

3359-11-22 Criminal background checks for university employees.

- (A) Purpose. The university of Akron is committed to providing a safe environment for all students and employees. The university endeavors to protect the health, welfare and safety of all students, employees and visitors on our campus. As such, the university will conduct a pre-employment background check for all applicants selected for employment. This policy shall apply, without limitation, to all individuals selected during the hiring process for full-time and part-time administrators, faculty, contract professional and staff positions.
- (B) Conducting criminal background checks.
 - (1) Background checks will be performed once a preferred candidate has been selected for employment, but prior to the commencement of employment. The applicant for the position will be required to provide a written release to authorize the criminal background investigation using an authorized university form. In addition, it shall be a condition of employment that all such individuals submit to the criminal background check procedures.
 - (2) If the preferred candidate has lived in the state of Ohio for the past five consecutive years, a state of Ohio criminal background check will be conducted through the Ohio bureau of criminal identification and investigation (“BCI&I”). If the candidate has not lived in the state of Ohio for the past five consecutive years, a federal criminal background check will be conducted through the “BCI&I” website in addition to the Ohio criminal background check. Residence length will be verified during the employment reference checking procedure.
 - (3) Certain positions at the university of Akron, if required by law or contract, will be subject to both state of Ohio and federal criminal background checks regardless of how long the preferred candidate has resided in Ohio. Further, at discretion of the university of Akron, any applicant may be asked to submit fingerprints or DNA sample for purpose of a federal criminal background check. The

university of Akron will pay for all fees associated with the criminal background check.

- (C) Use of information obtained from criminal background checks.
- (1) A plea of guilty to, a finding of guilty by a referee, jury or court, or a conviction of a crime will be considered in determining the eligibility of an individual for employment. The university of Akron will not consider arrests without conviction for employment purposes unless required by law; provided, however, that in the event the applicant has an arrest that is pending during the hiring process and the university determines that the hiring decision cannot be delayed pending the outcome of the criminal proceedings, the university will proceed with the hiring process without further consideration of the applicant.
 - (2) Although a disqualification is possible, in accordance with federal and state laws, a previous conviction will not automatically disqualify an applicant from consideration for employment. Background reports that indicate a plea of guilty to, a finding of guilty by a referee, jury or court, or a conviction of a crime will be reviewed by a designated individual(s) in the department of human resources. The associate vice president of human resources and employee relations and/or the assistant vice president of human resources and appointing authority shall confer with the office of general counsel prior to approving any action taken under this policy.
 - (3) In the absence of compelling and extraordinary circumstances, a plea of guilty to, a finding of guilty by a referee, jury or court, or a conviction of any of the following shall normally disqualify an applicant from employment:
 - (a) A felony.
 - (b) A sexual offense, as defined in Chapter 2907. of the Revised Code.

- (c) An offense of violence, as defined in division (A)(9)(a) of section 2901.01 of the Revised Code.
 - (d) A theft offense, as defined in division (K)(1) of section 2913.01 of the Revised Code.
 - (e) A drug abuse offense, as defined in division (G) of section 2925.01 of the Revised Code.
 - (f) Substantially comparable conduct to paragraphs (C)(1) to (C)(5) of this rule, occurring in a jurisdiction outside the state of Ohio.
 - (4) In addition, the following factors will be considered for those applicants with other potentially disqualifying criminal record in determining whether to extend an offer of employment:
 - (a) The nature or gravity of the offense(s); and
 - (b) The time since the conviction and/or completion of the sentence; and
 - (c) The nature of the job held or sought.
 - (5) If a guilty plea, finding of guilty, or conviction is discovered, the applicant will be given an opportunity to discuss the findings of the criminal background report with the designated individual(s) in the department of human resources. If, at any time, an applicant attempts to withhold information or falsifies information pertaining to previous convictions, the applicant will immediately be removed from consideration for employment. If an applicant does not disclose or otherwise withholds or falsifies information pertaining to a criminal record during the hiring process, and is later found to have such a record, it will be considered sufficient grounds to terminate the individual's employment.
- (D) Offer of employment procedure. Conditional offers of employment will be made subject to the successful completion of a criminal background check. Information obtained from the criminal background check will be used as part of the employment process and will be kept strictly confidential to the extent permitted under Ohio law.

- (E) Procedure for effecting criminal background checks. The procedure for effecting criminal background checks shall be under the authority of the university of Akron's department of human resources.

Effective: August 30, 2009

Certifications: _____
Secretary
Board of Trustees

Prom. Under:

Rule Amp.: