, and retain background check information.
- D. Hiring practices must emphasize prevention of discrimination and harassment.

II. Regulations

- A. Background checks must be conducted on internal and external final candidates for the following positions:
 1. Regular faculty and staff,
 2. Auxiliary faculty, visiting scholar, temporary, term, seasonal and intermittent appointments (excluding graduate associate and undergraduate student appointments),
 3. Temporary staff provided by third party vendors unless the third party vendor has conducted its own background check that complies with university requirements, and



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4. Individuals appointed to President's Council.
- B. Employees who have a break in service and return to the university must have a background check if the position requires one.
- C. Auxiliary faculty that have a break in service more than 12 months must have a background check when they return. Auxiliary faculty that have a break in service of less than 12 months must disclose any felony or misdemeanor convictions that occurred during the break within three business days of returning to university employment.
- D. The Office of Human Resources Background Check Coordinator (OHRBCC) will conduct checks on the following positions. [Required Background Checks](#) lists the types of checks that the Office of Human Resources must conduct as well as checks that must be completed by the hiring unit.
 1. President
 2. Provost
 3. Vice presidents
 4. Vice provosts
 5. Deans
 6. Senior fiscal officers
 7. Senior human resource professionals
 8. All additional President's Council members (this list is intended to include all members and is subject to change at the president's direction), including: associate vice president and director of Athletics, chief information officer, chief investment officer, secretary of the Board of Trustees, and secretary-University Senate.
- E. Background checks must be conducted on individuals holding positions with certain responsibilities (e.g. child care, public transportation, etc.) in compliance with applicable laws, regulations, and standards. Units are responsible for conducting these background checks and/or working with the necessary parties (e.g. governmental licensing or regulatory agencies, etc.) to ensure compliance. If applicable, units must comply with the [Security Standards Council's Payment Card Industry \(PCI\) Data Security Standard](#) as it pertains to screening potential employees and volunteers involved in processing credit/debit card transactions.
- F. Units have the option to conduct background checks on graduate associates, student employees, volunteers, and employees of non-staffing vendors provided there is a business justification, that checks are made consistently across specific positions, and the documented background check program has been approved by the Office of Human Resources. When conducting background checks on final candidates for these positions, units must comply with [Minimum Standards for Conducting Background Checks](#).
- G. Individuals in background checked positions may also be subject to periodic background checks during their employment in the position with the approval of the Office of Human Resources.

III. Self-Disclosure of Criminal Convictions During the Application Process

- A. Internal and external applicants for positions are required to accurately self-disclose all criminal convictions when they apply.
- B. Hiring managers or unit HR professionals are required to ask all interviewed candidates about negative information revealed on applications and inquire about the nature and circumstances of criminal convictions during the interview process. Questions regarding criminal convictions should focus on the relevancy to the job duties as well as the time frame, nature, gravity, and circumstances surrounding the conviction. For additional guidance, refer to [Minimum Standards for Conducting Background Checks](#).



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- C. Internal and external candidates who fail to disclose all criminal convictions or fail to provide truthful, accurate, and complete information regarding criminal convictions will be ineligible for hire for the current position and may be prohibited from future employment consideration.

IV. Self-Disclosure of Criminal Convictions Post Employment – Effective July 1, 2011

- A. Current faculty, staff, graduate associates, student employees, appointees, volunteers, and staff provided by third party staffing vendors are required to self-disclose post employment criminal convictions within three business days of the conviction to the unit senior human resource professional or the OHR employment law and compliance manager.
- B. Auxiliary faculty that have a break in service of less than 12 months must disclose any convictions that occurred during the break within three business days of returning to university employment.
- C. Staff that 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.
- D. Faculty that fail to disclose criminal convictions or fail to provide accurate details regarding criminal convictions will be subject to [University Rule 3335-5-04](#).
- E. Graduate associates, student employees, and volunteers that 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: 09/01/2008
Revised: 04/01/2011

I. Final Candidate Authorization and Background Check Coordinator Notification

- A. Final candidates must be given a copy of the [Background Check Disclosure, Authorization, and Release](#) form prior to a background check being performed by a third party vendor. Final candidates authorize the university to conduct pre-employment screening through a third party vendor when they complete the form. Failure to complete the form will preclude a final candidate from consideration for a position.
- B. Hiring managers are required to communicate with the BCC or OHRBCC when a final candidate has been identified for a position requiring a background check. The hiring manager must also communicate to the BCC or OHRBCC any negative information provided by a final candidate to the hiring manager.

