Rule Statement

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) shall conduct criminal background checks on current employees and applicants for employment as provided by System Regulation 33.99.14, Criminal History Record Information – Employees and Applicants 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.

Reason for Rule

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 Applicants.

Procedures and Responsibilities

1. GENERAL

1.1. The A&M-Texarkana Human Resources Office shall perform background checks of current employees and applicants for employment as provided by System Regulation 33.99.14, Criminal History Record Information – Employees and Applicants.

1.2. All A&M-Texarkana employment positions, including student, adjunct, part-time and temporary positions, are designated as security-sensitive.

1.3. Any offers of employment or hiring action that may occur prior to the completion of the criminal history background check shall be conditional and contingent on an acceptable criminal history background check.
1.4. Every applicant 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 applicant or employee collected by or on behalf of the University.

1.5. 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

2.1. All finalists, whether internal or external, who have been extended a conditional offer for A&M-Texarkana employment will be 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.

2.2. Any applicant 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 Applicants 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. An applicant for A&M-Texarkana employment is required to promptly report any arrest, criminal charge, or conviction occurring after his or her application is submitted. This reporting obligation for applicants exists until the individual: (a) receives notice that he or she will not be hired; or (b) is hired and first reports to work.

3. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

3.1. The Office of Human Resources shall consult with the System Office of General Counsel before determining appropriate action based on an applicant’s falsification or failure to disclose his or her criminal history on the individual’s application for A&M-Texarkana employment.

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 shall constitute 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 Applicants before determining appropriate action based on an applicant’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 Applicants.

Related Statutes, Policies, or Requirements

Texas Government Code, Chapter 559
System Regulation 33.99.14, Criminal History Record Information – Employees and Applicants

Contact Office

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System Approvals

Approved for Legal Sufficiency:

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Approved:

John Sharp  
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7/22/19  
Date

7/31/17  
Date