



OLD DOMINION UNIVERSITY

University Policy

Policy #6021

CRIMINAL BACKGROUND CHECKS

Responsible Oversight Executive: Vice President for Talent Management and Culture
Date of Current Revision or Creation: June 30, 2025

A. PURPOSE

This policy establishes the University's guidelines and parameters for conducting criminal background checks to provide a safe and secure environment for its employees, students, and visitors.

B. AUTHORITY

[Code of Virginia Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[Code of Virginia Section 2.2-1201.1, as amended, Criminal Background Checks for Certain Positions](#)

[Virginia Department of Human Resource Management Policy 2.10 - Hiring](#)

[Fair Credit Reporting Act](#)

C. DEFINITIONS

Administrative and Professional (A/P) Faculty – Employees who perform work directly related to the management of the educational and general activities of the institution, department or subdivision or whose professional positions serve the educational, research, athletic, medical, student affairs, and development functions or activities of the institution.

Administrative and Professional (A/P) Medical Faculty – Employees who have administrative or professional duties directly related to the management or administration of, or patient care services in, a clinical care setting on behalf of EVMS Medical Group.

Administrative and Professional (A/P) Medical Restricted Faculty – Employees who have been accepted to the Eastern Virginia Medical School Graduate Medical Education (GME) Program and have the title of Resident, Chief Resident, or Fellow.

Adjunct Faculty – Employees appointed to academic adjunct ranks who teach part time and whose compensation is based upon the number of credit hours taught.

Classified Employee – A salaried employee whose terms and conditions of employment are subject to the [Virginia Personnel Act, Code of Virginia Section 2.2-2900 et seq., as amended](#), and who is employed in a classified position.

Classified Medical Staff – A salaried employee whose terms and conditions of employment are subject to the [Virginia Personnel Act, Code of Virginia Section 2.2-2900 et seq., as amended](#), and who is employed in a classified position to perform administrative or patient care services in a clinical setting on behalf of EVMS Medical Group.

Clinical Employee – A/P Medical Faculty, TR Medical Faculty, and Classified Medical Staff.

Criminal Background Check – A report that includes criminal felony and misdemeanor courts records searches based on a social security trace, a national sex offender registry search as well as other appropriate sources of background information.

Emergency Hire – An employee in a one- or two-year restricted appointment who did not compete through a formal search for a teaching, research, administrative, or professional faculty position. The maximum number of consecutive years an emergency hire may be offered a restricted appointment is three years, regardless of the position(s).

Exceptional Hire – An employee hired under the Exceptional Opportunities provision included in the policy on [Recruitment and Selection Process for Instructional and Administrative Faculty](#), such as an exceptionally well-qualified candidate who is offered employment for an instructional faculty or administrative and professional faculty position where a formal search was not conducted. Requests to hire exceptionally well-qualified candidates for instructional faculty positions must be approved by the President or designee in consultation with the respective Dean, chairs, faculty, Provost and Executive Vice President for Academic Affairs, the Executive Vice President for Health Sciences, and the Division of Talent Management and Culture. Requests to hire an exceptionally well-qualified candidate for an administrative faculty position without conducting a search must be approved by the President or designee in consultation with the appropriate Vice President, unit head, and the Division of Talent Management and Culture.

Minor – A person under the age of eighteen who is not enrolled or accepted for enrollment at the University. Students who are “dually enrolled” in University courses while also enrolled in elementary, middle, or high-school courses are not included in this policy unless such enrollment includes overnight housing in University facilities.

Non-Instructional Part-time Faculty – A person hired in a part-time non-teaching and non-research position with responsibilities that are comparable to administrative and professional faculty. This category is also referred to as “4031,” which is the budget subaccount code used to designate the funding for this type of employee.

Rehired Employee – An employee who previously separated and is employed again at the University.

Sensitive Position - Pursuant to § 2.2-1201.1 of the Code of Virginia, “sensitive positions” shall include those responsible for the health, safety and welfare of the general populace or protection

of critical infrastructures; that have access to sensitive information, including access to federal tax information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and that are otherwise required by State or Federal law to be designated as sensitive.” Examples of sensitive positions include police officers, nurse practitioners, and information systems security administrators.

Teaching and Research Faculty - Employees whose work assignments primarily involve instruction, research, and scholarly activities, and who hold academic rank/titles.

Teaching and Research (TR) Medical Faculty—Employees who hold academic rank and whose work assignments primarily involve instruction, research, or scholarly activity for trainees in a clinical setting and/or the management or administration of, or patient care services in, a clinical setting and who have a faculty appointment in a department of the school of medicine.

Wage Employee - A non-salaried employee who receives pay for hours worked and is not covered by the provisions of the Virginia Personnel Act. Wage employees are sometimes referred to as hourly employees. Wage employees have no guarantee of employment for a particular term or a particular daily or weekly work schedule; they serve at the will of the designated hiring official and may be terminated at anytime.

