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Background Check Standards and Toolkit

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Introduction

Policy 4.15, Background Check requires background checks to be conducted on final candidates for specified university positions. There may be occasions when current employees are required to have a background check conducted. Units may require background checks on candidates for positions not mandated by Policy 4.15. The Office of Human Resources (OHR) must approve unit background check processes that go above and beyond the policy requirements.

The principles in this document must be used to ensure consistent and fair practices for background checks mandated by Policy 4.15 and for unit background check programs that go above and beyond the policy requirements. The Office of Human Resources is available for consultation regarding both the policy and unit processes.

Offers of Employment

All offers of employment are contingent upon successful completion of the background check and all written or oral offers of employment must state: “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.”

A background check may be initiated after a verbal offer of employment is extended and accepted. It is recommended that this practice is confirmed to be in line with a unit or service center’s requirements.

Types of Positions Required by Policy 4.15 to be Background Checked

Background checks must be conducted on final candidates for the following positions:

1. Regular faculty and staff;
2. All student employees, including graduate associates, with access to **restricted institutional data**
3. Temporary, term, seasonal and intermittent appointments (excluding graduate associate and student employee appointments except when covered by an approved unit background check program or when the position has access to restricted institutional data);
4. Associated faculty;
5. Visiting scholars;
6. Temporary staff provided by third party vendors unless the third party vendor has conducted its own background check that complies with university requirements; and
7. Other positions as noted in the policy or required by law, regulation, or standard.

Background checks are required to be completed for these positions regardless of whether the position is paid or unpaid.

Internal candidates who have had a background check through the university within the past 12 months are not required to have a new background check unless additional searches are required by the hiring unit’s approved background check program. The additional searches must be conducted at the time of the transfer. The background check coordinator (BCC) should review the previous background check results in relation to the position for which the candidate is being considered.

Employees who have a break in service are required to have a background check completed upon rehire regardless of the length of the break in service. Exceptions to this requirement are the following:

1. Associated faculty
2. Student employees, including graduate associates, with access to **restricted institutional data**

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These employees are only required to have a background check upon return to the university if the break in service is more than 12 months.

Background Check Requirements for Current Employees with Access to Restricted Institutional Data

The Ohio State University's Information Risk Management Program requires each college and business unit to manage information risks. As part of this program, the university has defined Information Security Control Requirements to better protect institutional data.

These changes required revisions to Ohio State's background check policy. The policy revision will require anyone with access to restricted institutional data to have a background check on file. This policy revision went into effect June 1, 2016.

This revision requires all **current faculty, staff and student employees** who have access to restricted institutional data to have a background check on file. Therefore, any of these individuals who were previously grandfathered into the policy will need to have a background check completed.

For more information on what is classified as restricted institutional data, please see the full [Data Element Classification List](#). The list also includes detailed information on the national and state regulations that justify Ohio State's data classifications.

College and business units are allotted flexible timelines to execute background checks for current faculty, staff and student employees, as long as they have a plan in place for reaching full compliance. Contact your Security Liaison for details of your individual unit/college's Risk Management Strategy.

Background Check Minimum Standards

For those positions specified in Policy Details Section II Requirements of Policy 4.15 Background Check and as listed above, the following types of checks for a 7 year residence history *must* be completed:

- Social Security Number (SSN) Validation and Address History.
- National Criminal Database
- County Felony and Misdemeanor (for past 7 year residence history)
- National Sexual Offender Registry Search

If an individual lists a residence outside the United States, a background check should be conducted in those countries. If the individual is on a visa, a background check has already been completed by the U.S. State Department; therefore international searches do not need to be conducted. The background check vendor can help research which countries provide background information.

These minimum requirements are set up as a standard search package through the university's third party background check vendor. Unless otherwise documented in a unit approved background check program, the standard background check for candidates and employees includes the searches identified above.

University Approved Background Check Vendors

The university uses specific approved background check vendors. Units are required to use a university approved third party background check vendor to conduct background checks, in accordance with the university purchasing policy. The university's exclusive third party vendor for background checks is First Advantage.

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The Ohio Revised Code and some university policies require background checks to be completed on specific populations. Background checks required by Ohio Revised Code must be conducted through a fingerprinting process and submitted to the Ohio Bureau of Criminal Investigation (BCI) and/or the Federal Bureau of Investigation (FBI).

