

### **3354:1-44-01.1 Pre-Employment Background Check and Drug Screening Procedure**

#### **(A) Introduction**

- (1) The College provides this procedure to insure the fair and consistent utilization of background checks and drug screenings in connection with the hiring of full-time and part-time administrators, faculty, staff, student employees, work study students, volunteers and temporary personnel supplied by third parties.

#### **(B) Conducting Pre-Employment Background Checks and Drug Screenings.**

- (1) The College's Human Resources Department ("Human Resources") shall be responsible for all pre-employment background checks and drug screenings for full-time and part-time administrators, faculty, staff, student employees, work study students, volunteers and temporary personnel supplied by third parties.
- (2) Background checks and drug screenings will be performed once a final candidate has been selected for an offer of employment, but before the commencement of employment. Conditional offers of employment will be made subject to the successful completion of a background check and drug screening.
- (3) The applicant for a position will be required to provide an electronic release to authorize a background check and drug screening. In addition, it shall be a condition of employment that all such individuals submit to the College's background check and drug screening procedures.
- (4) At a minimum, background checks for any and all final candidates for full-time and part-time administrators, faculty, staff, student employees, work study students, volunteers and temporary personnel supplied by third parties may include social security number tracing, education and credential verification, employment history verification, reference check, criminal records search and drug screening. Additional screening may be conducted as warranted by the position or as required by College contract or state or federal law.
- (5) The College will pay for all fees associated with a pre-employment background check.
- (6) Effective September 23, 2024, drug screens will be conducted for only final candidates in safety sensitive positions.

(C) Definition of Background Check.

- (1) A “background check” covers many different methods of obtaining information about a candidate’s personal and employment history. A background check conducted by the College may include some or all of the following:
  - (a) Social Security Number (“SSN”) Trace – used to confirm that a candidate is using a valid SSN that matches his/her name, to reveal any names and addresses associated with a SSN and/or to conduct a criminal record search;
  - (b) Education and Credential Verification – used to verify if a degree or credential was issued and to confirm the date awarded;
  - (c) Employment History Verification – used to verify dates of employment, position and possibly salary history;
  - (d) Professional Licensing/Certification – used to verify that professional licenses are up-to-date and valid for practice in the local jurisdiction, or to identify any prior suspensions of a license or disciplinary action against a candidate, or to use in contacting the responsible licensing board to verify that the candidate has a current and valid license;
  - (e) Reference Check – used to assess a candidate’s work history, capability, growth potential and industry skills, which may include discussions with individuals at prior places of employment beyond those identified by a candidate;
  - (f) Criminal Records Search – used to help identify past instances of criminal felonies and misdemeanors;
  - (g) National Sexual Offender Registry Search – used to determine if a candidate has been included in any state sexual offender registry;
  - (h) Drug Screening – used to determine if a candidate is using illegal substances;
  - (i) Credit Report History – used to identify if an applicant has any financial accounts in collections, open loans, etc., by accessing credit bureau information, which may be relevant if an applicant’s position requires

responsibility for or access to College funds.

- (2) The College may engage third party providers to assist with the background check and drug screening process and will pay for all associated fees.

(D) Use of Information Obtained from Background Checks.

Human Resources will assess the information contained within a background check using the following principles:

- (1) If a background check fails to reveal negative information, the final candidate has passed the background check, and the hiring process may proceed.
- (2) If information revealed in a background check needs clarification or is in conflict with the information provided by the candidate (e.g. the Social Security Number, date of birth or driver's license number does not match the candidate's name), Human Resources may seek out additional information as deemed necessary.
- (3) If a background check reveals negative information, Human Resources will consult with the hiring manager and/or search committee to determine if the negative information is sufficiently serious to terminate the hiring process.

(E) Criminal Records Search.

- (1) Certain positions at the College, if required by law or contract, will be subject to both state of Ohio and federal criminal records searches regardless of how long the preferred candidate has resided in Ohio. Further, at the discretion of the College, any applicant may be asked to submit fingerprints or DNA sample for purpose of a federal criminal records search.
- (2) Only convictions will be taken into account when reviewing a final candidate's criminal history. An arrest without a conviction in a closed case will not be considered unless required by law. Expunged records must not be considered when make a determination of a candidate's eligibility.
- (3) Open criminal cases that are pending during the hiring process may preclude a final candidate from eligibility for employment depending on the relevance of the charge to the job responsibilities. Human Resources, in consultation with the Office of General Counsel and Legal Services, will be responsible for determining relevancy.

- (4) Failure to disclose criminal convictions will make a candidate ineligible for hire.
- (5) Although a disqualification is possible, in accordance with federal and state laws, a previous conviction will not automatically disqualify a candidate from consideration for employment. 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.
- (6) A plea of guilty to, a finding of guilty by a referee, jury or court, or a conviction of any of the following may 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 (6)(a) to (6)(e) of this rule, occurring in a jurisdiction outside the state of Ohio.
- (7) The College will consider some or all of the following factors for those applicants with potentially disqualifying criminal histories in determining whether to extend an offer of employment:
  - (a) The circumstances and gravity of the offense(s);
  - (b) The relevance of the offense(s) in relation to the potential job responsibilities;
  - (c) The final candidate's employment history since the time of the conviction(s) and/or completion of the sentence;
  - (d) Whether the conviction(s) is of a violent nature;
  - (e) Whether there are multiple similar convictions that could indicate an ongoing pattern of behavior; and

(f) Any other information which may be relevant.

(8) Candidates whose background checks reveal potentially disqualifying information will be provided with a copy of the results by the College's third party provider. Such candidates will also be given an opportunity to dispute the results with the College's third-party provider and to provide any additional information which the candidate believes may be relevant to Human Resources.

(9) 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 immediately.

(F) Background Check Records.

(1) Background check records will be maintained in conformity with the College's Record Retention Schedule. Background check documentation will not be stored in an employee's personnel file.

(2) To the extent possible, all information received in connection with the background check process will be treated as confidential except when disclosure is necessary or required.

(G) Definition of Safety Sensitive Category

(1) A "safety sensitive position" is any job, position or work-related function, or job task designated as such by the employer, which through the nature of the activity, could be dangerous to the physical well-being of or jeopardize the security of the employee, co-workers, customers or the general public through a lapse in attention or judgment.

(2) Criteria for safety sensitive:

(a) Drive, operate, or control College-owned vehicles and/or heavy machinery

(b) Work within Public Safety and Security Services

(c) Work in a clinical setting in which clinical agreement requires pre-employment drug testing

(d) Work in a position in which collective bargaining agreements; federal, state, local law or regulation; and/or accreditation requires pre-employment drug

testing

- (H) The President or the President's designee shall take all steps necessary and appropriate for the effective implementation of this procedure.

Effective date: October 1, 2024

Prior effective date: April 8, 2012

Procedure amplifies: 3354:1-44-01