**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 criminal history check procedure for candidates for staff and faculty positions and the protection of minors on campus covered programs as identified in Human Resources Policies and Procedures Policy Minors on Campus 16.19.

The university requires a pre-employment criminal history check for all candidates receiving a conditional offer of employment, including applicants for several student positions. When an academic degree is required as part of the minimum qualifications, an educational verifications must be processed in conjunction with the criminal history checks to validate the degree. Positions that have a substantial fiduciary responsibility may require a credit check. Motor vehicle checks must be processed for applicants 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 a Covered Program can be found on the Protection of Minors on Campus Policy No. 16.19.

Units may request exceptions, on a case by case basis, not to use the current background check vendor, but to process background check with the Ohio Bureau of Criminal Investigation (BCI) finger print back ground check and a Federal Bureau of Investigation (FBI) national criminal records check through the UC Public Safety Department. The forms to process background checks through UC Public Safety can be found at: Public Safety BCI/FBI Order Form and the Billing Form.

The Talent Acquisition department will make the final decision regarding each exception request which include but are not limited to the employees in the following departments which will conduct specialized background checks:
• The Department of Public Safety for non-civilian positions (i.e. Law Enforcement Officers, Security Officers etc.).

• 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 31 days, a background check is not required. A break of 31 days or more will require a background check before an offer of employment will be confirmed.

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

Information obtained from a criminal history check will only be used as part of the employment process. The results of the check should be received and adjudicated before an offer of employment is confirmed at the university.

A candidate who is rejected based on the results of the check will receive the appropriate documentation 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 a criminal history check as required by law or regulation.

Procedure

1. All applicants must complete an employment application using UC’s Electronic Applicant Tracking System, during which they are required to list any criminal convictions in the pre-employment candidacy phase.

2. The department will make a conditional offer of employment to the selected candidate in the pre-employment candidacy phase. It is during this phase that the candidate discloses any convictions. The unit may refer more than one candidate in the event that the first choice is eliminated.

3. The department pays for the criminal history check.

4. The selected candidate(s) must submit to a criminal history check initiated by the
5. The Talent Acquisition team will review and adjudicate the criminal history check results.

6. If the check indicates no criminal history, the Hiring Coordinator or HR Talent Acquisition will notify the department to complete the next steps in the hiring process.

7. Although a disqualification is possible, a previous conviction may not necessarily disqualify a candidate from employment.

8. As a result of the unsatisfactory background check, the background check vendor will notify the candidate that he/she is disqualified from further employment consideration. Simultaneously, the Talent Acquisition will notify the department the outcome (refer to the FCRA guidelines).

9. In most cases, if the 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 refusing to hire the candidate, unless the omission involves a minor offense, or unless the candidate has a reasonable explanation for the omission.

10. Should the candidate wish to dispute potential discrepancies (s)he should follow the instructions provided by the background check vendor. The background check vendor will notify Talent Acquisition if adjustments are needed to the final background report.

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 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 Human Resources to request that the candidate 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 following current divisional procedures.

ADDITIONAL GUIDELINES:
1) A criminal history 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 driving record 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 Criminal Background Check Committee (CBCC) is invoked.

4) The following criminal history criteria will be used to determine the recommendation or non-recommendation to hire the applicant.

a) Applicants convicted of any of the following (to include attempted acts) must be reviewed by the Criminal Background Check Committee (CBCC):
   - Aggravated Murder
   - Voluntary or involuntary manslaughter
   - Rape or any sex related offense
   - Any felony assault
   - History of multiple misdemeanor assault
   - Kidnapping or abduction
   - Any offense against a minor child
   - 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 related theft offenses
   - History of misuse of a computer type crime
   - Weapons under disability
   - Carrying concealed weapon
   - 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 years
     - Single theft/fraud or theft/fraud related offense within last five years
     - Single misuse of a computer type crime within the last five years
     - Single weapons charge within the last five years
   - Applicants for driving positions will not be recommended for employment with the following driving history:
     - No motor vehicle operator's license or current suspension
o Multiple Operating a Motor Vehicle while impaired
o A single Operating a Motor Vehicle while impaired within last three years
o Vehicular Homicide or any related traffic offense causing death or serious injury
o Leaving the scene of an accident within last three years
o Fleeing /Eluding a police officer within the last three years
o Two at fault accidents within the last two years
o Three moving violations within the last two years
o Any pattern of moving violations over the last ten 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