



## Ohio Administrative Code

### Rule 3341-5-21 Pre-employment background checks.

Effective: [March 17, 2015](#)

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#### (A) Policy statement and purpose

To enhance the safety and security of BGSU students, faculty, staff, and others, and to safeguard university property and resources BGSU enacts this policy governing pre-employment criminal background investigations. Bowling Green state university shall require a background investigation be done for newly hired or rehired employees as a pre-condition of employment. For individuals who are proposed 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.

#### (B) Policy

##### (1) Background investigations

A criminal background investigation will be performed as part of the hiring process to verify that the selected applicant or employee does not have a pending charge, arrest or criminal record. The criminal background check includes a social security number trace, a county, statewide and federal criminal records search including a search of sex offender registries. 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 will be determined by the chief human resources officer and the appropriate divisional leader.

(a) Criminal background investigations shall be required prior to employing all prospective full and part time faculty, administrative, classified, intermittent, contract employees, individuals on letters of appointment, and designated temporary and student staff members and volunteers. This policy includes positions which recruitments are conducted, along with individuals hired through approved recruitment exceptions.



(b) The costs associated with conducting the background investigation shall be charged to the employing division.

(c) Certain positions may be subjected to additional background investigation. These include:

(i) Positions reporting directly to the president or to a vice president with responsibilities for planning, leading, controlling and evaluating the activities of an office or department of the university.

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

(iii) Positions with authority to commit the financial resources of the university through purchases or contracts and persons charged with insuring proper expenditures.

(iv) Positions which 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, systems programmers, human resources, student employment and university advancement personnel.

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

(2) Rules applicable to internal hires

Employees who transfer or who are promoted are exempt from a background investigation unless the position falls into one of the categories listed in one through five above or involves work with minors. Suitability of an employee for the proposed transfer or promotion will be assessed using the same guidelines as those used to evaluate initial hires.

(3) Procedures



(a) Notification to applicants

All candidates subject to this policy shall be notified, in writing, of the requirement to successfully pass background investigations. Candidates shall be required to properly execute the university's electronic authorization release form, the notice and the executed consent shall be made part of the search file.

(b) Initiating background inquiry

The university shall 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 following procedures will be used:

(i) Most background investigations provide a seven year history.

(ii) Candidates will be notified in writing in cases where the university is considering taking adverse action based in whole or in part on the information contained in the investigation and shall be given an opportunity to provide a written account of the pertinent event(s).

(iii) If the university takes adverse action, the candidate will be provided an adverse action notice, including further information pertaining to the candidate's rights under FCRA.

(4) Investigation results and use

The background investigation results will be provided to the chief human resource officer or designee. In the CHRO's discretion the results may also be provided to the director of public safety, or the director's designee. If the background investigations reveal criminal activity the CHRO shall consult with the employing units contracting officer, the director of public safety or designee, and the office of general counsel to determine the appropriateness of extending an employment offer to the candidate. The CHRO may consult with other senior university executives as warranted, including the president. The hiring authority will be notified of the final decision.



(a) Apart from the persons designated in this section the details of the investigation results will not be provided to any other persons, including search committee members. Results of the background investigations will remain confidential to the extent permitted by Ohio law and shall be maintained by human resources. The investigation results will be shared with authorized individuals only upon a determination that they need to know the information in order to perform their official duties.

(b) Failure to provide authorization and permission to conduct a background investigation will result in withdrawal of a conditional offer of employment.

#### (5) Suitability for employment

In determining suitability for employment where there is a record of criminal conviction, consideration shall be given to such factors as the specific duties of the position, the number of offenses and circumstances of each, date of conviction, whether the conviction arose out of employment, the accuracy of the explanation of the nature and circumstances of the conviction by the applicant, the applicants explanation of events, if any, and any evidence of rehabilitation.

#### (6) Access to background investigation results

Individuals who are not offered employment as a result of a background investigation will be notified of their rights to dispute inaccurate information in accordance with applicable law.

#### (7) Offer of employment

No candidate for a position shall be employed until authorization is provided to the hiring department/unit and a satisfactory background investigation has been completed. Any offer of employment shall be considered conditional until a background investigation has been completed and all other pre-employment requirements have been satisfied. This requirement shall be stated in any offer letter. Even if, prior to completion of a satisfactory criminal background check, employment is commenced in derogation of this policy, the university reserves the right to determine and confirm the employees suitability for employment and to end any employment already begun if the background check reveals disqualifying information. In such instances, the employee shall not be eligible for any advance notice of separation.



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