D. SCOPE

This policy applies to new and rehired classified employees, classified medical staff, teaching and research faculty, TR medical faculty, administrative and professional faculty, A/P medical faculty, A/P medical restricted faculty, adjunct faculty, non-instructional part-time faculty, and wage employees. Current employees who are transferred or promoted into sensitive positions are also subject to this policy.

Student employees, graduate assistants, volunteers, interns, and contractors or vendors who are required by their role to handle confidential or restricted data and/or work with minors may also be required to undergo criminal background checks. For more information on programs involving minors, please see [University Policy 3014, Minors on Campus](#).

Federal and State laws or regulations or professional licensing standards may require background checks or other forms of screening or testing for certain University positions. Such checks, screening, or testing are outside the scope of this policy.

E. POLICY STATEMENT

As a condition of employment, the Division of Talent Management and Culture and the Division of Academic Affairs, and Macon & Joan Brock Virginia Health Sciences at Old Dominion University will conduct confidential criminal background checks on new and rehired teaching and research faculty, administrative and professional faculty, exceptional hires, emergency hires, adjunct faculty, non-instructional part-time faculty, classified employees, and wage employees. A background check will not be conducted on employees who are rehired within six months of their separation date if a background check was conducted previously.

Criminal background checks will also be conducted on current employees who are transferred or promoted into sensitive positions. [Virginia Code 2.2-1201.1](#) requires that fingerprint-based criminal history checks must be conducted on finalists for sensitive positions.

Criminal background checks may also be conducted on student employees, graduate assistants, interns, and volunteers whose positions require them to handle confidential or restricted data and/or work with minors.

Job postings for confidential or restricted positions will state that a criminal background check is required for the position.

Criminal background checks on volunteers will be conducted in accordance with [University Policy #6023, Policy for the Use of Non-Research Related Volunteers](#).

The following departments conduct their own criminal background checks based on their needs on behalf of the Division of Talent Management and Culture:

1. ODU Police Department - The ODU Police Department conducts its own background investigation of applicants for sensitive positions within the Department.
2. Office of Clinical Experiences – The Office of Clinical Experiences in the Darden College of Education and Professional Studies conducts its own background checks for student teacher supervisors.
3. College of Health Sciences – Select programs in the College of Health Sciences require background checks when clinical placements or service-learning activities involve working with patients or other vulnerable population in the community. The background check includes The Patriot Act search, Social Security Alert, residency history, criminal records, Federal criminal records, and sex offender registry.
4. Macon & Joan Brock Virginia Health Sciences at Old Dominion University (VHS)– VHS conducts its own criminal background checks on all new and rehired Classified Medical Staff, Teaching and Research Faculty, TR Medical Faculty, A/P Faculty, A/P Medical Faculty, A/P Medical Restricted Faculty, Adjunct faculty, non-instructional part-time faculty, and wage employees. The background check includes employment and education verification, Social Security Number address locator, local and national criminal records, national sex offender records, federal and state exclusion, debarment, and disciplinary action sources, and other checks as may be required by law or placement site.
5. Contractors providing management services for the Children’s Learning and Research Center shall be required to conduct criminal conviction investigations of all applicants for positions working with children, including but not limited to sexual assault/molestation, child abuse, and criminal history background checks. Any Criminal Background Check conducted by a contractor must meet or exceed the minimum requirements as set forth in this policy.

Other University activities and programs may require criminal background checks as required by law. Certain other positions not described above may also require a criminal background check.

F. PROCEDURES

1. Conducting the Criminal Background Checks

Selected candidates for positions at the University must complete an Authorization and Consent for Release of Information form to consent to a criminal background check. In compliance with the [Fair Credit Reporting Act \(FCRA\)](#), the candidate will also receive a copy of A Summary of Your Rights and Consumer Disclosure Form.

Criminal background checks will include a criminal felony and misdemeanor court search based on a social security number trace and a National Sex Offender Registry search as well as other appropriate sources of background information. The Division of Talent Management and Culture and the Division of Academic Affairs staff will conduct the criminal background check in the appropriate systems. The Office of Risk Management will administer the background screening of staff and volunteers participating in programs involving minors in accordance with [University Policy 3014, Minors on Campus](#). For candidates who resided in the Commonwealth of Virginia within the last seven years, the background check is conducted in the Virginia State Police criminal record check system. If the candidate has lived outside of the Commonwealth of Virginia within the last seven years, an alternate system will be used.

2. Review Process

Although a background check will include at a minimum a criminal history and social security number trace, it is the responsibility of the hiring manager to check employment and/or personal references and to verify required professional licenses and certifications prior to submitting a request for a formal background check. Academic degrees will continue to be verified through the National Student Clearinghouse, the appropriate institution, or vendor. If required for the position, a Motor Vehicle Report (MVR) may also be requested by the hiring official. Depending on the job-relatedness, additional background information may be requested by the hiring official. This decision will be made in consultation with the Division of Talent Management and Culture.

