

3359-11-21 Criminal background checks for residence life and housing employees.

(A) Purpose.

The department of residence life and housing is charged with supporting the academic needs of students by providing programs that support personal growth, development and student success. Likewise, residence life and housing provides facilities that are responsibly maintained and conducive to sleep and study. Of paramount concern in all residence life and housing initiatives are the health, welfare and safety of our resident students who reside in university housing, and the protection and preservation of their property. As such, pre-employment background checks are required of all applicants for residence hall staff positions or positions necessitating access to student living quarters or common areas, and all employees hired into such positions will be subject to criminal background checks annually thereafter. This policy shall apply to, without limitation, contract professionals, resident assistants, graduate assistants, residence assistants, desk assistants, staff, and such others as designated by the director of residence life and housing. In addition to such staff and employees, criminal background checks may also be required of spouses and adult dependents, as a condition of being granted permission to reside in the residence halls.

(B) Residence life and housing staff members and others subject to criminal background checks.

Staff members or potential staff members and others as designated by the director of residence life and housing shall be required to provide information regarding criminal history and background information as part of the employment process on forms provided for that purpose. In addition, it shall be a condition of employment that all such individuals submit to the criminal background check procedures established by the university police. Failure to disclose criminal history as required, or providing false or misleading information, shall constitute sufficient grounds for disqualifying a candidate for employment and/or for termination of a current employee's employment.

"A plea of guilty to, a finding of guilty by a referee, jury or court of, or a conviction" of any of the following shall disqualify an applicant from employment, and shall disqualify a current employee from employment, in any position described in section (A) above:

(1) A felony.

- (2) A sexual offense, as defined in chapter 2907 of the revised code.
- (3) An offense of violence, as defined in section 2901.01(A) (9)(a) of the revised code.
- (4) A theft offense, as defined in section 2913.01(K)(1) of the revised code.
- (5) A drug abuse offense, as defined in section 2925.01(G) of the revised code.
- (6) Substantially comparable conduct to (1) through (5) above, occurring in a jurisdiction outside the state of Ohio.

All employees employed in positions described in section (A) above, including but not limited to students, staff, and contract professionals, are annually subject to criminal background checks pursuant to this policy. Effective immediately, reemployment as a member of the residence life and housing staff shall be conditioned, in part, upon a satisfactory criminal background check that does not include any disqualifying conditions as outlined in (B)(6) above.

Current employees who are charged with an offenses described in section (B)(1)-(6) above during employment are subject to administrative leave with or without pay until such time as the matter is finally adjudicated or dismissed. Upon a "plea of guilty, a finding of guilty by a referee, jury or court of, or conviction of any such offenses," the individual's employment shall be subject to termination.

(C) Conducting criminal background checks.

Residence life and housing administrative staff and others as designated by the director of residence life and housing are responsible for ensuring that criminal background checks are completed and that the individual has no disqualifying criminal background prior to an offer of employment being made to the applicant. In the event it is determined that a criminal background check was not completed prior to the start of employment, the individual shall be placed on administrative leave pending the completion of a criminal background check. Depending upon the outcome of the criminal background check, the individual shall either be returned to active employment, or if found to have a disqualifying condition for employment as provided in this rule, shall be subject to termination from his or her employment.

The director of residence life and housing, in conjunction with the associate vice president and dean of student life as well as the executive director of human resources and the vice president and general counsel, or their designees, shall

provide for and prepare guidelines that shall provide for periodic review of this rule, its application, and the need for sharing the information obtained with other university offices as necessary.

Where a criminal background check reveals that a student committed an offense described in section (B)(1) through (B)(6) above, such information shall be made a part of that student's education record and employment record at the university of Akron. Nothing in this rule shall limit the duty or authority of the board of trustees or administrative officers from taking appropriate disciplinary action through such procedures as may be provided by rule or authority, nor shall this rule be construed to modify, limit, or rescind any rule of the university.

(D) Procedure for effecting criminal background checks.

The procedure for effecting criminal background checks shall be under the authority of university police.

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