

# Oklahoma State University Policies and Procedures

<b>BACKGROUND CHECK POLICY FOR FACULTY AND GRADUATE ASSISTANTS/ASSOCIATES (TEACHING AND RESEARCH)</b>	<b>3-0771 ADMINISTRATION &amp; FINANCE April 2018</b>
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## Purpose and Scope

Oklahoma State University is committed to providing a safe and secure environment for the University community in support of its overall mission. In particular, this policy is intended to help OSU achieve its goal of providing a safe and secure environment, especially for children, vulnerable members of the population, and those likely to be in subordinate positions, by requiring the use of background checks in the hiring process for all faculty members and graduate assistants/associates (teaching and research).

This policy applies to all final candidates employed after March 1, 2018, and applies to faculty and graduate assistant/associate (teaching and research) positions including faculty hired into tenure track and non-tenure track positions that are full time or part-time, and those faculty and graduate assistants/associates (teaching and research) with more than a one-year break in service.

## Policy

1.01 Oklahoma State University requires background checks for all newly hired faculty members and graduate assistants/associates (teaching and research), including faculty hired into tenure track and non-tenure track positions that are full-time or part-time. Background checks shall be required prior to employment (post-offer, pre-employment).

1.02 Offers of employment for new tenure-track and non-tenure track faculty members and graduate assistants/associates (teaching and research) will be made contingent upon completion of the background check process and a determination that the results of that check are satisfactory to OSU. Tenure-track and non-tenure track faculty members and graduate assistants/associates (teaching and research) who have a break in employment (or interruption in service for volunteer faculty) of more than twelve (12) months must have a background check when they return under the same conditions as new hires.

1.03 A background check may be required for internal/current faculty members and graduate assistants/associates (teaching and research) changing positions/departments due to a transfer, reassignment or change in status (e.g., part-time to full-time), unless the person has already had a background check which is specific to the newly assumed position within the last twelve (12) months. Promotions in rank (e.g., Assistant to Associate Professor or graduate teaching/research assistant to graduate teaching/research associate) do not require background screening.

1.04 The background check will include: address verification; social security number check; military history; a county, statewide and federal criminal records search; search of sex offender

registries; driving records; and examination of state and federal debarment lists. For tenure track and non-tenure track faculty hires, the background check will also include verification of academic credentials.

1.05 A more comprehensive background check may be required pursuant to a University administrative decision, local, state or federal law, or for certain sensitive positions.

### **Confidentiality**

2.01 All background check results and records are reviewed and handled in a confidential manner and in compliance with all applicable federal, state, and local laws, including the Fair Credit Reporting Act (FCRA). The background check results will be confidentially kept within OSU Human Resources. As needed, this information will only be shared with the Provost or his/her designee, the Dean of the College in which the candidate is to be working, and/or other authorized individuals upon a determination that they need to know the information in order to perform their official duties.

### **Background Check Review**

3.01 OSU Human Resources will establish guidelines consistent with this policy for the administration of these checks and the review of background check results. If no adverse information is reported in a background check, satisfactory completion will be recorded by OSU Human Resources.

3.02 However, if adverse information is reported, further review will be conducted. Human Resources will notify the applicant of the adverse information and the applicant will have five (5) business days to contact the third party vendor to correct or update the information if he or she feels the information is inaccurate. Upon completion of this, OSU Human Resources will share with the Provost or his/her designee and the appropriate Dean the background check results for a final determination of employment eligibility. The Office of Legal Counsel and/or the OSU Police Department will provide advice and consultation as requested.

3.03 A previous conviction will not automatically disqualify a prospective or current faculty member or graduate assistant/associate (teaching and research) from employment with the University. The persons listed above will review factors including but not limited to: failure to self-disclose the criminal history, inconsistency of self-reported information as compared to the criminal records/background report, the nature and seriousness of the offense, the circumstances under which the offense occurred, relationship between the duties to be performed and the offense committed, the age of the person when the offense was committed, whether the offense was an isolated or repeated incident, the length of time that has passed since the offense, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, whether there is a statutory prohibition related to the offense, and the accuracy of any information provided.

3.04 If there is a recommendation to withdraw a conditional offer of employment, or if there is other adverse action recommended, the Provost, as appropriate, will make the final decision. In compliance with the Fair Credit Reporting Act (FCRA), the Provost or his/her designee will notify

the prospective or current faculty member or graduate assistant/associate (teaching and research) if information obtained from the background check may be used, in whole or in part, in the decision to deny employment or as the basis for any adverse employment action.

3.05 Any disciplinary action involving a current faculty member would proceed pursuant to the *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University (Policy Statement)*. Prospective and current faculty members and graduate assistants/associates (teaching and research) who fail to disclose criminal convictions, misrepresent or fail to provide accurate details regarding criminal convictions, and/or fail to cooperate in the background check process may have their conditional offer of employment withdrawn and/or may be subject to disciplinary action under the *Policy Statement*; OSU Human Resources policy and procedure; and applicable local, state or federal statute.

### **Subsequent Verifications**

4.01 A background check may be requested or performed after the initial check covered by this policy in accordance with applicable policies, procedures or practices of the University. OSU reserves the right, at its sole discretion, to amend, replace, and/or terminate this policy at any time.

Approved:

Faculty Council, January 16, 2018

Council of Deans, February 26, 2018, with modifications

Faculty Council, March 13, 2018

Legal Counsel, April 2018

Executive Team, April 2018