If criminal convictions are found and are considered job-related, the Division of Talent Management and Culture or the Division of Academic Affairs staff will notify the hiring manager as soon as possible. In compliance with FCRA, the candidate will be given an opportunity to explain any negative information and a copy of a summary of his or her rights under the FCRA. The candidate may be asked to provide additional information about the offense(s); the job-relatedness of the convictions will be determined by the Division of Talent Management and Culture. The determination may be completed in consultation with University Counsel, the Division of Talent Management and Culture, the Dean of the College, the Chair of the Department, and the hiring manager. The candidate will be granted a reasonable period (five days) to contest the information. Failure of the applicant to provide requested documentation may result in the applicant's removal from further consideration for employment. The decision to offer employment must be based on the following factors:

- a. the nature and gravity of the offense or offenses;
- b. the time that has passed since the conviction and/or the completion of the sentence; and
- c. the nature of the job.

The hiring manager must submit a written justification of the decision to hire to the Vice President for Talent Management and Culture. If the hiring manager and the Vice President for Talent Management and Culture agree on the decision, the approval will be documented and the Department of Human Resources and/or the Division of Academic Affairs will notify the applicant accordingly. If the hiring manager and the Vice President for Talent Management and Culture disagree, the Vice President for Talent Management and Culture and University Counsel (and Assistant Director for Compliance in the Division of Talent Management and Culture if necessary) will make the final determination in consultation with the appropriate senior administrator.

For criminal background checks conducted by the Division of Talent Management and Culture and the Division of Academic Affairs, a note regarding the outcome of the criminal background check is retained in the confidential position recruitment file for positions that were advertised and in a confidential file for emergency hires appointments. The Division of Academic Affairs also keeps track of the criminal background check completion date for adjunct faculty in the Adjunct Personnel Database File (e.g., ADFILE). The criminal history report obtained during the hiring process will be destroyed by shredding once it has served that purpose.

If an adverse employment action is taken because of the criminal background check, the Division of Talent Management and Culture or the Division of Academic Affairs, as required by the [Fair Credit Reporting Act](#), will provide the candidate with the name, address, and phone number of the agency that provided the information.

3. Preliminary Offers

Employment offers are not made until after the results of the background check have been received; however, contingent offers may be made to candidates for teaching and research faculty, TR medical faculty, administrative and professional faculty, A/P medical faculty, adjunct faculty, classified medical staff, and non-instructional part-time faculty positions. The offer letter must include language that the continuation of employment is contingent on the satisfactory results of the background check.

A/P Medical Restricted Faculty may be appointed and may sign their Resident Appointment Agreement prior to conducting a clinical background check. Such appointment and agreement shall be terminated immediately if the employee does not complete or pass the criminal background check.

4. Access to Criminal Background Check Details

Virginia law limits access to the details contained in a criminal background check. This policy limits access only to those persons permitted access by law. The people permitted access are required to maintain the confidentiality of the information in such reports.

5. Sanctions

Violations of University policies, 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, which may include corrective actions up to and including separation from the University.

G. RECORDS RETENTION

Applicable records must be destroyed by the Division of Talent Management and Culture in accordance with the [Commonwealth's Records Retention Schedule 103, Series 02349 \(Criminal History/Background Check Records\)](#).

H. RESPONSIBLE OFFICER

Senior Associate Vice President and CHRO for Talent Management and Culture

I. RELATED INFORMATION

[Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964](#)

[The National Child Protection Act of 1993](#)

[Clearance Background Check Process](#)

[Code of Virginia Section 19.2-389, as amended, Dissemination of Criminal History Record Information](#)

[Board of Visitors Policy 1450- Faculty Sanctions](#)

[University Policy 6600 – Standards of Conduct for Classified Employees](#)

[Information Technology Standard 02.3.0 – Data Administration and Classification Standard](#)

POLICY HISTORY

Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:

<u>/s/ Kimberly Wilson</u>	<u>06/30/2025</u>
Responsible Officer	Date

Policy Review Committee (PRC) Approval to Proceed:

<u>/s/ Heidi G. Smith</u>	<u>06/30/2025</u>
Chair, Policy Review Committee (PRC)	Date

Executive Policy Review Committee (EPRC) Approval to Proceed:

<u>/s/ September Sanderlin</u>	<u>07/01/2025</u>
Responsible Oversight Executive	Date

University Counsel Approval to Proceed:

<u>/s/ Allen T. Wilson</u>	<u>06/30/2025</u>
University Counsel	Date

Presidential Approval:

<u>/s/ Brian O. Hemphill</u>	<u>06/30/2025</u>
President	Date

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