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Ohio Administrative Code

Rule 3337-40-125 Pre-employment background check and on-going duty to self-disclose.

Effective: November 9, 2026

(A) Overview

Ohio university is committed to providing a safe and secure environment for students, parents, faculty, staff, volunteers, and visitors. Ohio university is also committed to protecting the university's physical, intellectual, and financial resources. This policy seeks to ensure the success of maintaining a safe and secure environment for the campus community while protecting university resources.

This policy sets forth the instruments for conducting pre-employment background verifications and checks validating applicants' eligibility and suitability for a position with Ohio university. Information discovered through the background check process will be used solely for the purpose of evaluating a finalist's suitability for employment and will not be used to discriminate against a finalist on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, gender identity/expression, national origin, genetic information, marital/familial status, disability, military, veteran status, or any other protected status. Background checks will be conducted in compliance with all applicable laws and regulations and shall only be conducted by and through university human resources to ensure compliance. In addition to pre-employment background verifications and checks, this policy also requires employees and offerees within the scope of this policy to self-disclose criminal convictions within three business days of the conviction.

(B) Definitions

The following definitions shall apply for the purposes of this policy:

(1) Background check/pre-employment verification

Process of acquiring records regarding an individual that are used to determine eligibility for initial or ongoing employment or other university activities.

(2) Break in service

Departure from university either voluntarily or involuntarily for any period of time.

(3) Criminal conviction

Being found guilty, entering a plea, or pleading no contest to a felony or misdemeanor.

(4) Fair Credit Reporting Act (FCRA)

AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #541578

Federal law that regulates collection, dissemination, and use of consumer information.

(5) Final candidate

Internal or external applicant identified as the finalist for a position.

(6) Third party staffing vendor

An organization that provides its staff to the university to supplement the university's workforce.

(C) Policy

(1) Scope of policy

Ohio university shall conduct background checks and pre-employment verification as part of the employment hiring process on final candidates for the following positions:

(a) Regular full-time and part-time faculty, administrative, classified and bargaining unit employees;

(b) All student employees, including graduate assistants, as determined by the department in conjunction with university human resources, who work with a distinct population (e.g. children, adults younger than eighteen, etc.), need access to sensitive facilities, records, and/or data, or have independent responsibility for handling business transactions.

(c) Temporary, term, seasonal and intermittent appointments, including adjunct and visiting faculty.

(d) Temporary staff provided by third party staffing vendors unless the vendor has conducted its own background check that complies with Ohio university requirements and has been accepted by Ohio university.

(e) Employees who return to Ohio university after a break in service.

(f) Current employees who are final candidates for Ohio university positions, other than the ones they presently hold, if the new position requires heightened levels of responsibility in duties and/or heightened levels of access to facilities, records, data of a sensitive nature as determined by university human resources after consultation with the department.

AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #541578

(g) Employees responsible for the care, custody or control of children or minors on campus, such as childcare workers and camp counselors, in compliance with the Ohio university minors on campus policy and all applicable laws and regulations.

Background checks are not required to be performed for the following positions:

(i) Student work-study, student hourly employees, or graduate student employees unless they work primarily with a distinct population (e. g. children, adults younger than eighteen, etc.) or need access to sensitive facilities, records, and/or data, or have independent responsibility for handling business transactions.

(ii) Current incumbents involved in a position reclassification.

(iii) Faculty employment changes resulting from the faculty tenure and promotion process.

(iv) Ohio university police department personnel. Ohio university will conduct, adjudicate, and oversee all pre-employment background checks and on-going duty to self-disclose for personnel of the police department as determined by the chief of police in coordination with university human resources.

(2) Pre-employment verifications and background check

A candidate for employment into a position at Ohio university will not be employed or hired into a position at Ohio university until a satisfactory pre-employment verification and background check has been completed and authorization is provided to the hiring department. Exceptions may only be made with the expressed written approval of the vice president for human resources after a written request is submitted by a dean or appropriate vice president or equivalent. If an exception is granted and employment begins prior to completion of the background check, the employee is prohibited from interacting with minors on campus. All offers of employment shall be considered conditional until a background check has been completed and all other pre-employment requirements have been satisfied. The terms of a conditional offer of employment shall be specifically detailed in writing through the officially university generated offer letter to the candidate. If employment commences prior to completion of a satisfactory criminal background check, the university reserves the right to evaluate the employee's suitability for employment and to end the employment if the background check is deemed unacceptable. In this

AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #541578

event, the employee is not eligible for any advanced notice of separation and does not qualify for severance benefits under university policy.

(a) Consent to conduct background checks and verifications

Final candidates will be informed in writing that the offer of employment is contigent upon the satisfactory completion of a background check. Prior to conducting a pre-employment background check, a signed disclosure and authorization form must be obtained from the final candidate. This authorization grants authority to Ohio university and/or a third-party vendor, to perform the required background check. Failure to provide consent will preclude a final candidate from consideration for a position and may result in corrective action up to and including termination for current employees.

As part of the consent to a background check, the final candidate must fully and accurately disclose all criminal convictions and pending criminal arrests or actions. Failure to disclose all criminal convictions or failure to provide truthful, accurate, and complete information regarding criminal convictions will result in the candidate being ineligible for hire for the current position and possibly ineligible for future employment consideration. Current employees may be subject to corrective action up ro and including termination.

Ohio university reserves the right to retain the service of third-party vendors to conduct background checks on behalf of Ohio university. The third-party vendor will be selected and approved by the vice president for finance and administration, in consultation with university human resources and the office of legal affairs.

