

GUIDELINES FOR EMPLOYEE BACKGROUND CHECKS

I. Definitions

A. Criminal Records Check

A criminal record check requires the potential employee to provide fingerprints which are then submitted to the Ohio Bureau of Criminal Identification and Investigation (BCII). For an additional fee the BCII will also submit the fingerprints to the FBI for a federal criminal records check.

B. Background Verification

All background verifications are performed by HireRight. The background verification includes verification of social security numbers, a review of court records for criminal convictions and pending criminal charges, a review of the National Sex Offender Registry and a national criminal records search.

C. BMV Check

A check of the candidate's Ohio driver's record to verify current valid license and safe driving record.

D. Degree/License Verification

Degree verification confirms the educational and/or licensing requirements for the position have been met (e.g., PhD from an accredited institution). Degree verification also confirms the educational representations of the candidate are accurate. At a minimum, degree/license verification will include submission of a transcript and/or current license by the candidate.

E. Reference Checking

Reference checking is performed by the hiring department and MUST include a reference check with the most recent/current employer of the candidate.

II. Background Verification Checks

A. Background Verification

Background verification must be completed prior to making an offer of employment for any faculty, unclassified administrative staff, or classified staff position. If the verification cannot be completed before an offer is made, the appointment letter must state that the offer will be withdrawn or employment terminated if the results of the background verification are unacceptable.

This requirement does not apply to student hourly, internship, and graduate assistants. It does not apply to intermittent employees or temporary appointments of less than 90 days. In addition, no second background verification is required for those employees who have had a break in service or absence of less than a one-year.

B. Positive Criminal Records History

Any candidate who has a criminal record will be re-evaluated. Miami does not deny employment based on a criminal conviction unless the conviction is substantially related to job duties.

Making the Determination Whether a Criminal Record is Substantially Related to the Position –

The existence of a criminal conviction is not an automatic exclusion from employment. Federal law prohibits employers from discriminating against prospective or current employees based on pending criminal charges or convictions unless the "pending criminal charge" or "conviction record" is determined to be "substantially" related to the "circumstances of the particular job." Arrests (other than pending) or detention orders that do not result in convictions or pleas and expunged or sealed convictions cannot be considered.

The University will review each applicant on a case-by-case basis and consider the following factors in order to determine whether there is a substantial relationship between the pending charge or criminal conviction and the position and whether the applicant should be further considered for the position:

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

- The statutory elements of the offense (rather than the individual's account of the facts of the offense);
- Number and type of offenses (felony, misdemeanor);
- Time elapsed since the last offense;
- 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 cash and access to vulnerable populations, including minor children;
- 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 nature and scope of supervision, including supervision received in the position and/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 employer, the University or the public.

The Individual. The prospective employee's record of performance and behavior in other recent employment.

The background verification policies and procedures do not change the usual decision making authority for hires, which vary by type of employee. For example, nothing in these policies and procedures usurps or diminishes a department's existing authority in making hiring recommendations.

C. BMV Check

The following positions are also subject to a pre-employment driver's license check as well as annual verification:

1. All positions which require a CDL
2. All PFD/HDGS positions which are required to drive university vehicles, or operate heavy machinery (e.g., lawnmowers, snow removal equipment)
3. All Miami Metro and CAPP van drivers (via contract with Hamilton Bus tours)
4. Any person assigned a university vehicle or courtesy car (President, Vice Presidents, Coaches, etc.)
5. Police officers

D. Degree/License Verification

The following positions are also subject to a pre-employment degree /license verification

- All positions for which a degree and/or license is required*

* For faculty this includes all tenured, tenure-track, clinical, lecturer, part-time, and visiting positions. Academic Personnel Services is responsible for verifying the required degree/license of faculty.

E. Reference Checking

The following positions are also subject to a pre-employment reference check

- All positions

The reference check must include the current or, if unemployed, most recent employer.

F. Criminal Records Check (Fingerprinting Required)

Criminal Records Checks will be conducted as required by law. Ohio law (see e.g., ORC 2151.86 and 5104.012) requires criminal history background checks of persons responsible for the care, safety, and security of children or vulnerable populations. This mandate requires criminal background checks for licensed individuals, employees, prospective employees, and other specified persons affiliated with care giving entities or providers. Criminal convictions related to the harm of another human being may be a bar from licensure or employment in positions within the primary education, camp and health care settings. This includes:

- Camp employees-(Required by law) -See attached Guidelines
- Child Care - (Required by law) -All University employees who provide services to any of Miami University's child care programs, including MUM's Tot's, Mini University and Hamilton's Campus Kids are required to submit to a pre-employment criminal record check.
- Police officer/dispatcher candidates- Some convictions disqualify individual from employment.
- Boiler Operators
- Hazardous Material personnel (EHSO)
- Miami Metro & CAPP Night Van drivers (via contract with provider)
- University pilots