

 <p>Category: Human Resources</p> <p>Policy applicable for: Faculty and Staff and Protection of Minors on Campus Covered Programs</p>	<p><i>Policy Title:</i> Pre-Employment Background Check</p> <p>Reviewed Date: May 1, 2018</p>	<p><i>Policy Number:</i> 16.17</p> <p>Policy Owner: Chief Human Resources Officer</p> <p>Responsible Office(s): Human Resources Public Safety</p>
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Background

This policy applies to employees who are not covered by a collective bargaining agreement or for whom the agreement contains no provision regarding this subject.

The University of Cincinnati is committed to providing a safe and secure environment for its students, faculty, staff and visitors. The following policy addresses the pre-employment background check procedure for candidates being considered for Staff and Faculty positions, and *Protection of Minors on Campus* covered programs as identified in Human Resources Policies and Procedures Policy Minors on Campus policy [16.19](#).

The University requires a pre-employment background check for all candidates receiving a conditional offer of employment, including candidates for several student positions. When an academic degree is required as part of the minimum qualifications, an educational verification must be processed in conjunction with the criminal history check to validate the degree. Positions that have a substantial fiduciary responsibility may require a credit check. A motor vehicle check must be processed for candidates that are required to drive/operate University vehicles. Employment verifications through the background check vendor are optional and will be processed at the discretion of the Hiring Manager. Refer to the HR policy for *Protection of Minors on Campus* for required training and background checks for Covered Programs as defined in HRPP 16.19. A definition of what is considered a Covered Program can be found on the *Protection of Minors on Campus* policy No. 16.19.

Exceptions

Units may request exceptions, on a case by case basis, not to use the current background check vendor, but to instead process background checks with the Ohio Bureau of Criminal Investigation (BCI) finger-print background check system and a Federal Bureau of Investigation (FBI) national criminal records check through the UC Public Safety Department. The forms needed to process background checks through [UC Public Safety](#): 1) [Public Safety BCI/FBI Order Form](#) and 2) [BCI/FBI Billing Form](#).

The Talent Acquisition & Retention department will make the final decision regarding each exception request which include but are not limited to, the employees in the following departments – these departments will always conduct specialized background checks through the Ohio BCI and FBI:

- The Department of Public Safety - for non-civilian positions (i.e. Law Enforcement Officers, Security Officers, etc.).
- The Department of Information Technology (UCIT) - for employees hired only in the Information Security Department and Data Center Operations.

If a permanent employee separates from the University and is rehired within 6 months, a background check is not required. Former employees returning with a break of more than 6 months will require a background check before an offer of employment will be confirmed. All new hire background checks are to be conducted no more than 180 days prior to the start date.

Units may require candidates for student positions, as well as corporate employees, volunteers and N3 hires (employees with unpaid access) that are generally excluded from the employment process to submit to a background check at the unit's discretion, if required by law or pursuant to University policy. Students, corporate staff, volunteers and N3 employees who have previously submitted a background check must complete a new background check before offer an offer of employment will be confirmed.

Information obtained from a background check will only be used as part of the employment process. The results of the background check should be received and adjudicated **before** a final offer of employment is confirmed at the University.

A candidate who is rejected based on the results of their background check will receive the appropriate documentation from our background check vendor as required by the Fair Credit Reporting Act (FCRA), as well as instructions on disputing any potential discrepancies, if applicable.

Current University employees applying for transfer or promotion are excluded from this policy; however, employees applying for positions as listed in the exceptions above must undergo the alternative background check as required by law or regulation (see Exceptions above).

Procedure

1. All Staff and Faculty applicants must complete an employment application using UC's electronic Applicant Tracking System.
2. When the candidate reaches a finalist status the department will make a conditional offer of employment to the selected candidate. It is during this phase that the candidate discloses any criminal convictions. The unit may refer more than one candidate in the event that the first choice is eliminated.
3. The department, through its designated Hiring Coordinator, initiates and is responsible for the costs of all background checks.

