Background Check - Policy and Procedures

POLICY STATEMENT

The Ohio State University Office of Student Life promotes a safe and secure environment for its students and staff. It has an obligation to take reasonable and prudent steps to assure that hiring decisions support this goal. Accordingly, background checks, as specified on page two of this document (see: Minimum Screening Standard), shall be obtained and reviewed for all new staff hired to Administrative and Professional, Civil Service, and Bargaining Unit positions, following the offer of a position. Incoming transfers from other university departments must undergo a Student Life background check, unless they fall under the provisions of policy 4.15 and have been checked by OHR, as required for the position. Reinstatement candidates, candidates selected for promotion/transfer, agency temporary workers, and students employed in “high security/sensitive positions” are also subject to review. In addition, any Student Life rehire who has been separated from The Office of Student Life for more than 120 days must also undergo a new background check. The only exemptions from this process are position reclassifications and involuntary transfers. Although background checking is no guarantee against criminal acts, it does reduce the likelihood of crime and may reduce Student Life liability in the event a crime occurs.

These policies and procedures provide for post-offer background record checking, which in most cases will simply confirm what is already known from the application. Applicants are expected to provide complete information at the time they apply and interview for a position. When an applicant is forthright, discussions of consumer report records can occur and can be taken into consideration before determining whether a job offer will be made. If the applicant knowingly provides false information or omits any pertinent information on the application materials or in the interview process, the offer will be withdrawn.

It is not the intent of this policy to eliminate from employment all applicants who have negative consumer report records. However, fair consideration must be given to the relationship between a conviction for a crime and the individual’s fitness for a particular job. A negative consumer report and/or investigatory consumer report record can be the cause for denying employment.

The Office of Student Life will ensure that background checks are conducted in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act (FCRA), and University Background Check Policy 4.15. Background check information will be used only for the purpose of evaluating applicants for employment and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability or age. All information collected as part of this process will be held as strictly confidential and will be shared only with those with a legitimate need to know to assist in the decision-making process.

PROCEDURES

Recruitment
Hiring managers must include “Requires successful completion of background check(s)” in the “Requirements” section of all position descriptions and employment advertisements for applicable positions.

Reference Checking
Verification of previous employment is the responsibility of the hiring department and should be performed prior to submitting candidate materials for background check. Reference checking should include employment verification (at minimum) and educational/license verifications (where warranted).

It is the right and duty of the hiring manager to access the personnel file of internal and external transfer candidates (final selections) and review all information pertaining to the prospective employee’s work performance. Personnel files for internal and external transfer candidates may be obtained by contacting your human resource specialist.

1 “…unauthorized use of computerized criminal history information is in violation of state and/or federal law and can lead to criminal charges….misuse or falsification of information transmitted and received through the WebCheck Program may result in criminal felony charges being filed.” (Source: BCI Memorandum of Understanding)
Interview Points, Necessary Documentation, & Candidate Certification of Information Submitted
The hiring manager should explain to all prospective employees that, if an offer of employment is made, they shall be required to submit to fingerprinting and must complete a Background Check Disclosure, Authorization, and Release Form. Hiring managers are required to ask 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. Discriminatory questions are prohibited.

If Student Life Human Resources (SL-HR) has performed a background check on the candidate within the past year, a new background check will not be required. The results of the previously performed background check will be considered in any pending employment decision.

Once a final selection has been made, the hiring manager will contact the candidate to offer the position, pending the results of a background check. Hiring managers must notify the candidate that background check results are subject to the Ohio Public Records Act. If the candidate accepts the offer, he/she must certify the validity of information presented on the employment application, and authorize the background check. This is done by having the applicant sign the employment application and complete the Background Check Disclosure, Authorization, and Release Form. **The hiring manager will deliver a completed Background Check Disclosure, Authorization, and Release Form and signed employment application to: Student Life Human Resources, 620 Lincoln Tower.** Hiring managers should also communicate to the Background Check Coordinator (BCC) any negative information provided by candidates which a background check may disclose.

- **If the candidate refuses to sign the employment application, submit to fingerprinting, or complete the Background Check Disclosure, Authorization, and Release Form, the offer must be withdrawn.**
  
  Fingerprint customers must present legal state/federal identification (i.e. drivers license, state ID card, Social Security card, INS Permanent ID, or passport).

Once the background check process begins on a final candidate, the hiring manager is required to wait until a determination of eligibility is communicated before making an offer to a different candidate.

All offers are contingent upon successful completion of the background check. All offers of employment, oral or written, must include a statement as follows: “This offer is contingent on the university’s verification of credentials and other information required by law and/or university policies, including, but not limited to, a criminal background check.”

