The Ohio State University is committed to providing a safe and secure workplace for all faculty, staff, students, and visitors. Accordingly, employees hired (any position that is posted) or transferring into an OAA unit on or after July 1, 2008, will be subject to a background check. Exclusions include reclassified staff, faculty members, temporary employees, and student workers. Applicability of background checks to volunteers and interns will be discussed on a unit by unit basis to determine if necessary based on job responsibilities. OAA retains full and complete discretion and authority in determining whether to hire an applicant or transferee. Units exempt from this control are Comprehensive Cancer Center and the Childcare Center. Both organizations have policies in place that are similar to the OAA control and capture the same requirements. Units that follow this policy but are more inclusive with who it applies to are The Wexner Center for the Art and Enrollment Services and Undergraduate Education.

**POLICY GUIDELINES**

I. Definitions

**Background Check** – Process of acquiring records regarding a final candidate’s past that are used to determine suitability for selection.

**Human Resources Professional (HRP)** – Office of Academic Affairs employee(s) designated to administer the background check process for those positions specifically mandated within this control.

**Background Check Committee** – A group of human resource professionals within the Office of Academic Affairs.

**Criminal Conviction** – Being found guilty of a felony, misdemeanor, and/or ordinance violation other than a minor traffic violation. Speeding is considered a minor violation, while driving under the influence is major violation and must be disclosed.

**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.

**Hiring Manager** – Individual ultimately responsible for selecting a final candidate for employment.

II. Guiding Principles
This Background Screening Control applies to all final candidates selected for any position advertised on or after July 1, 2008. It applies to external applicants and internal applicant transfers into any OAA unit. Unless a background check is legally required, reclassified staff, faculty members, temporary employees, and student workers need not undergo screening. Applicability of background checks to volunteers and interns will be discussed on a unit by unit basis to determine if necessary based on job responsibilities.

Although disqualification is possible, a previous conviction does not automatically disqualify an applicant from employment with OAA. A variety of factors (for example, the nature of the position for which selected, the nature of the conviction, the rehabilitation of the candidate, the time since conviction occurred) will determine a candidate’s eligibility for employment with OAA. However, if an applicant fails to reveal any previous convictions, he/she may be disqualified from employment for any position within OAA for falsification of an application.

An offer of employment may be extended to an applicant prior to the completion of the criminal conviction check as long as the applicant understands that employment is contingent upon the criminal conviction check. However, the applicant's first day of work in the position must not be prior to the satisfactory completion of the background check.

III. Regulations

A. Background checks will be the responsibility of the Human Resources Professional (HRP) in the OAA unit.

B. When the final selection stage in the hiring process is reached, the hiring manager provides the selected candidate with a Disclosure and Authorization Form and a Summary of the Rights under the Fair Credit Reporting Act. The hiring manager then sends the completed Disclosure and Authorization Form, along with the application materials, to the unit’s HRP. The HRP will submit the authorization form to HireRight, the vendor selected to perform background checks.

C. HireRight will conduct a national investigation, including national criminal check, social security trace, national sex offender check and if necessary department of motor vehicle and credit check to determine whether there is any criminal conviction that could affect the hiring decision.

D. When the investigation is complete, HireRight will submit a report on the applicant to the HRP. Convictions not shown on the application but discovered during the investigation may disqualify the applicant from employment for any position within OAA based on falsification of an application.

E. If a candidate reports a criminal conviction on his/her application form, or if the background check reveals a conviction, OAA will analyze numerous factors, including but not limited to:
a. Relationship of the conviction to the position.

b. Employment and rehabilitation history of the individual.

c. Circumstances of the offense.

d. Length of time since the offense occurred.

F. All decisions will be made on a case-by-case basis by the Background Check Committee (BCC) and, if needed, in consultation with the Offices of Human Resources and Legal Affairs. Managers will receive an e-mail communication from their unit's HRP advising of the disposition of the application. If the candidate is deemed unsuitable to be hired, the BCC must do all of the following before a negative action is taken:

   i. Provide the candidate with a copy of the consumer report; and

   ii. Provide the candidate with a Summary of Rights under the Fair Credit Reporting Act.

G. After the BCC provides a copy of the consumer report and a copy of the Summary of Rights under the Fair Credit Reporting Act, the candidate is given 5 business days, absent extenuating circumstances, to respond to the notification of the pending negative action.

H. If it is decided to continue to proceed with the negative action, the BCC must do the following:

   i. Provide notice to the candidate of the negative action.

   ii. Provide to the candidate the name, address, and telephone number of the consumer reporting agency

   iii. Provide notice to the candidate of his/her right to obtain a free copy of the consumer report from the consumer reporting agency within 60 days and to dispute with the consumer reporting agency the accuracy or completeness of any information in a report furnished by a consumer reporting agency.

   iv. Inform the HRP that the background check was unacceptable and the HRP will inform the hiring manager that the applicant is ineligible for hire.

