

Criminal Background Check Policy for Employment

Effective: October 6, 2017

Applies to: OU Norman Programs

Responsible Office: OU Human Resources

A. Purpose

The University of Oklahoma strives to provide the safest possible environment for students, visitors, faculty, and staff, and to protect its information and physical resources. Background checks serve an important role in the selection process and support the university's effort to maintain a safe environment and protect its assets.

B. Requirements for Final Candidates

New Faculty and Staff: The university requires pre-employment screening and criminal background checks on all final candidates for university employment, including faculty positions, staff positions, and temporary positions.

Student Employees and Graduate Assistants: Background checks are only required for student employees and Graduate Assistants when their roles involve:

- having unrestricted access to children under age 18 or working with K-12 schools (see section F);
- handling cash or managing cash transactions;
- having unrestricted access to master keys;
- having access to sensitive data;
- working in areas designated as security sensitive, including summer camps and residence halls; or
- as mandated by any state or federal law, contract, or grant.

Foreign Nationals: Foreign national finalists for any position will be subject to pre-employment background checks that include criminal background checks as noted:

- A criminal background check covering all time in the United States.
- A criminal history check in the individual's prior countries of residence only if the individual's visa and/or authorization to work in the United States was issued before implementation of the Patriot Act on October 24, 2001. The university will not require that a criminal background check be conducted in the individual's prior countries of residence if the visa or authorization work was issued or renewed under the provisions of the Patriot Act.

Making an Offer: University departments shall only extend offers of employment to the finalist contingent upon a satisfactory outcome of the required background check. **All offers of employment, oral and written, shall include the following statement:** "This offer is contingent on the university's verification of credentials and other information required by state law and OU policies, including the completion of a criminal history check."

C. Additional Pre-Screening Methods

Reference Checks: Departments are strongly encouraged to conduct reference checks since relevant job performance questions are not easily standardized and hiring authorities are in the best position to evaluate the reference information collected. This includes verification of academic credentials, relevant licenses or certifications, work history and job performance.

Drug Testing: A limited number of university positions (i.e. law enforcement and shuttle/van driver) require a drug test. Unless authorized by Human Resources, hiring authorities may not conduct drug testing on new or current employees.

[Contact Human Resources Talent Acquisition & Compensation](#) for more information.

Motor Vehicle Checks (MVR): An MVR is required when an employee or volunteer will be driving an OU vehicle or transporting individuals under 18 as part of their job. Reminder: students cannot transport children under age 18.

D. Requirements for Current Employees

Current staff members, including temporary workers, who are transferred or promoted to a new position or role will be required to have a background check conducted if 1) one was not completed when they were originally hired or transferred to their current position, or 2) their previous background check was completed 5 or more years ago.

Background checks are not required for faculty returning from the immediately previous year or from leaves of absence.

Background checks can be required for other current employees at the discretion of the Vice President of Administration and Finance in consultation with Human Resources.

E. Requirements for Volunteers and Other Workers

Background checks are required for volunteers when their role involves:

- having unrestricted access to children under age 18 or working with K-12 schools (see section F);
- handling cash or managing cash transactions;
- having unrestricted access to master keys;
- having access to sensitive data;
- working in areas designated as security sensitive, including summer camps and residence halls; or
- as mandated by any state or federal law, contract, or grant.

F. Minors on Campus

Background check requirements apply to employees and volunteers who have substantial contact with minors at university events or activities. Guidelines regarding Minors on Campus are available online:

<http://www.ou.edu/web/landing/policy.html>

G. Conducting a Background Check

Human Resources will coordinate the collection and review of background check information and provide a recommendation regarding the employment status of the candidate. More information about the background check process is available online:

<https://hr.ou.edu/Managers-HR-Payroll-Coordiators/Hiring-Employment/Background-Checks>

H. Evaluating Criminal Background Information

Evidence of criminal convictions or other adverse information will not automatically disqualify candidates from consideration. When considering whether to employ an individual with a criminal history, Human Resources will assess the relevance of a criminal conviction. Considerations include job duties, the date of the most recent offense, the nature of the offense and the accuracy of the information provided on the employment application.

In the event that a criminal history or other screening report uncovers information that may disqualify an applicant from employment consideration, the university (Human Resources) shall notify the applicant of the information and provide a minimum of five days for the applicant to refute, explain or correct the information.

I. Fair Credit Reporting Act (FCRA)

When using an outside vendor, the university is required, under the Fair Credit Reporting Act (FCRA), to obtain the applicant's consent before the background check is conducted and to notify the applicant when adverse action (such as not hiring a candidate) is being considered and to notify the candidate again when the adverse action is actually taken.

The Fair Credit Reporting Act (FCRA) is a federal law that regulates the activities of credit reporting bureaus. The law governs the use of third party credit reporting agencies to investigate the background of applicants for employment and imposes notice requirements for employers as well as monetary penalties for failure to comply with its provisions.

Under the FCRA, employers are required to disclose that a report may be obtained and to obtain the applicant's consent before they obtain a consumer report on a job applicant or employee. All background screening reports are classified as consumer reports, and requirements include notification and certification before and after an adverse action.

Note: The FCRA only applies to background checks performed by a third-party vendor. It does not apply in situations where the employer conducts in-house Standard Pre-Employment Screenings, such as reference checks.

J. Sanctions for Violation

Violations of university policies discovered after hire, including providing false or misleading information used for any of the above background checks, will be handled in accordance with applicable university policies and procedures; providing for disciplinary actions up to and including termination of employment from the university.