Developing a Unit Specific Background Check Program

There are fundamental requirements for background checks which are conducted but which are not mandated by Policy 4.15:

- Unit background check processes must be consistent with the guiding principles established in Policy 4.15, Background Check.
- Unit background check processes must be applied objectively and consistently within the unit over time.
- Units must fully document background check processes to ensure consistent application. Documentation must include the business rationale for conducting checks above and beyond what is required in Policy 4.15, particularly if the practice is not applied to all individuals in the department.
- The types of background checks conducted must be relevant to the position responsibilities.

Since exhaustive checking may be unnecessary and cost-prohibitive, units should consider restricting background checks to those types that are most relevant to the applicable position's responsibilities. For example, a position with driving responsibilities may warrant a motor vehicle history check, but would likely not require a credit report history check.

To determine if checks must be conducted in addition to those required by the policy, consider any background checks already required by law to ensure unit processes are not redundant. Units should consider establishing background check processes that are supplementary to legal requirements. This will ensure that funds earmarked for background checks are used efficiently and effectively.

No matter which types of checks a unit conducts, the rationale for the adopted processes must be documented by the unit and approved by OHR and the Office of Legal Affairs.

As part of an effective hiring process, there are certain types of searches that are considered best practices to be conducted for final candidates. These types of checks are:

- Education Verification.
- Employment History.
- Professional Licensing/Credential Verification.
- Reference Check.

Many units or departments use internal resources to complete these checks, however, these checks are available to be conducted through the university's third party background check vendor. If a unit or department would like to utilize those services available to them, contact the BCC.

Determining Who to Check and How

If the unit intends to conduct background checks on candidates, employees, volunteers, or contractors in addition to those required by the policy, it is necessary to set standards as to which positions will require background checks and which types of background checks will be conducted.

Some units have established processes of background checking graduate associates, student employees, volunteers, and/or contractors or consultants, when policy has not required it, because these positions have similar responsibilities as regular faculty and staff. In other cases, units have conducted background checks for these populations when the position has responsibilities deemed to be "sensitive" in nature or when a background check is required by law. Examples of sensitive responsibilities include:

- Handling of financial matters; can be limited to those positions with approval authority or access above a set dollar amount.

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- Direct access to or control over cash, checks, credit/debit card account information.
- Access to master keys of residences and areas requiring a high level of security, such as those that store controlled substances or money, research facilities, etc.
- Routine operation of university owned vehicles.
- Access to controlled substances.
- Access to and use of firearms.
- Care of patients in health care settings such as hospitals, dental clinics, vision clinics, mental health facilities, etc.
- Working or providing services unsupervised by any university faculty or staff.

While the university does not currently specify what process a unit adopts, processes must be applied consistently and without bias toward or against any particular individual or class of individuals.

Background checks must also be conducted consistently over time. For example, if a unit decides to background check final candidates for any position not covered by the policy, care must be taken to ensure background checks are completed for identical position searches.

What Types of Background Checks to Conduct

“Background check” covers many different methods of obtaining information about an individual’s personal and employment history. The most widely used background checks are identified below.

Most Commonly Conducted Checks	
Type	Purpose
Civil Case History	Used to identify past civil court cases, including court settlements that may indicate an applicant who previously engaged in business-related wrongdoings.
Credit Report History	Used to identify if an applicant has any financial accounts in collections, open loans, etc., by accessing credit bureau information. May be relevant if an applicant’s position requires responsibility for significant funds. Caution should be taken in correlating candidates’ personal credit histories with their perceived ability to manage institutional funds appropriately. Personal financial situations may not be reliable points of reference. Additionally, candidates’ credit reports may reflect inaccurate information if they have been subjected to identity theft.
Criminal Records (County and State Criminal Felony and Misdemeanor, National Criminal Database, Federal Criminal)	Used to help identify past instances of criminal felonies and misdemeanors. Because no centralized system exists to check all criminal databases, background check vendors need to check the federal, state, and county records in each place an applicant resided. The most accurate records are at the county level, where individuals are usually charged with a crime.
Drug and Alcohol Testing	Used in accordance with federal law to test individuals with commercial driver licenses (CDL). Some states recommend drug and alcohol testing for certain positions such as those in which employees carry firearms.
Education Verification	Used to verify if a degree was issued and to confirm the date awarded.
Employment History	Used to verify dates of employment, position, and salary history.
Export Control Database Check	Used in accordance with federal law to identify applicants who are restricted from access to sensitive research information or materials, which cannot be released to research faculty and research scientists who are not naturalized citizens or do not have permanent resident status, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulations (ITAR) or the Department of Commerce for items controlled by the Export Administration Regulations