I. Retention of Background Check results and consent forms:
a. For candidates who are hired:
   i. The background check results must be retained until reviewed by
      the HRP and/or BCC and a determination of hire is made. Once
      this occurs, the HRP will destroy the background check results to
      ensure confidentiality.
   
   ii. The Disclosure and Authorization Form (including a notation from
        the HRP as to when the background check was completed) must be
        retained in a locked and secure location separate from the
        candidate’s personnel file for the length of employment plus three
        years.

b. For candidates not hired due to information revealed on the background
   check, both the background check results and the Disclosure and
   Authorization Form (including a notation from the HRP as to when the
   background check was completed) must be retained for three years by the
   chair of BCC in a locked and secure location.

IV. Cost
Effective July 1, 2008, each unit will be responsible for the cost of the required
background check. OAA will use HireRight, with the estimated cost to be $54 per check.

PROCEDURE
Issued: July 1, 2008

I. Self-Disclosure of Criminal Convictions

A. External and internal candidates applying for OAA positions are required to
disclose criminal conviction information when they apply.

B. Hiring managers 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 time frame, severity, and
circumstances.

II. Final Candidate Authorization and HRP Notification

A. Prior to a background check, final candidates must be given copies of the
Disclosure and Authorization Form and a Summary of the Rights under the Fair
Credit Reporting Act. Final candidates authorize the university to conduct pre-
employment screening when they complete the consent form. Failure to
complete the consent form will preclude a final candidate from consideration for
a position.
B. Hiring managers are required to communicate with the HRP when a final candidate has been identified for a position requiring a background check. The hiring manager must also communicate to the HRP any negative information provided by a final candidate and which a background check may disclose.

III. Final Candidate Responsibilities

A. Provide truthful, accurate, and complete information.

B. Consent to the background check by signing the Disclosure and Authorization Form. Failure to complete the consent form will preclude a final candidate from consideration for a position.

C. Provide requested information or documentation within timelines specified by the HRP. The candidate will be given a 5 business day comment period, absent extenuating circumstances, to respond to the decision and findings from the report.

IV. Hiring Manager Responsibilities

A. Ensure that the stipulation “Requires successful completion of background check(s)” is included in the “Requirements” section of all position descriptions and employment advertisements.

B. 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 time frame, severity, and circumstances.

C. Make a final candidate aware of her/his rights and responsibilities by providing the Disclosure and Authorization Form. The consent and disclosure form must be completed before a background check can be conducted.

D. Communicate with the HRP when a final candidate has been identified for a position. The HRP will conduct the background check and coordinate with the Background Check Committee and Offices of Human Resources and Legal Affairs as appropriate.

E. Notify a final candidate that background check results are subject to the Ohio Public Records Act. To the extent possible, all information received in connection with the background check process will be treated as confidential, except to the extent it is necessary to disclose particulars when compelled to do so by law.
F. Give the final candidate's Disclosure and Authorization Form to the HRP and communicate any negative information provided by the final candidate before the background check is conducted.

V. HRP Responsibilities

A. Submit the consent form to HireRight.

B. Review any report findings with the Background Check Committee Chair, detracting candidate name from report prior to submission to committee to review.

C. Let the hiring manager know whenever additional information is being requested of the final candidate, but without revealing to the hiring manager the details of the background check.

D. Advise the hiring manager, via email, of disposition of application.

VI. OAA BCC Responsibilities

A. Meet weekly for review process.

B. Do all of the following, if the BCC determines that the negative information may disqualify the final candidate from consideration:

a. Provide the candidate with a copy of the consumer report.

b. Provide the candidate with a Summary of Rights under the Fair Credit Reporting Act.

i. After the BCC provides a copy of the consumer report and a copy of the Summary of Rights under the Fair Credit Reporting Act, the candidate is given 5 business days, absent extenuating circumstances, to respond to the notification of the negative action.

ii. If supplementary information is received from the candidate, the BCC should determine whether the final candidate may still be considered for the position. During this process, the HRP should let the hiring manager know that additional information is being requested of the final candidate, but without revealing to the hiring manager the details of the background check.

iii. If it is decided to proceed with the negative action, the BCC must do the following:

1. Provide notice to the candidate of the negative action.
2. Provide the candidate the name, address, and telephone number of the consumer reporting agency

3. Provide notice to the candidate of his/her right to obtain a free copy of the consumer report within 60 days from the consumer reporting agency and to dispute with the consumer reporting agency the accuracy or completeness of any information in a report furnished by a consumer reporting agency.

4. Inform the HRP that the background check was unacceptable, and the HRP will inform the hiring manager that the applicant is ineligible for hire. The HRP must not reveal to the hiring manager the details revealed in the background check.

VII. Office of Academic Affairs

A. Educate and consult with OAA units and individuals regarding this policy.