DEFINITIONS

**Administrative/Exception Review** – Director-Level review of decision. If there are extenuating circumstances warranting special consideration, an "Exception Review Process", which allows for detailed review of facts and departmental criteria, is available. The Background Check Coordinator creates arrest-conviction summary documents (which contain dates, case numbers, jurisdictions, charges, and case dispositions). Application materials are then reviewed by the SL-HR Director and/or a Student Life Assistant Vice President (where warranted).

**Adverse Action** - A denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

**Background Check Coordinator (BCC)** – Employee designated to administer the background check process within a college or department.

**Background Check Disclosure, Authorization, and Release Form** – Document completed by a candidate to give permission for the University to conduct a background check.

**Consumer Reports and/or Investigative Consumer Reports** - Reports obtained from a consumer reporting agency that may contain information bearing on your character, general reputation, personal characteristics, mode of living and credit standing. The types of information that may be obtained include but are not limited to: credit reports, Social Security Number verification, criminal records checks, public court records checks, driving records checks, educational records checks, verification of employment positions held, workers’ compensation records, personal and professional references checks, licensing and certification checks, etc. The information contained in these reports may be obtained by the vendor from private and/or public record sources, including sources identified by you on your job application or through interviews or correspondence with your past or present coworkers, neighbors, friends, associates, current or former employers, educational institutions or other acquaintances.

**Controlled Substances/Drugs** – These include, and are not limited to: (a) narcotics, such as opium, heroin, morphine and synthetic substitutes; (b) depressants, such as chloral hydrate, barbiturates, and methaqualone; (c) stimulants, such as cocaine (and any derivatives) and amphetamines; (d) hallucinogens, such as LSD, mescaline, PCP, peyote, psilocybin, Ecstasy, and MDMA; and (e) cannabis, such as marijuana and hashish; (f) any chemical compound added to federal or state regulations and denoted as a controlled substance.

**Criminal Background Check** - A process by which an individual is fingerprinted and the Ohio Bureau of Criminal Investigation or Federal Bureau of Investigation uses those fingerprints to determine whether the individual has a criminal arrest/conviction history.
Also, a process of acquiring a candidate’s (criminal arrest/conviction history) records through an additional third-party service provider.

**Criminal Conviction** – Being found guilty, entering a guilty plea, or pleading no contest to a felony, misdemeanor and/or ordinance violation other than a minor traffic violation.

**Discrimination** – Discrimination occurs when an adverse employment action is taken and is based upon a protected status. There are two forms of discrimination: disparate treatment and disparate impact. Disparate treatment occurs when an employee suffers less favorable treatment than others because of the protected status. Disparate impact occurs when an employment policy, although neutral on its face, adversely impacts persons in a protected status.

**Educational Verification** - Ensuring that the selected applicant or employee possesses all educational credentials listed on the application, resume or cover letter or otherwise cited by the candidate that qualify the individual for the position sought.

**Employment Verification** – Ensuring that the selected applicant or employee actually worked in the positions listed on the application, resume, or cover letter or otherwise cited by the candidate that qualify the individual for the position sought, as well as all employment during a period of at least seven (7) years immediately preceding application at the Office of Student Life. This verification should include dates of employment and reasons for leaving each position.

**Fair Credit Reporting Act (FCRA)** – Federal law that regulates collection, dissemination, and use of consumer credit information. The FCRA, enforced by the US Federal Trade Commission (FTC), is designed to promote accuracy and ensure the privacy of the information used in consumer reports and investigative consumer reports. The FTC, which enforces the FCRA, treats criminal background investigations as investigative consumer reports. A summary of the act can be found at http://ftc.gov/bcp/conline/pubs/credit/fcrasummary.pdf.

**Final Candidate** – Internal or external applicant identified as the finalist for a position.

**High Security/Sensitive Position** - A job with responsibilities that can be criminally abused at great harm to the Ohio State University or members of the campus community. Vice Presidents are responsible for determining which positions in their areas should be designated as “high security/sensitive” based on the responsibilities of those positions. The criteria to be considered include, but are not limited to, whether the employee’s responsibilities provide for: (1) possession of building master or sub-master key access to university-owned residential facilities and certain other facilities; (2) direct responsibility for the oversight, care, safety and security of non-enrolled minors; (3) direct access to, or control over, cash, checks, credit/debit card account information; (4) access to detailed personally identifiable information about students, faculty, staff, or alumni which might enable identity theft; or (5) access to controlled substances/drugs.
**Hiring Manager** – Individual ultimately responsible for selecting a candidate for employment.

