

3341-3-4 Background Checks- Graduate.

Applicability	All University Units – Graduate Students
Responsible Unit	Office of the Provost
Policy Administrator	Graduate College

(A) Policy Statement and Purpose

This policy describes criteria and procedures for background checks.

In April 2011 BGSU approved a university-wide policy requiring a background investigation for all newly hired or rehired staff including graduate assistants. The purpose of this policy is to enhance the safety and security of BGSU students, faculty, staff, and others, and to safeguard University property and resources.

The policy is in effect for all graduate assistant contracts (stipends) issued after September 1, 2012. International students and students enrolled in a program with a pre-approved background check policy are exempt.

For graduate assistants with stipends who re-hired after a break in employment of twelve months or more from the end of the most recent period of employment, a background check will be required.

(B) Policy

The university has contracted with PreTrax, a nation-wide professional firm specializing in background searches and investigations, to conduct these checks. The criminal background investigation will be performed as part of the hiring process to verify that the prospective graduate assistant does not have a pending charge, arrest, or criminal record that may make their employment a risk to the university. The university is responsible for covering the cost of the background check.

- (1) The basic background check authorized for graduate assistant candidates includes:
 - (a) Social Security Address Verification
 - (b) County criminal felony & misdemeanor search based on the past seven year address history:
 - (i) Up to five counties/municipal courts searched;
 - (ii) Additional searches at a la carte pricing;
 - (iii) Some counties charge an access fee.
 - (c) National criminal & multi-jurisdictional sex offender search
 - (i) Includes the Department of Corrections, FBI Terrorist Watch List, Federal/State/Local Wanted Fugitive list, Multi State Sex Offender Registry, Interpol Most Wanted
 - (d) Federal District Criminal Search (Up to 3 searches included – additional searches at a la carte pricing)

(2) Notification to Graduate Assistant Candidates

All graduate students issued contracts shall be notified at the time of their contract offer of the requirement to successfully pass the background investigation. The notification will be included in the Statement of Understanding that accompanies all contract offers.

The background check will not be initiated until the student has signed the contract electronically and accepted the terms of the Statement of Understanding.

(3) Procedures

The Statement of Understanding that accompanies all graduate assistant contract offers will be updated to include the following information:

Graduate Assistants are required to authorize and pass a background investigation prior to the start of employment. Offers of employment are conditional until a background investigation has been successfully completed and all other pre-employment requirements are satisfied. The university reserves the right to determine and confirm suitability for employment and to end any employment already begun if the background check reveals disqualifying information.

Please note that a past criminal conviction identified during a background check does not automatically cancel the contract offer. Candidates will be given the opportunity to provide additional information, to explain the nature and circumstances of the conviction, and any evidence of rehabilitation. In determining suitability for employment, consideration will be given to factors that include: the specific duties of the graduate assistantship position; the number of offenses and circumstances of each; date of conviction; and whether the conviction rose out of employment. If you have any concerns or would like to have a confidential discussion regarding your situation please contact the Graduate College Office at BGSU (419) 372-2791 and request to speak to the dean or associate dean of the Graduate College.

If this is your first assistantship contract you will receive an e-mail notification from PreTrax, the company BGSU uses to conduct background investigations. Please complete the information requested in the email message and respond to PreTrax within five business days. Failure to complete the background investigation process will disqualify you from employment with Bowling Green State University. You should receive the PreTrax e-mail one to five business days after you sign your contract. (If you have not received this email, please be sure it was not filtered as junk mail.)

Please note that international students offered a graduate assistant contract who have visas issued by the U.S. State Department in the Department of Homeland Security and students who are already required to complete a background investigation as part of their program's admissions process will not be required to complete an additional background investigation by PreTrax.

