



# **Background Check Policy**

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## **I. PURPOSE**

The purpose of this policy is to describe the terms and conditions under which background checks are conducted for employees, volunteers, vendors, and certain individuals living on campus at Oklahoma City University (“University”).

## **II. POLICY**

Oklahoma City University will conduct a background check for each new hire and when an employee transfers positions within the University. Background checks will also be conducted on former employees who return to work for the University if the duration of the separation exceeds one year. The University complies with the Fair Credit Reporting Act (FCRA), which regulates the use of information gathered by consumer reporting agencies and which may determine an individual’s eligibility for employment.

Although a disqualification is possible, in accordance with federal and state laws, a previous issue does not automatically disqualify an applicant from consideration for employment with the University. Depending on a variety of factors (for example, the nature of the position, the nature of the issue, and the amount of time that has passed), the candidate may still be eligible for employment. The factors outlined in Section IV.C.4 *Substantial Relationship Considerations* will be utilized in determining whether to hire the external candidate or transfer or promote the internal candidate.

An offer of employment may be extended to a candidate prior to the completion of the background check. However, the candidate’s first day of work in the position must not be prior to the satisfactory completion of the appropriate background check.

If the background check yields records associated with the candidate, the results may be provided as required by Oklahoma State law and the Fair Credit Reporting Act and the candidate may be given an opportunity to refute the information in accordance with the deadlines required by the FCRA. Additional time may be provided to the candidate at the sole discretion of the University.

The University reserves the right to decline an applicant/candidate or to discipline and/or terminate an employee who has provided false, misleading, erroneous, or deceptive information on an application, resume, or during an interview or who has omitted material information during the hiring process.

### III. DEFINITIONS

**Key Student** is defined as students in practicum, student teachers, overnight hosts, resident assistants, and students working with minors, and students working in public safety.

**New Hire** is defined as any prospective employee that is not currently an employee of the University. Employees who have not had an active job or received payment from the University for one year or more (for reasons unrelated to an approved leave of absence, such as FMLA or workers' compensation leave) are considered to have separated employment from the University thus considered a new hire for purposes of this policy.

**Transfer** is defined as a current employee who changes positions or becomes a supervisor (i.e.: Dept. Chair, Division Chair, Lead, Supervisor, Manager, Director, Dean, VP, etc) and does not have a current background check on file or transfer occurs 5 years after initial date of hire. When a current employee obtains a different position, which requires a different background check due to policy or law, the appropriate background check will be conducted.

### IV. PROCEDURES/GUIDELINES

#### A. Background Checks Conducted

Human Resources, in collaboration with the hiring department if necessary will determine the extent of the background investigation for the open position. For current employees, subject to periodic background checks, Human Resources, in consultation with University General Counsel will also determine the scope of the periodic check. These may include, but are not limited to any of the following:

- verification of Social Security number;
- criminal history in the states where the individual resides or resided;
- prior employment verification;
- professional license verification, as needed;
- educational verification;
- child or elder abuse registry, as needed;
- reference checks;
- drug and/or alcohol screening;<sup>1</sup>
- sexual offender registry;
- motor vehicle record;
- credit history check;
- other checks as determined by Human Resources.

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<sup>1</sup> See Campus Drug and Alcohol Policy for University Employees  
<http://www.okcu.edu/Assets/main/hr/policies/Drug-Alcohol-Policy.pdf>

The Human Resources office or designee will be responsible for all activities involved with background checks, including determining the scope, conducting checks, referring checks to outside vendors and making recommendations based on results. A key component of this role involves keeping information confidential, except on a need-to-know basis or as required by law. A breach of confidentiality or the inappropriate use of background check information may constitute a work violation and may be grounds for disciplinary action up to, and including termination.

