



## Ohio Administrative Code

### Rule 3341-5-21 Pre-Employment Background Checks.

Effective: March 27, 2026

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#### (A) Policy Statement and Purpose

Bowling Green State University shall require a background investigation (also known as a background check) as a pre-condition of employment. The purpose of this policy is to establish a consistent and legally compliant process for conducting pre-employment background checks to: verify the accuracy of information provided by applicants; assess the suitability of candidates for specific roles based on job-related criteria; mitigate potential risks to students, faculty, staff, and visitors; safeguard University property, resources, and reputation; and comply with applicable laws and regulations. The costs associated with conducting the background investigation shall be charged to the employing division.

In general, no candidate for a position shall be offered employment 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 the employment application attestation and in any offer letter. Even if, prior to completion of a satisfactory background check, employment is commenced in derogation of this policy, the University reserves the right to determine and confirm the employee's 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.

#### (B) Policy Scope

Background investigations shall be required prior to employing all prospective full and part time employees (including faculty, administrative, classified, and intermittent staff), contract employees, individuals on Letters of Appointment, and student employees. This policy covers all positions, including those filled via standard search procedures, through external search firms, and those offered through an approved by-invitation appointment.

##### (1) Types of Background Investigations

Depending on the position, the pre-employment background check may include the following, and generally span a seven-year history:

- (a) Criminal History Records: Review of publicly available records, including social security number verification, county, statewide, and federal criminal records search, sex offender registries search.



3341-5-21

2

- (b) Education Verification: Confirmation of educational degrees, certifications, and licenses.
- (c) Credit Reports (as outlined in Section (B)(2)): Review of credit history for positions with specific financial responsibilities or access to sensitive information.
- (d) Driving History Records (as outlined in Section (B)(3)): Review of driving records for positions requiring driving as an essential function, regular operation of University vehicles or equipment, or transportation of students.

(2) Credit Reports

BGSU may obtain and review credit reports for applicants for positions that involve:

- (a) Significant financial responsibilities, including roles involving the handling of money, financial management, accounting, or procurement.
- (b) Access to sensitive data, including roles with access to university financial or employment records, or payroll systems.
- (c) A high level of trust and/or fiduciary responsibility, including position that report 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.

(3) Driving History Records

BGSU may obtain and review driving history records for applicants for positions that:

- (a) Require driving as an essential function of the job.
- (b) Require operation of University-owned vehicles or equipment as part of assigned duties.
- (c) Require the transportation of students in University or personal vehicles.

(4) Background Checks for Rehired, Transferred, and Promoted Individuals

The process for conducting background checks on rehired, transferred, or promoted individuals will generally follow the same procedures outlined in this



3341-5-21

3

policy, including providing disclosure, obtaining authorization, and adhering to adverse action procedures, if applicable. The specific types of checks conducted will be determined based on the factors outlined above and the requirements of the new role.

(a) Rehired Individuals

Individuals who are being rehired by Bowling Green State University after a break in service may be subject to a background check, the scope of which will be determined by factors such as the length of the break in service, the nature of their previous role, the requirements of the new position, and any changes in applicable laws or University policy since their prior employment.

(i) Break in Service Less than Six Months: Generally, a full background check will not be required unless the new role has significantly different responsibilities or access compared to the previous role, or if there are updated legal requirements.

(ii) Break in Service More than Six Months: Individuals rehired after more than six months break in service will generally be subject to a background check consistent with the requirements for new hires in similar positions.

(b) Transferred or Promoted Employees

Current employees who transfer to a new position or are promoted to a role with significantly different responsibilities, gain access to sensitive information, or where new legal or regulatory requirements apply, may be subject to a background check.

(i) Change in Responsibilities or Access: If the new role involves increased financial responsibility, access to confidential data, or other factors outlined in Section (B)(2)(a), (B)(2)(b), or (B)(2)(c) above, a credit report investigation may be warranted.