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Most Commonly Conducted Checks	
Type	Purpose
	(EAR). The Office of Research Compliance has access to an updated database of EAR and ITAR restricted persons and is available for consultation at 614-292-4284.
Fingerprinting (BCI/FBI)	The method and type of background check required by the State of Ohio for individuals in sensitive positions, such as teachers or childcare workers who supervise children.
Motor Vehicle Records/Licensing	Used to determine candidate's past driving records and/or to ensure candidate is permitted to operate various types of machinery as required by position responsibilities. Used for candidates applying for a position with primary responsibilities of driving a vehicle or operating machinery.
National Sexual Offender Registry Search	Used to determine if a candidate has been included in any state sexual offender registry.
Professional Licensing/Credential Verification	Used to verify that professional licenses and credentials are up-to-date and valid for practice in the local jurisdiction. Also checks for prior suspensions of a license or disciplinary action against a candidate. Most often completed by contacting the responsible licensing board to verify that the candidate has a current and valid license.
Reference Check	Used to assess a candidate's work history, capability, growth potential, and industry skills. Can include discussions with a number of individuals at prior places of employment, not just those listed by the candidate.
Social Security Number (SSN) Trace	Used to confirm that a candidate is using a valid SSN that matches her or his name. Used to reveal any names and addresses associated with a SSN. Essential to criminal record searches.

College or VP Unit Responsibilities

- Determine the types of checks to be performed for each job title or role, based upon the responsibilities.
- Develop unit specific background check program and send to OHR for approval.
- Request third party vendor background checks through the BCC.
- Request Ohio Bureau of Criminal Investigation (BCI)/Federal Bureau of Investigation (FBI) checks as instructed through the unit specific program, Activities and Programs with Minor Participants, policy 1.50, or in accordance with state or federal law.
- Provide required information to the BCC.
- Consult with the background check coordinator (BCC), unit leadership (provided they are not the hiring manager), Office of Academic Affairs, senior human resource professional, Office of Legal Affairs, and/ or university employee relations consultant in cases when an employment decision is uncertain based on an individual's background check results.
- Notify the appropriate department leadership as to whether information revealed by the background check could result in adverse employment action for the individual.
- Maintain confidentiality of background check information and documentation on a strict need-to-know basis.

Background Check Coordinator Responsibilities

- Ensure consistency in background check processes and decisions across the unit and university.
- Review and approve unit background check programs.
- Review documentation and forms received from individuals to ensure completeness.
- Discuss any disclosed convictions with individuals during the background check process.



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- Request background checks from the approved background check vendor(s).
- Assess and make decisions on the individual's eligibility for the position based on background check results considering the timeframe, nature, gravity, and relevancy of the conviction.
- Consult with unit leadership (provided they are not the hiring manager), Office of Academic Affairs, senior human resource professional, Office of Legal Affairs, and/ or university employee relations consultant in cases when an employment decision is uncertain based on an individual's background check results.
- Work with the individual to resolve issues related to the background check and establish timelines for the individual to resolve issues as needed. This is applicable when the individual disputes the accuracy of information revealed through the background check.
- Notify the unit HRP or hiring manager, as requested, as to whether information revealed by the background check could preclude the individual from being hired or approved to volunteer.
- Provide the results of a background check performed by an approved third party background check vendor to individuals not hired or approved to volunteer due to the information obtained in the check.
- Maintain background check documentation in accordance with the [General Records Retention Schedule](#).
- Maintain confidentiality of background check information and documentation on a strict need-to-know basis.

Authorization and BCC Notification

Prior to *any* background check performed by an approved third party background check vendor, the following must occur:

- Individuals must be provided the disclosure and authorization information in compliance with FCRA. Individuals authorize the university to conduct pre-employment screening through a third party background check vendor when they sign the authorization form. Failure to sign the form will preclude a individual from consideration for a position. This information is provided as part of the background check vendor's online application process. The first step in the process is the individual provides electronic signature on this form.
- Hiring managers or unit HRPs are required to communicate with the BCC when an individual has been identified as requiring a background check as identified by the documented unit process.

Talking with Candidates about Criminal Convictions

As of March 2016, Ohio law prohibits questions about conviction history to be asked on public employer job applications. Units are discouraged from asking candidates about convictions in the interview process. There is risk associated with inconsistently asking candidates about convictions in their background. Due to the dispersed nature of the university's hiring and interviewing processes, developing a consistent process is not feasible.

- If a candidate discloses or asks questions about criminal convictions during the hiring or interviewing process, the unit HRP or hiring manager should refer the individual to contact the BCC.
- Unit HR staff must communicate to the BCC any negative information provided by final candidates not which a background check may reveal.
- The BCC will ask questions about convictions or current open cases only. Questions will be related to the circumstances and sentencing of the conviction.