## **B. Positions Subject to Background Checks**

The following provisions set forth the types of background checks, by position and by relationship to the University such as volunteers, employees who live on campus and their spouses and domestic partners who reside with them, and other resident guests. A position may satisfy one or more categories, such as a coach who operates institution-owned vehicles. Such position is subject to all applicable background checks. This is intended to be for explanatory purposes only and does not limit the University's right to conduct any and all types of background check it deems necessary, including those not included below. All references will be checked and as such, this type of check is not specifically noted by position. All criminal background checks shall include a check of the National Sex Offender Database, as well as an applicable child or elder abuse registry if necessary.

### **1. Professors, Instructors, Teaching Related Practicum Students, Adjunct Faculty and Adult Tutors**

All educational and professional credentials will be verified. These positions also require Social Security number traces and criminal background checks.

### **2. Medically Related Practicum Students and Instructors, Nurses, and Other Campus Health Care Personnel**

All educational and professional credentials will be verified. These positions also require Social Security number traces, pre-employment drug screenings, and criminal background checks.

### **3. Mental Health Counselors and Pastoral Counselors**

All educational and professional credentials will be verified. These positions also require Social Security number traces, pre-employment drug screenings, and criminal background checks. Individuals who serve as counselors or pastors at the University shall also be subject to a background check concerning the occurrence of sexual contact between the candidate and current or former patients. The University conducts this background check by making inquiries of all the candidate's employers, including seminaries whose name and address have been disclosed by the candidate and who employed the candidate in a psychotherapy role (including counselors and members of the clergy) within the last seven years.

### **4. Athletic Trainers**

All educational and professional credentials will be verified. For athletic trainers a Social Security number trace, pre-employment drug screening, and a criminal background check are required. An investigative consumer report may also be required at the discretion of the University.

**5. Faculty, Staff, Coaches, Key Students and Volunteers  
Affiliated with an Educational, Athletic or Camp Program for  
Children**

All educational and professional credentials will be verified. These positions also require Social Security number traces, pre-employment drug screenings, and criminal background checks.

For faculty, staff, including coaches and Key Students, and volunteers affiliated with sports programs, child care programs and camps for children or any other University program where any unsupervised direct contact with a minor is anticipated, an investigative consumer report may also be required at the discretion of the University.

Because access to records of minors is generally sealed or otherwise restricted in many jurisdictions, Key Students who are minors should be required to submit at least two letters of reference from persons familiar with the minor Key Student's conduct and behavior, such as the Dean of Students at their school, a religious leader, or a supervisor at a job or volunteer position.

**6. Facilities Staff, Custodial Staff, Residence Assistants, Campus  
Police Department Personnel and Other Employees with  
Access to Residence Halls<sup>2</sup>**

Individuals who have key access or access to keys of a residence hall shall be subject to a criminal background check, a pre-employment drug screening, and a Social Security trace. The Human Resources office will work with the Facilities office in identifying individuals who have access to keys or key access to residence halls.

**7. Finance and Accounting Employees and Information  
Technology Employees<sup>3</sup>**

Educational and professional licenses shall be verified. These positions also require Social Security number traces, pre-employment drug screenings and criminal background checks. Those with unsupervised or high level access to the University's financial accounts, lines of credit or other sensitive financial information shall be subject to a credit history check. The credit history report shall include a check of any civil lawsuits.

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<sup>2</sup> NOTE: EIIA's Crime Bond only protects against the theft of your institution's money. Individuals known to have committed fraud or theft are not insured under this bond.

<sup>3</sup> NOTE: EIIA's Crime Bond protects against the embezzlement of your institution's money. Individuals known to have committed fraud or theft are not insured under this bond.

## **8. Institution-Authorized Drivers: Employees, Students and Volunteers**

Individuals in these positions shall be subject to any background checks applicable to their position. In addition, any individual who has a responsibility for operating a motor vehicle on behalf of the University shall be required to submit a current driving history. These individuals shall have a continuing duty to provide the institution with any new information regarding their driving history or license status (e.g. any ticket received for moving or parking violations, DUI/DWI, and/or license suspension/revocation, etc.). In addition, these employees shall be required to undergo pre-employment drug screenings. These requirements apply to individuals who operate University vehicles **and** those individuals who use their personal vehicle or a rented vehicle for University business on a regular basis as part of their job functions.