Records received from background checks will be retained in a secure location by university human resources, separate and apart from personnel files. Destruction of the records will occur in accordance with the public records retention policy of Ohio university.

(b) Reference checks

Background checks performed in accordance with this policy shall not serve as a substitute for the reference checking process. Hiring managers shall conduct, as part of the candidate selection process, reference checks prior to extending a conditional offer of employment. Hiring managers shall contact their human resources business partnerregarding any inquiries, questions or concerns in regard to reference checks.

AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #541578

(c) Educational, employment, licensure and professional credential verifications

Ohio university will conduct a pre-employment check or verification to confirm the educational history, licensure (including motor vehicle licensure) and/or professional credentials and certifications of finalist candidates prior liaisons to employment at Ohio university. All information that supports a finalist's ability to meet all qualifications for the position must be independently verified. Ohio university may conduct a pre-employment check or verification to confirm employment history.

(d) Criminal history

Upon receiving consent and authorization for a background check from the final candidate, university human resources will initiate the criminal history check. This check shall include an inquiry into federal, state and county criminal felony and misdemeanor records in each location the candidate has resided and a check of the national sex offender registry. Some designated positions, as determined by the vice president for human resources, may be subject to a more comprehensive criminal history review consisting of a fingerprint background check conducted by the bureau of criminal investigation (BCI) or federal bureau of investigation (FBI).

The vice president for human resources, or designee, shall be the recipient of any findings, reports or information gathered from the criminal background check. Analysis and evaluation of the results from the criminal background check will be performed by human resources and the director of employee and labor relations, under the guidance of the vice president for human resources.

Convictions and pending criminal charges will be taken into account when reviewing a final candidate's criminal history. Previous arrests and charges without a conviction may not be considered. A criminal conviction is not an absolute bar to employment, the following factors will be considered: the accuracy and completeness of the information provided by the final candidate, the facts and circumstances of the conduct and its correlation to the duties and responsibilities of the position, the gravity of the offense, the time since the conviction and completion of sentence, the rehabilitation or other requirements of the sentencing, the record of performance at other positions, the degree to which the position is one of trust and authority, and the impact to the public image of the university.

AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #541578

(e) Financial credit check

Ohio university does not regularly obtain and review credit reports as part of the pre-employment screening process. Some positions, however, may require an additional financial or credit history check prior to employment to determine if the final candidate is a suitable hire. Positions holding a fiduciary responsibility to Ohio university and who regularly have financial responsibilities, including access to or accountability for university funds or other cash, financial assets or accounts, are subject to a credit history check. The vice president of finance and administration, in collaboration with the vice president for human resources, shall designate those positions requiring a pre-employment background credit check.

Upon receiving consent and authorization for a background credit check from the final candidate, university human resources will initiate a credit check in accordance with the fair credit reporting act. The vice president for human resources, or designee, shall be the recipient of any findings, reports or information gathered from the financial credit check. Analysis and evaluation of the results from the credit check will be performed by university human resources services and the director of employee and labor relations, under the guidance of the vice president for human resources.

A negative credit history is not an automatic bar to employment but will be considered along with factors such as the nature and seriousness of the negative credit history and its correlation to the duties and responsibilities of the position, the accuracy and completeness of the information provided by the final candidate, the facts and cicumstances of the conduct, the time elapsed since the negative history, the record of performance at other positions, and the relationship to the position in question.

(f) Adverse action resulting from pre-employment background check

If the pre-employment background check results in no adverse action (i. e. approval of final candidate), university human resources will notify the hiring manager of approval to proceed with the hire.

If the information gathered during the pre-employment background check results in an adverse action (i.e. withdrawal of conditional offer), university human resources will immediately provide the final candidate the following: a notice of the probablreslte adverse action, a copy of the background check results, and a copy of the "A Summary of Your Rights

AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #541578

Under the Fair Credit Reporting Act" notice. The final candidate will be given five calendar days to respond to the information provided in the background check and provide an explanation regarding their criminal or credit history, evidence of rehabilitation or personal character, the length of time since the last negative history, and other information or extenuating circumstances relevant to the adverse report. The vice president for human resources, and/or their designee, will evaluate the submitted information and make a final determination. If the final candidate does not submit additional information, or if they submit additional information and the university upholds its decision to take an adverse action, university human resources will provide the final candidate a letter detailing the final adverse decision.

(3) Self-disclosure of criminal arrests and convictions

All employees and offerees within the scope of this policy are required to self-disclose criminal arrests and convictions within three business days of the conviction to their planning unit head or their human resources business partner. Employees and offerees are required to provide accurate and detailed information regarding the facts and circumstances of the conviction and will be subject to a criminal background check. Failure to self-disclose, failure to provide truthful and accurate information regarding the conviction, or failure to consent to a background check may result in corrective action up to and including termination.

A criminal conviction is not an absolute bar to continued employment at Ohio university. Analysis and evaluation of the disclosed information will be performed by university human resources and the director of employees and labor relations, under the guidance of the vice president for human resources. Assessment of the disclosed information will include the accuracy and completeness of the information provided by the employee, the facts and circumstances of the conduct and its relationship to the duties and responsibilities of the position, the gravity of the offense, the rehabilitation or other requirements of the sentencing, and the public image on behalf of the university. The vice president for human resources, in consultation with the planning unit head and/or provost, will make a final determination regarding eligibility for continued employment of employee and will initiate disciplinary proceedings accordingly.