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- Discriminatory questions are strictly prohibited. Examples of appropriate and inappropriate questions are:

Appropriate Questions	Inappropriate Questions
Can you tell me about the circumstances surrounding the conviction?	Have you ever been arrested?
What was the official offense you were convicted of?	Was this the first/only time you were arrested?
When and where were you convicted of this offense?	How drunk were you? Do you have a problem with alcohol/drugs?
Are there other convictions not listed on your application or disclosure form?	How old were you when you were arrested?

- If a candidate’s criminal record was expunged, no further questions should be asked about it as it cannot be taken into account regarding the candidate’s employment.

Assessing Background Check Information – What a Candidate or Employee Can Expect

No Adverse Information Revealed

If no conviction or adverse information is revealed by the background check or through self-disclosure by the candidate/employee, the BCC will notify the unit HRP or hiring manager that the candidate/employee has passed the background check and the hiring process or employment status will not be impacted.

General Clarification Required

If the BCC needs clarification regarding information received from the background check vendor or disclosed by the candidate/employee, they will contact the vendor or the candidate/employee directly.

If the information revealed by the background check conflicts with the information provided by the candidate/employee (e.g. the social security number, date of birth, or driver’s license number does not match the candidate/employee’s name, etc.), the BCC will contact the candidate/employee to resolve the issue(s).

Adverse Information Revealed

Assessment of Information

If conviction or adverse information is revealed on a third party vendor background check or through self-disclosure by the candidate/employee, the BCC will assess the information based on an individualized case-by-case basis in accordance with the law and EEOC guidance.

The assessment of information will be based on the following:

- Only convictions and open cases may be considered when reviewing a candidate/employee’s criminal history. An arrest without a conviction in a closed case must not be considered. Expunged records must not be considered when making a determination of a candidate/employee’s eligibility unless required by law. A criminal conviction will not necessarily preclude a candidate/employee from initial employment or continued employment. The university will assess the circumstances surrounding the conviction as well as the time frame, nature, gravity, and relevancy of the offense and charge to the job duties.
- Open criminal cases may preclude a final candidate from eligibility for employment or may impact the employment status of a current employee. 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 hiring college or unit, in consultation with the BCC, Office of Legal Affairs, and Employee Relations, is responsible for determining whether the final candidate is eligible for employment or an employee’s employment status will be impacted.

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- Information that potentially precludes a candidate from consideration should be analyzed by considering:
 - Relevancy of the information, such as a conviction, to the job responsibilities;
 - Final candidate's employment history since the conviction(s) or other information;
 - Circumstances of the conviction(s);
 - Whether the conviction(s) are of a violent nature (e.g. murder, attempted murder, rape, felonious assault, sexual assault, etc.);
 - Length of time since the conviction(s) occurred;
 - Whether there are multiple similar convictions that could indicate an ongoing pattern of behavior;
 - Whether the conviction(s) preclude the final candidate from employment based upon federal or state regulations (e.g. Department of Transportation, Federal Aviation Administration, etc.); and
 - Other information from the interview and reference checks that should be considered to determine the final candidate's qualifications and fit for the position.
- Information that potentially impacts an employee's employment status will be analyzed in accordance with the university's corrective action policies and practices.
- If there are no questions about the adverse information or concerns with the individual fulfilling the job responsibilities, the BCC will notify the unit HRP or hiring manager that the final candidate or employee has passed the background check and the hiring process or employment status will not be impacted.

Falsification of Information

- If a final candidate fails to disclose a criminal conviction or fails to provide truthful, accurate, and complete information regarding the criminal conviction, the BCC will follow up with the candidate. If a final candidate meets the falsification criteria, she/he may be ineligible for hire and may be prohibited from future employment consideration. If the final candidate is prohibited from future employment consideration due to the information obtained from a third party vendor background check, she/he must be notified in writing.
- If an employee fails to disclose a criminal conviction or fails to provide truthful, accurate, and complete information regarding the criminal conviction, the BCC or university employee relations consultant will follow up with the employee. If an employee meets the falsification criteria, she/he may be subject to corrective action up to and including termination.

Further Investigation Required

- If there are questions about the conviction or concerns that the adverse information could potentially preclude a candidate from employment or an employee retaining their position, the BCC will contact the candidate or employee to discuss the information in more detail.
- The BCC will ask investigative questions in accordance with the assessment principles outlined in this document.
- The BCC will contact the unit senior human resources professional to discuss the case. Additional unit and university leadership will be consulted as necessary.
- If the determination is made that the adverse information does not disqualify a final candidate from employment or impact an employee's employment status, the BCC should notify the unit HRP or hiring manager that the final candidate or employee has passed the background check and may proceed with the hiring process or the employment status will not be impacted.
- The BCC must not communicate to the hiring manager the nature of the information revealed by the background check. This will help prevent the hiring manager from being unnecessarily biased against a final candidate/employee for matters unrelated to her/his employment.