## **9. Positions with Access to Hazardous Materials**

Individuals in these positions shall be subject to any background checks applicable to their position. In addition, if an individual has unsupervised access to hazardous materials, such as chemicals or biological agents that could be used to harm others, he or she shall be subject to a criminal background check and a pre-employment drug screening.

## **10. Volunteers: Travel Programs and Host Families**

These positions and all participating household members should be subject to a criminal background check. In particular, these individuals shall be subject to a criminal background check concerning the occurrence of sexual misconduct.

## **11. Employees and Their Spouses or Domestic Partners Who Live on Campus, or Other Resident Guests**

Employees who live on campus, as well as their spouses, domestic partners, or other resident guests shall be subject to a criminal background check. The Human Resources office will work with the Facilities office in identifying individuals who have access to keys or key access to residence halls.

## **12. All Other Positions**

In addition to the background checks described above, a general background check, including a criminal background check for sexual offenses, child, or elder abuse will be conducted for all new hires or transfers, unless they are subject to another background check defined above. This background check will include a National Sex Offender Database search performed through an approved third-party vendor.

## **C. Recruitment Process**

## 1. Vacancy Announcement

All full ads and vacancy announcements should contain the following statement:  
*“Employment will require successful completion of a background check.”*

## 2. Position Offer

When verbally making an offer of employment to the successful candidate, the candidate must be informed the offer is contingent upon the receipt of satisfactory results of the required background check. Written offers will include the following statement:  
*“This offer is contingent on Oklahoma City University’s verification of information required by state law and the University’s policies, including the successful completion of a background check.”*

In the event the offer letter omits this statement, it is still the policy of the University to require background checks in accordance with this Policy.

## 3. Consent Form

Where required by law, before the University requests a criminal background check, a credit history report or other search by a third party, the candidate must authorize the background check by signing a consent form that complies with Oklahoma state law and the Fair Credit Reporting Act. Individuals who decline to sign the consent form will no longer be considered candidates for the vacancy or transfer.

## 4. Substantial Relationship Consideration

In reviewing the results of a background check on an individual candidate, the University will review each candidate on a case-by-case basis and consider the following factors in order to determine whether there is a substantial relationship between any issues raised by the background check and the position:

**The Offense.** The nature, severity, and intentionality of the offense(s) including but not limited to:

- The reported elements of the offense;
- The individual’s age at the time of the offense(s);
- Number and type of offenses (felony, misdemeanor, traffic, other);
- Time elapsed;
- The individual’s probation or parole status;
- Whether the circumstances arose out of an employment situation; and
- Whether there is a pattern of offenses.

**The Position.** The duties, responsibilities and circumstances of the position applied for, including but not limited to:

- The nature and scope of the position, including key access to residential facilities, key access to other facilities, access to vulnerable populations, including minor children or the need to operate a vehicle in the course and scope of employment;
- The nature and scope of the position's student, public or other interpersonal contact;
- The nature and scope of the position's autonomy and discretionary authority;
- The amount and type of supervision received in the position or provided to subordinate staff;
- The sensitive nature of the data or records maintained or to which the position has access;
- The opportunity presented for the commission of additional offenses; and
- The extent to which acceptable job performance requires the trust and confidence of the University or the public.

##### **5. Notification of Results of Check**

When the background check indicates there are no issues, the third party vendor will inform the Human Resources office or designee of the request, who in turn will inform the hiring manager or designee that the employment offer is confirmed.

If the background check indicates there are issues that require further review and consideration under this Policy and which may result in an adverse action, the third party vendor will inform the Human Resources office. Where required, the Human Resource office will provide a copy of the report to the individual in compliance with Oklahoma state law and the FCRA and will also provide a copy of "*A Summary of Your Rights Under the Fair Credit Reporting Act*," as required by the FCRA and provided by the third party vendor. The vendor should also provide a FCRA specific form to give to the candidate. More information regarding the notice can be found on the Consumer Financial Protection Bureau's (an arm of the Federal Trade Commission) website at: <http://www.consumer.ftc.gov/articles/0157-employment-background-checks>.