(5) Procedures

Bowling Green State University is committed to complying with all applicable federal, state, and local laws and regulations governing pre-employment background checks, including but not limited to the Fair Credit Reporting Act (FCRA) and non-discrimination laws, such as Title VII of the Civil Rights Act of 1964. The University shall utilize a designated third-party agency specializing in background searches and investigations. All investigations and



3341-5-21

4

records are obtained and handled in a confidential manner. The following procedures will be used:

(a) Notification to Applicants

All candidates subject to this Policy shall be notified, in writing, of the requirement to successfully pass background investigations. In general, notice is given in the employment application attestation statement, the background check authorization release form, and in the offer letter.

(b) Disclosure and Authorization

The third-party agency will provide the candidate with an electronic authorization form to sign, consenting to the collection and use of their personal information for the purpose of the background check. The executed consent shall be held securely by, and accessible from, the third-party agency in accordance with BGSU's records retention policy.

Failure to provide authorization and permission to conduct a background investigation will result in inability to offer employment, withdrawal of a conditional offer of employment, or immediate termination of employment.

(c) Initiating Background Inquiry

Upon receipt of the electronically signed authorization form, the third-party agency will initiate the background check process. The specific types of checks conducted will be determined by the requirements of the position as outlined in the policy (e.g. criminal history, education verification, credit report, driving history). All requests for background checks will be made in a consistent and non-discriminatory manner.

(d) Review of Background Check Results

(i) Upon completion of the background check, the report(s) will be received by designated personnel within the Office of Human Resources. Reports free of adverse findings will result in finalization of an employment offer.

(ii) Adverse results on any report will be securely shared with the CHRO or designee for review and determination of suitability for employment. The information in the report will be reviewed in a non-discriminatory manner and will be considered in relation to the specific job requirements. Other considerations may include:



3341-5-21

5

- (a) Criminal Offenses: Nature of the pending charges or convictions, number of offenses, the time elapsed since an offense occurred, evidence of rehabilitation.
- (b) Credit Reports: Outstanding debts, payment history, and bankruptcies, only when job-related.
- (c) Driving History Records: Traffic violations, accidents, license suspensions, and revocations, only when job-related.

Only persons designated in this section will have access to the details of the investigation results. Results of the background investigations will not be shared with search committee members or hiring managers and will remain confidential to the extent permitted by Ohio and other governing law. The reports shall be maintained by the Office of Human Resources and/or their third-party agency. The investigation results may be discussed with authorized advisory resources (e.g. the Office of General Counsel, the Office of Risk Management, etc.) but only upon a determination that their input is necessary for a decision regarding suitability for employment.

(e) Pre-Adverse Action Process (if applicable)

If Bowling Green State University intends to take adverse action (e.g., withhold from extending an offer of employment, withdraw a conditional offer of employment, or terminate employment) based in whole or in part on information obtained in the background check report(s), the following steps will be taken:

- (i) Pre-Adverse Action Notice: The candidate will be provided with a pre-adverse action notice via email which will include a copy of the background check report that formed the basis for the potential adverse reaction, as well as a summary of the candidate's rights under the FCRA.
- (ii) Opportunity to Respond: The candidate will be given a reasonable period of time (seven business days from the date of the pre-adverse action notice) to review the report and provide any explanation, clarification, or correction regarding the information contained therein.

(f) Consideration of Candidate Response (if any)



3341-5-21

6

If the candidate provides a response to the pre-adverse action notice, the CHRO or designee will carefully review the information provided. Further investigation or clarification may be sought if deemed necessary.

Discussion with the Office of General Counsel may be warranted. A final decision regarding employment will be made after considering the candidate's response. The final decision is not subject to appeal.

(g) Final Adverse Action Process (if applicable)

If, after considering the candidate's response (or if no response is received within the specified timeframe), the CHRO or designee makes the final decision not to hire the candidate based in whole or in part on the background check report, the candidate will be sent a final adverse action notice via email to include:

- (i) A statement that adverse action has been taken;
- (ii) The name, address, and telephone number of the third-party agency that furnished the report;
- (iii) A statement from the agency that they did not make the hiring decision and is unable to provide specific reasons for the adverse action;
- (iv) Information about the candidate's right to obtain an additional free copy of their consumer report from the agency within a specified period; and
- (v) Information about the candidate's right to dispute the accuracy or completeness of the report with the agency.