



Ohio Administrative Code Rule 3359-11-22 Background checks.

Effective: October 14, 2023

(A) Purpose.

The university of Akron is committed to providing a safe environment for all students and employees. The university endeavors to protect the health, welfare and safety of all students, employees and visitors on our campus. As such, the university will conduct a pre-employment background check for all applicants selected for employment, volunteer activities and those individuals working with minors. This background check shall apply, without limitation, to all individuals selected during the hiring process including all full-time and part-time administrators, faculty, professional staff, staff, volunteers and those working with minors.

For individuals who are considered for rehire following an interrupted period of employment, a background investigation will be required if there is a break of twelve months or more from the end of the most recent period of employment. Individuals that have a break in service for less than twelve months, must disclose any convictions that occurred during the break prior to commencement of rehire or participation in university activities and programs.

(B) Conducting criminal background checks.

(1) Background checks will be performed once a candidate has been selected for employment and an offer contingent upon successful background check result has been made, but prior to the commencement of employment. The applicant for the position will be required to provide a written release to authorize the criminal background investigation. In addition, it shall be a condition of employment that all such individuals submit to the criminal background check procedures.

(2) Certain positions may be subject to additional background investigation. Other inquiries pertinent to a particular position, including but not limited to obtaining an applicants credit history or driving history, will be obtained as warranted. The determination of whether additional inquiries may be required, based on the position, will be determined by the chief human resources officer and the



appropriate divisional leader.

(a) Professional staff, graduate assistants, residence assistants, desk assistants, staff, volunteers, individuals working with minors and such others as designated by the director of residence life and housing are subject to annual criminal background checks.

In addition to such staff, employees, and volunteers, criminal background checks also may be required of spouses and adult dependents, as a condition of being granted permission to reside in the residence halls.

(b) Positions with access to, or control over cash, checks, credit card accounts, or financially sensitive information.

(c) Positions that allow access to personally identifiable information about individuals or organizations associated with the university or involve the creation or maintenance of processes required to secure information maintained by the university, including network administrators, system programmers, human resources, student employment and university advancement personnel.

(d) Positions requiring the operation of university motor vehicles or heavy equipment as part of assigned job duties.

(e) Individuals whose job duties require them to interact with minors.

(3) The university may utilize a professional firm specializing in background searches and investigations. All investigations and records are obtained and handled in a confidential manner and in compliance with applicable federal and state laws, including the Fair Credit Reporting Act (FCRA). The university of Akron will pay for all fees associated with the criminal background check.

(C) Use of information obtained from criminal background checks.

(1) A plea of guilty to, a finding of guilty by a referee, jury or court, or a conviction of a crime will be considered in determining the eligibility of an individual for employment. The university of



Akron will not consider arrests without conviction for employment purposes unless required by law; provided, however, that in the event the applicant has an arrest that is pending during the hiring process and the university determines that the hiring decision cannot be delayed pending the outcome of the criminal proceedings, the university will, within its discretion, proceed with the hiring process without further consideration of the applicant.

(2) Although a disqualification is possible, in accordance with federal and state laws, a previous conviction will not automatically disqualify an applicant from consideration for employment. Background reports that indicate a plea of guilty to, a finding of guilty by a referee, jury or court, or a conviction of a crime will be reviewed by a designated individual(s) in the department of human resources. The chief human resources officer or designee and appointing authority shall confer with the office of general counsel prior to approving any action taken under this policy.

(3) In the absence of compelling and extraordinary circumstances, a plea of guilty to, a finding of guilty by a referee, jury or court, or a conviction of any of the following normally shall disqualify an applicant from employment:

- (a) A felony as defined by the Revised Code.
- (b) A sexual offense, as defined in Chapter 2907. of the Revised Code.
- (c) An offense of violence, as defined in division (A)(9)(a) of section 2901.01 of the Revised Code.
- (d) A theft offense, as defined in division (K)(1) of section 2913.01 of the Revised Code.
- (e) A drug abuse offense, as defined in division (G) of section 2925.01 of the Revised Code.
- (f) Substantially comparable conduct, at the university's sole discretion, to paragraphs (C)(1) to (C)(5) of this rule, occurring in a jurisdiction outside the state of Ohio.

(4) In addition, the following factors will be considered for those applicants with other potentially disqualifying criminal records in determining whether to extend an offer of employment:



(a) The nature or gravity of the offense(s);

(b) The time since the conviction and/or completion of the sentence; and

(c) The nature of the job held or sought.

(5) If a guilty plea, finding of guilty, or conviction is discovered, the applicant will be given an opportunity to discuss the findings of the criminal background report with the designated individual(s) in the department of human resources. If, at any time it is determined that an applicant attempts to withhold information or falsifies information pertaining to previous convictions, the applicant immediately will be removed from consideration for employment. If an applicant does not disclose or otherwise withholds or falsifies information pertaining to a criminal record during the hiring process, and is later found to have such a record, it will be considered sufficient grounds to terminate the individual's employment.

(D) Offer of employment. Generally, no one should be hired prior to obtaining the results of background checks. However, it is recognized that there may be extenuating circumstances that necessitate the start of employment before the background check results are received. In these limited situations, employment is contingent on the results of the background check. Information obtained from the criminal background check will be used as part of the employment process and will be kept confidential to the extent permitted under Ohio law.

(E) Standards. Faculty, staff, professional staff, student employees, graduate assistants, and volunteers working with minors must self-disclose felony or misdemeanor convictions that occur after hire within three days of pleading guilty or being convicted.

(F) Procedure for effecting criminal background checks. The procedure for effecting criminal background checks shall be under the authority of the university of Akron's department of human resources.