II. Assessment of Background Check Information

The BCC or OHRBCC will assess the information contained within a background check using the following principles:

- A. Convictions will be taken into account when reviewing a final candidate's criminal history; an arrest without a conviction in a closed case will not be considered.
- B. Open criminal cases may preclude a final candidate from eligibility for employment. The university will assess the circumstances surrounding the arrest, as well as the time frame, nature, gravity, and relevancy of the alleged offense and charge to the job duties. The BCC or OHRBCC, in consultation with the OHR employment law and compliance manager, is responsible for determining whether the final candidate is eligible for employment.



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- C. A criminal conviction is not necessarily a bar to initial employment or continued employment with the university. The university will assess the circumstances surrounding the conviction, time frame, nature, gravity, and relevancy of the conviction to the job duties.
- D. Criminal convictions on a background check will be evaluated by the BCC or OHRBCC, considering factors outlined in the [Minimum Standards for Conducting Background Checks](#). When appropriate, 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 OHR employment law and compliance manager will be consulted. The BCC or OHRBCC will communicate the outcome of the evaluation to the individual.

III. Assessment of Disclosed Criminal Convictions post employment – Effective July 1, 2011

The dean or vice president, the Office of Academic Affairs, the senior human resource professional, the Office of Legal Affairs and/or the OHR employment law and compliance manager, as appropriate, will make a determination regarding suitability for continued employment based on the information received and collected regarding the conviction.

IV. Processing Background Checks

- A. The BCC in each unit is responsible for conducting background checks on all positions other than those conducted by the Office of Human Resources.
- B. The Office of Human Resources must approve department background check processes that go above and beyond this policy's requirements.
- C. All offers are contingent upon successful completion of the background check. All oral or written offers of employment must include a statement as follows: "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."
- D. Units that use staff provided by third party staffing vendors must use vendors that conduct background checks in compliance with the Minimum Standards for Conducting Background Checks. The requirement of the third party staffing vendor to conduct background checks must be incorporated into the contract.
- E. The [Background Check Disclosure, Authorization, and Release](#) form must be used for any background check performed by an approved background check vendor.
- F. Units are required to use university approved vendors for conducting background checks.

V. Background Check and Self-Disclosed Criminal Convictions Records

- A. Candidates not hired due to information revealed on a background check conducted by a third party vendor must be provided with a copy of the results and a copy of the [Summary of Your Rights Under the Fair Credit Reporting Act](#). The BCC or OHRBCC, as appropriate, is responsible for providing the results to the candidate.
- B. Candidates who are barred from future consideration for employment at the university must be notified in writing.
- C. For information about the retention of background check results, self-disclosed criminal convictions by a current employee, and [Background Check Disclosure, Authorization, and Release](#) form, refer to the [University Archive Records Retention Schedule](#).
- D. Background check documentation and self-disclosed criminal convictions by a current employee must not be stored in an employee's personnel file.
- E. All information received in connection with the background check process or current employee self-disclosure of criminal convictions process will be treated as confidential except when disclosure is necessary.