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Information May Impact Hire/Employment Status – Pre-Adverse Process

- If after the initial investigation, it is determined that the information revealed may preclude the candidate from being hired or employee retaining her/his employment status, the BCC must send a pre-adverse action letter which informs the final candidate/employee that the results of the background check may disqualify her/him from consideration or impact her/his employment status and that she/he has five business days to refute the information by providing supplementary documentation.
- The BCC must also include copies of the background check results and the [Summary of Your Rights Under the Fair Credit Reporting Act](#) form. The candidate/employee will have five business days to submit documentation, absent extenuating circumstances, which may extend the time period to submit documentation.
- If supplementary documentation is received, it will be reviewed and a determination will be made whether the final candidate may still be considered for the position or employee's employment status will not be impacted.
- If the determination is made that the adverse information does not disqualify a final candidate from employment or impact an employee's employment status, the BCC should notify the unit HRP or hiring manager that the final candidate or employee has passed the background check and may proceed with the hiring process or the employment status will not be impacted.
- The BCC must not communicate to the hiring manager the nature of the information revealed by the background check. This will help prevent the hiring manager from being unnecessarily biased against a final candidate/employee for matters unrelated to her/his employment.

Hire/Employment Status Impacted – Adverse Action

- If no supplementary documentation is received or if after supplementary documentation is reviewed, it is determined that the information revealed disqualifies the candidate from being hired, the BCC will send an adverse action letter which informs the final candidate that the offer of employment is revoked. The notification will:
 1. Inform the individual that he or she was rejected because of information in the report;
 2. Provide the name, address, and phone number of the company that sold the report;
 3. Notify the individual that the company selling the report did not make the hiring decision and cannot give reasons for the decision;
 4. Notify the individual that he or she has a right to dispute the accuracy of the report and obtain an additional free report within 60 days.
- The BCC will communicate to the unit HRP or hiring manager that the final candidate is disqualified because of the background check results.
- In cases where it is determined the information revealed will result in corrective action, up to and including termination, for an employee, the university employee relations consultant will work with the unit and employee and follow appropriate corrective action policies and processes.
- In all cases and throughout this process, the BCC must ensure that the details revealed in the background are treated with discretion, disclosed only when necessary, and are not communicated to anyone else involved in the selection process (e.g. hiring manager, selection committee, etc.).

Retaining Background Check Information

The Office of Human Resources is responsible for record retention of background check information. The OHR Record Retention Schedule outlines the specific requirements for each type of background check or document.

Units required to retain background check information by law or other regulatory body should work with University Archives to include these records in their unit specific record retention schedule.

Background check documentation and documentation pertaining to the self-disclosure of criminal convictions must not be stored in an employee's personnel file.

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All information received in connection with the background check process or the self-disclosure of criminal convictions process must be treated as confidential material.

Third Party Staffing Vendors

Units using staff provided by third party staffing vendors must use vendors that conduct the required background checks stipulated above. The requirement that these background checks are to be in compliance with this document must be incorporated into the contract with the third party staffing vendor. Units must use the Third Party Staffing Vendor Contract language.

Units must review each background check report to ensure compliance and eligibility before the third party staffing vendor employee is assigned to the university. If it is not feasible to review each report prior to the third party staffing vendor employee assignment commences, then the unit must audit the third party staffing vendor on a quarterly basis.

Units can request support from the BCC to process and/or review background checks for third party contractor vendors.

If the unit will audit the third party staffing vendor, below are the audit procedures.

- Units must know vendor usage – which vendors are used, number of employees assigned, and regularity of use.
- Unit must randomly select at least 10% of all temporary employees from each vendor quarterly and check their background checks.
- If a vendor does not meet our minimum standards, the vendor has 14 days to get into compliance – select the correct searches and complete background checks. The vendor must show proof of this once done.
- If the checks are not in compliance by day 30, the vendor must use the university approved background check vendor if they are to continue in their relationship with the university.
- If a vendor is out of compliance, gets into compliance, and then fails again, the vendor must use the university approved background check vendor if they are to continue in their relationship with the university.

Third party staffing vendor employees must have a new background check completed any time the employee has a break in service with the third party staffing vendor.