If a criminal background check reveals convictions, which the applicant/candidate disclosed in the application, the Human Resource office will determine the next course of action when state law or University policy disqualifies the candidate. When state law or University policy provides for discretion, the Human Resource office will review the report with the hiring department and jointly evaluate each conviction in accordance with

the factors set forth in Section IV.C.4. *Substantial Relationship Considerations*, including any additional information the individual provides, before the offer of employment is confirmed or withdrawn. Any decision to accept or reject an individual with a criminal conviction is solely at the discretion of the University.

## **6. Adverse Action Notification**

In the event that the results of the background check influences a decision to withdraw an employment offer or terminate employment and the timeframe for disputing the information as inaccurate has passed, the Human Resources office will inform the hiring manager and the individual. The Human Resources office or designee will contact the candidate to inform them that the University is rescinding its contingent offer of employment. The candidate will then receive written notification and a summary of the candidate's rights under FCRA and Oklahoma state law. The candidate will be given the opportunity to review a copy of the report, which outlines candidate's rights to dispute inaccurate information. If the University has requested an investigative consumer report, the third party vendor shall also provide the University with any additional required notices to be provided to the candidate.

### **D. Third Party Contractors**

All contracts with third party contractors shall require the employer to conduct background checks for all of its employees who will be on campus. The type of background check must at least meet the minimum standard of the types of background checks required of employees of the University. Third party contractors are responsible for sharing any criminal and/or sex offender history of any third party contractor employee that will be conducting work and/or services on the campus.

**V. APPENDIX A: CHART OF APPLICABLE BACKGROUND CHECKS BY POSITION**

	<b>SS #</b>	<b>Criminal</b>	<b>Prior Emp.</b>	<b>Prof. License Verif.</b>	<b>Educ. Verif.</b>	<b>Child or Elder Abuse Registry</b>	<b>Drug Screen</b>	<b>Sexual Offender Registry</b>	<b>Motor Vehicle Record</b>	<b>Credit History Check</b>
<b>Professors, Instructors, Teaching Related Practicum Students, Adjunct Faculty &amp; Adult Tutors</b>	X	X	X	X	X	X		X		
<b>Medically Related Practicum Students &amp; Instructors, Nurses, &amp; Campus Health Care Personnel</b>	X	X	X	X	X	X	X	X		
<b>Mental Health Counselors &amp; Pastoral Counselors</b>	X	X	X	X	X	X		X		
<b>Athletic Trainers</b>	X	X	X	X	X	X		X		

	SS #	Criminal	Prior Emp.	Prof. License Verif.	Educ. Verif.	Child or Elder Abuse Registry	Drug Screen	Sexual Offender Registry	Motor Vehicle Record	Credit History Check
Faculty, Staff, Coaches, Key Students & Volunteers Educational, Athletic or Camp Programs for Children	X	X	X	X	X	X		X		
Campus Police Department Personnel & Facilities Department Personnel	X	X	X			X	X	X		
Finance & Accounting Employees & Information Technology Employees	X	X	X	X	X	X				X
Institution Approved Drivers: Employees, Students & Volunteers	X	X					X		X	
Positions w/access to Hazardous Materials	X	X	X	X	X	X	X	X		

	SS #	Criminal	Prior Emp.	Prof. License Verif.	Educ. Verif.	Child or Elder Abuse Registry	Drug Screen	Sexual Offender Registry	Motor Vehicle Record	Credit History Check
<b>Volunteers: Travel Programs &amp; Host Families</b>		X				X		X	X	
<b>Employees and Their Spouses or Domestic Partners Who Live on Campus, or Other Resident Guests</b>	X	X				X		X		
<b>All Other Positions</b>	X	X				X		X		

Approved by the President's Cabinet: August 29, 2016