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Responsibilities

Individual or Office	Responsibilities
Final candidate	<ul style="list-style-type: none"> A. Provide truthful, accurate, and complete information. B. Consent to the background check performed by a third party vendor by signing the Background Check Disclosure, Authorization, and Release form. Failure to complete the form will preclude a final candidate from consideration for a position. C. Provide requested information or documentation within timelines specified by the BCC or OHRBCC.
Current faculty, staff, graduate associates, student employees, appointees, volunteers, staff provided by third party staffing vendor	<ul style="list-style-type: none"> A. Disclose post employment criminal convictions within three business days of conviction occurring. B. Auxiliary faculty must disclose criminal convictions that occurred during any break in service within three business days of returning to university employment. C. Provide truthful, accurate, and complete information. D. Consent to the background check performed by a third party vendor by signing the Background Check Disclosure, Authorization, and Release form, if required for the position. Failure to complete the form will preclude a final candidate from consideration for a position. E. Provide requested information or documentation within timelines specified by the BCC or OHRBCC.
College/VP unit	<ul style="list-style-type: none"> A. Designate a BCC to fulfill the responsibilities identified in this policy. B. Provide the name and contact information of the unit BCC to OHR. C. Ensure all current and new faculty, staff, graduate associates, student employees, appointees, volunteers, staff provided by third party staffing vendors are aware of their responsibilities under this policy. D. Include “requires successful completion of background check” in the “requirements” section of all position descriptions that are not posted and employment advertisements for applicable positions. E. Communicate with the OHRBCC when a final candidate or appointee has been identified for a position requiring a background check as identified in section “Policy Details, II-Regulations-D” of this policy. The OHRBCC will conduct the background check and coordinate with the college/VP unit as appropriate. F. Communicate in the final candidate’s offer letter that employment is contingent upon successful completion of a background check. G. Communicate in auxiliary faculty offer letters, when a less than 12 month break in service has occurred, the requirement to self-disclose any convictions that occurred during the break within three business days of returning to university employment. H. Ensure payment for background checks conducted for the hiring unit. I. Assess unit need for conducting background checks not mandated by this policy. Seek approval from OHR for a unit program. Any such program must be aligned with this policy’s guiding principles, consistent with Minimum Standards for Conducting Background Checks, and approved by the Office of Human Resources. Review and analyze post-employment criminal convictions disclosed by individuals in consultation with the OHR employment law and compliance manager. J. Retain background check and current employee self-disclosed criminal convictions documentation as described in this policy. K. Use only university approved vendors to conduct background checks. L. Notify candidates who are barred from future consideration for employment at the university of this designation in writing. M. Ensure third party staffing vendors used by your unit are in compliance with this policy.
Hiring manager	<ul style="list-style-type: none"> A. Make final candidate aware of her/his rights and responsibilities by providing the Background Check Disclosure, Authorization, and Release form. The form must be completed before a background check is performed by a third party vendor. B. Notify candidate that background check results are subject to the Ohio Public Records Act. C. Give the BCC the final candidate’s Background Check Disclosure, Authorization, and Release form and discuss, if applicable, any negative information provided by the final candidate before the background check is conducted.
Office of Human Resources	<ul style="list-style-type: none"> A. Disseminate information and consult with units and individuals regarding this policy. B. Approve unit programs for conducting background checks not required by this policy.



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- C. Serve as OHRBCC for checks conducted by OHR.
- D. Review and analyze post employment criminal convictions disclosed by individuals.
- E. Notify candidates who are barred from future consideration for employment at the university of this designation in writing.
- F. Train BCCs.

Resources

- Background Check Disclosure, Authorization, and Release form, hr.osu.edu/policy/resources/415consent.pdf
- Credit Card Policy 5.15, The Ohio State University Credit Card Merchant Policy Credit Card Handling Responsibilities and Procedures, treasurer.ohio-state.edu/PDFS/Merchant%20Policies%20and%20Procedures%202007.pdf
- Fair Credit Reporting Act, ftc.gov/os/statutes/031224fcra.pdf
- Frequently Asked Questions, hr.osu.edu/policy/resources/415faq.pdf
- Minimum Standards for Conducting Background Checks, hr.osu.edu/policy/resources/415standards.pdf
- Ohio Public Records Act, codes.ohio.gov/orc/149.43
- Records Retention Schedule, library.osu.edu/assets/Uploads/RecordsManagement/general-schedule.pdf#page=17
- Required Background Checks, hr.osu.edu/policy/resources/415required.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

Letters

- Adverse Action, hr.osu.edu/policy/resources/415sample-adverse.doc
- Auxiliary faculty offer letters – will be posted and linked to on the OAA website as soon as available.
- Ineligible for University Employment Due to Falsification – External Candidate, hr.osu.edu/policy/resources/415sample-ineligibleext.doc
- Ineligible for University Employment Due to Falsification – Internal Candidate hr.osu.edu/policy/resources/415sample-ineligibleint.doc
- Pre-Adverse Action, hr.osu.edu/policy/resources/415sample-pre-adverse.doc

Contacts

Subject	Office	Telephone	E-mail/URL
Policy clarification	Office of Human Resources	614 292-2800	ohrc@hr.osu.edu hr.osu.edu/ohrc
Medical Center process	OSU Medical Center HR Shared Services	614-293-4988	
Contracts with third party staffing vendors	Purchasing	614-292-2694	Bo-osupur@busfin.ohio-state.edu

History

Issued: 09/01/2008
 Revised: 04/01/2011 (Renamed Self-Disclosure of Criminal Convictions and Background Check)