4. The selected candidate(s) will be contacted by the background check vendor to secure authorization, via a release form, from the candidate to initiate the background check. All candidates must submit to a pre-employment background check.
5. The Talent Acquisition & Retention Team will review and adjudicate the background check results following the criteria below (see Additional Guidelines).
6. If the background check is returned with no issues the candidate will proceed through the process to hire.
7. In the event of an unsatisfactory background check, the background check vendor will notify the candidate of disqualification from further employment consideration. Simultaneously, the Talent Acquisition & Retention Team will notify the department of the outcome (see FCRA guidelines). NOTE: Although a disqualification is possible, a previous conviction may not necessarily disqualify a candidate from employment.
8. In most cases, if the background check reveals that a candidate failed to disclose complete conviction information in the pre-employment candidacy phase for employment, this alone may constitute grounds for disqualification from employment, unless the omission involves a minor offense, or unless the candidate has a reasonable explanation for the omission.
9. A candidate may dispute the final outcome of the background check which may include unknown discrepancies, and should do so by following the instructions provided by the background check vendor.
10. The background check vendor will notify Talent Acquisition & Retention if adjustments are needed to the final background check report or adjudicated decision.
11. Should the final determination be to uphold the denial of employment, the hiring unit should indicate the appropriate reason for not hiring the candidate in the electronic Applicant Tracking System and initiate the review process with their second choice. If the department has not elected a second choice, then the hiring unit should contact their Recruiter in Talent Acquisition & Retention to request that the requisition be returned to the hiring manager so that the process can begin again.
12. Should the final decision be to permit the candidate hire, the hiring department should indicate the appropriate reason in the electronic Applicant Tracking System and complete the hiring process.

ADDITIONAL GUIDELINES:

1. A pre-employment background check shall be conducted prior to the hiring of an external candidate into all positions at the University, with the exception of students (unless job related to the position).
2. A motor vehicle (driving) history check shall be conducted prior to the hiring of an external candidate into any driving position at the University, to include operation of

motor vehicles, golf cars and mechanized transport not routinely considered a motor vehicle.

3. The Director of Public Safety must be notified if the Background Check Committee (CBCC) is invoked.
4. The following criteria will be used with the criminal history check to determine the recommendation or non-recommendation to hire.
 - a. Candidates convicted of any of the following (to include attempted acts) must be reviewed by the Background Check Committee (CBCC):
 - Aggravated Murder
 - Voluntary or Involuntary Manslaughter
 - Rape or any Sex Related Offense
 - Any Felonious Assault
 - History of Multiple Misdemeanor Assault
 - Kidnapping or Abduction
 - Any Offense Against a Minor
 - Elder Abuse
 - Any Drug Related Offense – EXCEPT Minor Misdemeanor Possession of Marijuana
 - Domestic Violence or any Related Offense Against the Family
 - History of Multiple Theft or Theft-Related Offenses
 - History of Misuse of a Computer Type Crime
 - Weapons Under Disability
 - Carrying Concealed Weapon without a Permit
 - Any Felony Weapons Charge
 - Robbery
 - Burglary
 - Arson and All Fire Related Criminal Activity
 - Menacing by Stalking
 - Any Criminal Act Motivated by Prejudice
 - Application of single misdemeanor convictions:
 - Single Misdemeanor Assault within the past five (5) years
 - Single Theft/Fraud or Related Offense within last five (5) years
 - Single Misuse of a Computer Type Crime within the last five (5) years
 - Single Weapons Charge within the last five (5) years
 - b. Candidates for driving positions will not be recommended for employment with the following driving history:
 - Lacking Current Motor Vehicle Operator's License or Current Suspension
 - Multiple Operating a Motor Vehicle while Impaired
 - A single Operating a Motor Vehicle while Impaired within last three (3) years
 - Vehicular Homicide or Any Related Traffic Offense Causing Death or Serious Injury
 - Leaving the Scene of an Accident within last three (3) years

- Fleeing /Eluding a Police Officer within the last three (3) years
- Two At-Fault Accidents within the last two (2) years
- Three Moving Violations within the last two (2) years
- Any Pattern of Moving Violations over the last ten (10) years

Phone Contacts:

Office of Human Resources	(513) 556-0343
Public Safety	(513) 556-1111
Office of General Counsel	(513) 556-3483

Related Links:

[HRPP Protection of Minors on Campus 16.19](#)

Forms:

[Public Safety BCI/FBI Order](#)
[Form Public Safety Billing Form](#)