

33.99.14.H1 Criminal History Record Information - Employees and Candidates for Employment



Approved: December 2008
Revised: November 2012
Revised: June 2019
Revised: January 23, 2023
Next Scheduled Review: January 23, 2028

Rule Summary

In an effort to provide a safe environment for students, visitors, faculty and staff, as well as enhance the security of Texas A&M University System (System) resources, Texas A&M University-Texarkana (A&M-Texarkana) must conduct criminal background checks on current employees and candidates for employment as provided by [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#) and this rule.

Criminal history records shall not be used to discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, age, disability, genetic information or veteran protected status.

This rule establishes operational requirements for performing criminal history background checks at A&M-Texarkana and complies with [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

Procedures and Responsibilities

1. GENERAL

- 1.1. The A&M-Texarkana Human Resources Office must perform background checks of current employees and candidates for employment as provided by [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).
- 1.2. All A&M-Texarkana employment positions, including student, adjunct, part-time and temporary positions, are designated as security-sensitive.
- 1.3. Every candidate for A&M-Texarkana employment and current employee will have, as permitted by law, the opportunity to request, receive, review, and correct information about that candidate or employee collected by or on behalf of the University.
- 1.4. This rule does not apply to A&M-Texarkana's University Police Department when obtaining criminal history record information for a criminal justice purpose under Chapter 411, Subchapter F, Texas Government Code.

2. PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS FOLLOWING CONDITIONAL OFFER

- 2.1. All candidates, whether internal or external, who have been extended a conditional offer for A&M-Texarkana employment are required to complete an authorization form, authorizing A&M-Texarkana to perform criminal history record background checks as necessary to determine suitability for employment or continued employment. Refusing to complete the authorization form for the criminal history record information check is grounds for rejection of employment. Except as required or otherwise provided by law, A&M-Texarkana will not request the disclosure of criminal history record information regarding an applicant before extending a conditional offer of employment to the applicant.
- 2.2. Any candidate who has a criminal history record indicating a conviction, may be hired only after the Human Resources Office has conducted the analysis found in [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#) and it is determined that the criminal history does not affect the individual's eligibility for employment.
- 2.3. The approval of the President/CEO is required to employ an individual who has a conviction for:
 - 2.3.1. A felony, as defined by state or federal law, or equivalent offenses under the law of another jurisdiction; or
 - 2.3.2. Any offense requiring registration as a sex offender.
- 2.4. A candidate for A&M-Texarkana employment is required to report any arrest, criminal charge, or conviction as provided for during the background check process. This reporting obligation exists until the candidate for employment: (a) receives notice of not being hired; or (b) is hired and first reports to work.

3. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

- 3.1. If it is determined prior to employment that a candidate has falsified or failed to disclose the individual's criminal history, the candidate may be rejected.
- 3.2. If it is determined at any time after employment that an employee falsified or failed to disclose the individual's criminal history, the employee may be subject to disciplinary action, including dismissal.

4. POST EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 4.1. Each A&M-Texarkana employee's criminal history record information is subject to review at any time as permitted by law. Periodic criminal history background checks shall be conducted at the discretion of the University with approval of the President/CEO.
- 4.2. Current employees being considered as a candidate for reclassification, transfer, demotion or promotion, shall be subject to criminal history background checks, unless a criminal history background check has been conducted within the prior 12 months.

- 4.3. An employee declining to consent to a criminal history background check during a promotional or transfer process will be removed from further consideration for the position. If an employee's position is being reclassified and the employee declines to consent to the background check, the employee may be dismissed.
- 4.4. System employees must report to their supervisor, within 24 hours or at the earliest possible opportunity thereafter, any criminal arrests, criminal charges or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Failure to make the report required by this section constitutes grounds for disciplinary action, including dismissal.
- 4.5. The employee's supervisor must report the arrest(s), criminal charge(s) or conviction(s) to the head of the department/unit and the member human resources department.

5. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

- 5.1. The Office of Human Resources shall conduct an analysis in accordance with [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#) before determining appropriate action based on a candidate for employment's or employee's criminal history record information.

6. APPEALS

- 6.1. Any appeal of an action taken under this rule may only be made in accordance with the provisions outlined in [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

Related Statutes, Policies, or Requirements


[Texas Government Code, Chapter 559](#)
[System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#)

Contact Office

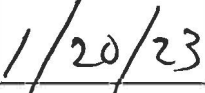
Office of Human Resources
(903) 223-3012

System Approvals*

Approved for Legal Sufficiency:



Ray Bonilla
General Counsel

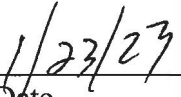


Date

Approved:



John Sharp
Chancellor



Date

***System approvals are contingent upon incorporation of any and all System-required changes in the rule's final posting.**