Minimum Screening Standard, Application Process, and Assessment
After review of application materials, a human resource specialist will schedule the candidate for background checking. A background check, performed by Student Life Human Resources, will include: Social Security number trace; criminal records (county criminal felony & misdemeanor, national criminal database, federal criminal, fingerprint); and county, state, & national sexual offender registry search. The candidate’s fingerprints will be forwarded to the Ohio Bureau of Criminal Investigation (BCI) and/or the Federal Bureau of Investigation (FBI). Department of Motor Vehicle records will be reviewed for any position that requires the operation of a motor vehicle for job-related purposes. If further clarification is needed, relative to initial background check materials received, additional searches will be performed.

Once the background check has been completed, SL-HR will notify the hiring manager and will verify a start date for candidates who have been cleared for employment. Background checks will normally be completed within four business days. The background check must be completed and results verified **before** any employee begins work. At no time should an employee begin work until SL-HR has verified the results of the background check.

Open criminal cases, including criminal misdemeanor cases, may preclude a final candidate from eligibility for employment depending on the relevancy of the charge to the job responsibilities. The BCC, in consultation with the OHR BCC and the Office of Legal Affairs, is responsible for determining relevancy.
If the candidate indicated on his/her application form that he/she has no criminal convictions, but the background check turns up convictions, they have falsified their application and may be ineligible for hire. If the candidate is already employed by the Office of Student Life, he/she could be terminated, unless he/she presents documentation proving that the report is in error. The decision to reject or terminate an individual with unreported convictions on the employment application and/or Background Check Disclosure, Authorization, and Release Form is at the discretion of Student Life Human Resources, in consultation with Legal Affairs.

If the candidate indicated on his/her application form that he/she has criminal convictions, an analysis involving four factors will be undertaken.

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 has occurred.

All decisions will be made on a case-by-case basis. Managers will receive an e-mail communication from SL-HR advising of the disposition of the application. If the candidate is deemed unsuitable for employment, the hiring manager will be told only that the applicant did not successfully pass the background check. The candidate should be directed to contact the Student Life Background Check Coordinator if he/she wants further information.

Current Employees
If a completed background check regarding a current Student Life employee reveals adverse information that bears a significant relationship to the employee’s suitability to perform the required duties and responsibilities of his/her current position, or if there has been falsification of information submitted on university application materials, that may be grounds for disqualification or termination, the Director of Student Life Human Resources, in consultation with the Office of Legal Affairs, will provide guidance and recommendation to the employee’s Unit Director.

Department of Motor Vehicle records will be reviewed for any position that requires the operation of a motor vehicle for job-related purposes.

Conviction Disclosure – Commencing January 1, 2009
As a condition of continued employment, employees of the Office of Student Life must inform the Director of Student Life Human Resources, within five business days, if they are convicted of any criminal offense (does not include traffic infractions). The Director of Student Life Human Resources, in consultation with the employee’s Unit Director and the Office of Legal Affairs, will determine whether or not the conviction is relevant to the employee’s job. If the conviction is not relevant, no adverse action will be taken. If the conviction is relevant, the employee may be subject to reassignment, termination, or the employee may be allowed to resign. This reporting requirement is effective for all criminal convictions occurring after December 31, 2008. Reporting of convictions is applicable to all employees, whether or not their positions are/were subject to an original background check.

Disputing Consumer Report and/or Investigative Report Information
The BCC may determine that negative information received will disqualify the final candidate from consideration. If that happens, the BCC will inform the final candidate that the results of the background check have disqualified him/her from consideration and that he/she has five business days to refute the information by providing supplementary documentation. Candidate will be provided a copy of Summary of Rights Under the Fair Credit Reporting Act and the results of checks performed by third party vendors.

Records Retention
In accordance with the University Archive Records Retention Schedule:

For candidates who are hired: (1) the background check results must be retained until reviewed by the BCC and a determination of hire is made. Once this occurs, the BCC will destroy the background check results to ensure confidentiality. (2) The Background Check Disclosure, Authorization, and Release form (including a notation from the BCC as to when the background check was completed) must be retained in a
secured location (e.g. locked file drawer) separate from the candidate’s personnel file for the length of employment plus three years.

For candidates who are not hired due to the information revealed on the background check: both the background check results and the Background Check Disclosure, Authorization, and Release form (including a notation from the BCC as to when the background check was completed) must be retained for three years by the BCC in a file separate from other documents generated by the selection process.

Policy Management/Interpretation
Student Life Human Resources will serve as the “office of record” for all hiring units within the Office of Student Life. SLHR is responsible for the management of this policy, including overseeing the background check process, confidentially reporting results to the appropriate individual in the hiring department, and the confidential storage of all findings separate from the employee personnel files.

For questions about policy interpretation, contact:

The Director of Student Life Human Resources
The Student Life Background Check Coordinator
The Student Life Employee Relations Manager

Amendments
The Office of Student Life reserves the right to amend this policy at any time upon direction of the Vice President or designee, and with the approval of OHR. This policy and any changes will be publicly posted or circulated within the Office of Student Life.