

**3356-7-44 Background checks for employees and volunteers.**

- (A) Policy statement. Youngstown state university (university) is committed to providing a safe environment for all students, employees, and visitors to our campus and associated worksites and to protecting its funds, property, and other assets. Background checks promote safety and security and allow the university to make well-informed employment and staffing decisions.
- (B) Scope.
- (1) This policy applies to all employees and individuals (both internal and external) selected for a position with the university for full- and part-time faculty, professional/administrative, classified, and volunteer positions. It is a condition of employment and a prerequisite for certain volunteer positions, that all such individuals submit to the university's background check procedures. Federal, state, and local regulations may also require background checks for specific individuals or positions.
  - (2) Employees, including student employees, and volunteers in university programs or activities specifically designed for participation by minors are subject to background checks and the review process pursuant to university policy 3356-7-04, "Minors on campus."
  - (3) All individuals seeking to volunteer in the department of athletics are required to undergo a criminal background check.
- (C) Definitions.
- (1) "Background check." The process of verifying credentials or other information about a candidate, including but not limited to, a criminal history check, educational and license verification, financial history check, and employment history.
  - (2) "Conviction." A guilty verdict, a guilty plea, or a plea of no contest (nolo contendere) of a felony or misdemeanor, other than minor traffic offenses.

- (3) “Criminal background/history check.” The process of gathering and reviewing criminal history records or information furnished by a criminal justice agency or third party vendor in the business of obtaining and providing criminal history records relating to an individual's criminal convictions. A criminal history record does not include an individual's conviction records that have been sealed by court order. Criminal records include in-state and out-of-state criminal history, including misdemeanor and felony convictions.
- (4) “Credit history check.” The process of gathering and reviewing financial history records or information furnished by any court of civil law, credit reporting agency (credit report), or a third party vendor in the business of obtaining and providing credit reports.

(D) Parameters.

- (1) The chief human resources officer (CHRO) is responsible for developing procedures necessary for the implementation of this policy.
- (2) The office of human resources shall be responsible for coordinating all activities and maintaining background check forms and records pursuant to this policy. The office of human resources shall maintain these documents separate from personnel or student files and shall only disclose adverse information on a need to know basis or pursuant to legal requirements.
- (3) Former university employees who are proposed for rehire following an interrupted employment period of twelve months or more are subject to a criminal background check.
- (4) With the exception of minor traffic violations, an individual who has falsified or withheld information will be disqualified from further consideration. This exception for minor traffic violations does not apply to positions which require a motor vehicle record check.
- (5) University departments, offices, or units may require additional background checks such as motor vehicle checks, driver

insurability, or license verification on final(s) for positions with corresponding job or volunteering responsibilities

(E) Procedures.

- (1) Candidates who are considered to be finalists in a job search, and all volunteers, are required to provide a written release authorizing a background check using a prescribed form and are required to provide necessary authorization and information for all other applicable background checks. A state of Ohio and a federal criminal background check will be conducted for final candidates who are under consideration for employment.
- (2) Criminal history checks, including sex offender checks, will be conducted for selected candidates for all employment positions as noted in this policy.
- (3) A credit history check will be conducted for selected candidates for any positions with access to or responsibility for cash receipts, cash accounts, blank checks, checking accounts or other bank accounts. Credit checks will also be required for positions that initiate accounting/financial transactions that are not reviewed or verified by others, positions that have override authority for spending, and deans, directors and/or department head or above. Current employees who assume these duties during the course of their employment will be subject to a credit history check.

(F) Guidelines for review of criminal background and credit history checks. The review of criminal background and credit history checks will be done in accordance with state and federal laws.

- (1) Pursuant to university policy 3356-7-50, "Minors on campus/ background checks," when self-disclosure or a background check required for a university program or activity designed for participation by minors reveals adverse or unfavorable information, such information shall be reviewed by the university police department in coordination with the divisional administrator or designee. (See paragraph (E)(6), "Background check review," of university policy 3356-7-50, "Minors on campus – background checks.")

- (2) A previous criminal conviction does not automatically disqualify a candidate from consideration for employment or volunteering with the university. A criminal background check containing a criminal conviction will be reviewed by the CHRO, or designee, in coordination with the appropriate administrative officer, or designee, in order to determine whether an individual is eligible for the position in question. An individual's eligibility will depend on a variety of factors, including but not limited to:
- (a) The nature of and circumstances surrounding any crime(s);
  - (b) The time elapsed since conviction, rehabilitation record, and completion of any sentence;
  - (c) The actions and activities of the individual since the crime(s), including the individual's subsequent work history and the truthfulness and completeness of the candidate's disclosure of the conviction(s);
  - (d) The nature and duties of the position;
  - (e) Any other relevant information.
- (3) A credit history check with potentially negative information will be reviewed by the CHRO, or designee, in coordination with the appropriate administrative officer, or designee, to determine if the information could reasonably pose a financial or security risk for the university.
- (4) The CHRO, or designee, will inform the hiring manager or volunteer supervisor and the individual if they have been disqualified from consideration and the basis for disqualification.
- (G) Employee and volunteer continuing duty to disclose/necessity for criminal background check.
- (1) Current employees and volunteers who are convicted of or arrested for a criminal offense (other than a minor traffic violation) have a continuing duty to report any conviction or arrest to the CHRO, or designee, within seven calendar days of the conviction or arrest so

that a determination may be made regarding the necessity to initiate a background check.

- (2) Current employees and volunteers who have been identified as a perpetrator in a police report, criminally charged with, arrested for, convicted of, or sentenced for a crime involving violence, family and relationship violence, stalking, menacing, intimidation, or possession of a deadly weapon have a continuing duty to report this information to the CHRO, or designee, within seven calendar days of the occurrence and may be subject to a background check. (See rule 3356-7-04 of the Administrative Code and university policy 3356-7-04, "Workplace and off-campus violence, threats, and disruptive behavior.")
  - (3) Current employees convicted of a criminal offense may be subject to further action, up to and including termination, consistent with university policies, laws/statutes and applicable collective bargaining agreements.
  - (4) Current volunteers who have engaged in activity as outlined in paragraph (G)(1) or (G)(2) of this policy may have their services limited or terminated.
- (H) Use of background and credit history checks. Background and credit history checks will be used to evaluate individuals for employment, continued employment, and volunteer services and will not be used to discriminate on the basis of race, color, national origin, religion, creed, sex, disability, age, veteran's status, sexual orientation, political affiliation, or any status protected by law.
- (I) Confidentiality. Background checks and credit history checks may only be administered pursuant to this policy and in accordance with human resources procedures. Results of such checks will only be disclosed to the extent necessary to administer and enforce this policy or as required by law or appropriate legal process. Violation of the confidentiality requirement is grounds for discipline up to and including termination of employment.

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CERTIFIED ELECTRONICALLY

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Certification

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