**IAFIS** – The Integrated Automated Fingerprint Identification System is a national fingerprint and criminal history system maintained by the Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division. The IAFIS provides automated fingerprint search capabilities, latent searching capability, electronic image storage, and electronic exchange of fingerprints and responses, 24 hours a day, 365 days a year. The IAFIS maintains the largest biometric database in the world, containing the fingerprints and corresponding criminal history information for more than 55 million subjects in the Criminal Master File. The fingerprints and corresponding criminal history information are submitted voluntarily by state, local, and federal law enforcement agencies.

**License Verification** – Ensuring that the selected applicant or employee possesses all the licenses listed on the application, resume or cover letter or otherwise cited by the candidate that qualify the individual for the position sought and verification of any license required for the position, including verification of the disposition of such licenses. This includes any motor vehicle drivers licenses required for the associated position.

**Minors/Children** – Individuals seventeen years of age and younger

**Misdemeanor** - A class of criminal offenses consisting of those offenses less serious than felonies and which are sanctioned by less severe penalties. It is generally distinguished from a felony by the duration or place of imprisonment and the severity of the possible or actual punishment….In criminal procedure, an alleged felon may have to be tried by a state rather than municipal court, and may have to be indicted by a grand jury, while a misdemeanant may receive less in the way of procedural safeguards.

**Negligent Hiring** - is a failure by a prospective employer to adequately check references or to gather relevant information. Employers can be held liable for not thoroughly checking reference information. It is important to obtain adequate information to ensure that the new employee does not repeat a negative past behavior pattern and create problems on the job.

**Office of Record** - The office having responsibility for responding to background check information requests, meeting state and federal reporting requirements, responding to audits, responding to requests for administrative/exception review, and maintaining background check records. Student Life Human Resources will serve as the “office of record” for all hiring units within the Office of Student Life.

**Ohio Public Records Law** - Generally requires every “public office” to promptly prepare all public records and make them available for inspection at all reasonable times during regular business hours. Upon request and within a reasonable period of time, a public office or person responsible for public records generally must make copies available at cost. Public records must be maintained
in such a manner that they can be made available for inspection and copying.

If a person chooses to obtain a copy of a public record, the public office or person responsible for the public record must permit the person to choose to have the public record duplicated (1) upon paper, (2) upon the same medium upon which it is kept, or (3) upon another medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of normal operations. When the person makes a choice of medium, the public office or person responsible for the public record must comply with the choice.

In addition to the choice of medium, a person requesting a copy of a public record may have it mailed. Upon request, it must be mailed within a reasonable period of time. The person making the request may be required to first pay the associated postage and supplies costs. A public office is permitted to adopt a policy and procedures that it will follow in transmitting public records by mail. The policy can limit to ten per month the number of records that it is willing to transmit by mail to a particular person unless that person certifies in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. Those purposes must be narrowly construed and do not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

**Personally Identifiable Information** - Information that identifies or describes an individual, including but not limited to name, address, telephone number, family members, Social Security Number, credit card number, and personal characteristics that would make the individual’s identity easily discoverable.

**Plea** – A defendant’s answer to a lawsuit or a criminal charge. **Guilty**: A plea of guilty is a complete admission of your guilt. **No Contest**: A plea of no contest is not an admission of guilt, but is an admission of the facts alleged in the complaint or ticket. **Not Guilty**: A plea of not guilty is a denial of the allegation contained in the complaint or ticket.

**Process Authorization Form** – Used by: (1) SL-HR to begin the criminal background check process; (2) the hiring unit to pay for background check expenses, via chartfield; (3) non-sponsored applicants that submit cash, check, or credit card to pay for background checks or copies of background check reports, and (4) SL Fiscal Support Services to provide billing audit trail.

**Protected Class and Protected Status** - Protected class is defined by federal law/executive order. Protected status is identified by the university and extends beyond those groups defined by law, to include gender identity or expression and sexual orientation.
Record of Arrest and Prosecution (RAP) Sheet - A summary of an individual’s criminal arrest and conviction history, maintained by the Ohio Bureau of Criminal Investigation and/or the Federal Bureau of Investigation.

Reference Checking – Process of acquiring information regarding a candidate’s past job performance, issues of character and integrity, and appropriate qualities for the position. Reference checking includes: (1) educational verification; (2) employment verification; and (3) license verification.

Restricted Data – Social Security Numbers and credit/debit card information.

Service Provider – The third party agency or vendor used to obtain criminal background information.

Social Security Trace - The SSN Trace verifies the applicant’s name, identifies aliases, validates the social security number and reveals residential movement patterns for further criminal records research.

Suitability for Employment - Meeting or exceeding the criteria for a position.

USCIS - United States Citizenship and Immigration Services. (formerly INS)