- (4) Particular Steps in the Background Check Process:
- (a) After graduate assistant stipend contracts have been issued, a staff member in the Student Employment Services Office will monitor signed assistantship contracts and identify the new GAs who have been identified by their department as requiring background checks.
 - (b) Student Employment Services Office will notify PreTrax of the students who require background checks by entering their name, telephone #, and e-mail address in the PreTrax website.
 - (c) Within five days, PreTrax sends an e-mail consent/authorization form to the graduate assistant candidate.
 - (d) The graduate assistant candidate completes and submits an electronic consumer disclosure authorization form to PreTrax within five days. Refusal to submit the form will result in a withdrawal of the contract offer. (Every effort will be made to contact a student who does not respond within this time frame.)
 - (e) PreTrax completes the background check.
 - (f) Student Employment Services Office reviews the background check reports on the PreTrax website and records successfully completed checks. All background checks that identify criminal activity will be referred to the graduate dean/designee for their review.
 - (g) Student Employment Services Office will also monitor the reports on the PreTrax website and be able to see if students have not responded to the e-mail from PreTrax to initiate their background check. Follow up e-mails will be sent to these students.
 - (h) Graduate assistants may not begin work and their contract/payroll data will not be entered in

PeopleSoft/Payroll until the background check is successfully completed.

- (i) If criminal activity is found in a background check, the following procedures will be followed (see Investigation Results and Actions).

Student Employment Services may be reached via email at: stuemp@bgsu.edu, or phone at: 419-372-2865.

(5) Investigation Result and Actions

(a) Post Background Check Decision

All background checks that identify criminal conviction will be referred to the graduate dean/designee for their review. If a background investigation reveals criminal activity, the dean/designee will consult with the chair/graduate coordinator or the director of the employing office. Together, they will determine the appropriateness of the student's employment.

If necessary, at the graduate dean/designee's discretion, the results of the background check may also be provided to the Director of Public Safety or the Office of General Counsel to determine the appropriateness of the graduate assistant employment offer. The graduate dean may consult with other senior university executives as warranted, including the president. The graduate dean/designee will notify the specific graduate program and/or the director of the employing office (if it is different from the graduate program) and the graduate assistant candidate of adverse decisions.

Apart from the persons designated in this section the details of the investigation results will not be provided to any other persons.

(b) Pre-Adverse Action Notice from PreTrax

If it is determined that the background check contains potentially disqualifying information the graduate dean/designee will notify PreTrax to proceed with a pre-adverse action notice. The pre-adverse action notice informs the candidate of the basis for disqualification, includes a copy of the report, and explains the candidate's rights under the Fair Credit Reporting Act (FCRA) to appeal. The candidate has the opportunity to provide a written account of the pertinent event(s) and to dispute inaccurate information to PreTrax in accordance with applicable law. If the candidate provides information that is determined to remove or clarify the disqualifying information, the background check will be recorded as completed and satisfactory by Pretrax to the university.

(c) Adverse Action Notice

If the candidate does not respond within five business days, or if the response does not provide satisfactory evidence to record that the background check is successfully completed, the university may withdraw the offer of employment.

If the university takes adverse action, PreTrax will send an adverse action notice to the candidate.

Candidates denied employment as a graduate assistant based on prior criminal activity may still be admitted and register for classes, provided the Graduate Dean, the Director of Public Safety and General Counsel agree that the student is not viewed as a risk to the University community.

(d) Evaluating Suitability for Employment

In determining the withdrawal of the graduate assistant employment offer where there is a record of criminal conviction, consideration will be given to factors including: the specific duties of the position; number of offenses and circumstance of each; date of conviction; whether the conviction arose out of employment; the accuracy of the

explanation of the nature and circumstances of the conviction by the applicant; the applicant's explanation of events, if any; and probation or parole status.

(e) Contract Offer

No graduate assistant should begin his/her contract until a satisfactory background investigation has been completed. Any contract offer shall be considered conditional until a background investigation has been completed and all other pre-employment requirements have been satisfied. Even if, prior to completion of a satisfactory criminal background check, employment is commenced in derogation of this policy, the university reserves the right to determine and confirm the employee's suitability for employment and to end any employment already begun if the background check reveals disqualifying information. In the end, a student may not work without a contract and a contract is not finalized until a background check has been successfully completed.

(6) Record Retention

Background check results will not be part of the student file in OnBase. Background investigation results initiated through PreTrax are stored with PreTrax, located in Chagrin Falls, Ohio. The data is retained as long as BGSU has an account with PreTrax. If the account with PreTrax is terminated, the data will be transferred to a portable storage device for BGSU use.

Background checks collected by departments as part of the admissions process will be retained in the department in accordance with their approved records retention schedule.

Registered Date: March 24, 2015