

33.99.14.K1 Criminal History Record Information - Employees and Candidates for Employment



Approved: January 21, 2009
Revised: November 25, 2014
Revised: November 3, 2017
Revised: November 30, 2022
Next Scheduled Review: November 30, 2027

Rule Summary

Texas A&M University-Kingsville (TAMUK) may perform criminal background checks of current employees and must perform criminal background checks of all candidates for employment as provided in System Regulation 33.99.14, *Criminal History Record Information – Employees and Candidates for Employment*, and by this rule. TAMUK may perform criminal background checks on persons volunteering for any reason at any program, meeting, event or activity.

This rule is required by System Regulation 33.99.14, *Criminal History Record Information-Employees and Candidates for Employment*.

Definitions

Click to review [Definitions](#).

Rule

1. GENERAL

- 1.1 All TAMUK employment positions are security – sensitive.
- 1.2 This rule does not apply to university member campus police departments obtaining criminal history record information for a criminal justice purpose under Chapter 411, Subchapter F, Texas Government Code.
- 1.3 Criminal background records cannot be used for illegal discrimination. See System Policy 08.01, *Civil Rights Protections and Compliance*.

2. PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

- 2.1 All candidates for employment shall be subject to a criminal background check. Current employees who will be considered for paid work or volunteer in a camp will be treated

as candidates for employment and may be subject to a criminal background check. Additional information regarding the criminal background check process for employees involved in youth initiatives can be found in University Rule 24.01.06.K1, *Programs for Minors*.

- 2.2 Candidates for employment will be required to complete and authorize a third-party company to conduct the criminal background check as necessary to determine suitability for employment or continued employment. Failure to consent to a criminal background check is grounds for the rejection of the candidate for employment.
- 2.3 Every candidate for employment will have, as permitted by law, the opportunity to request, receive, review and correct information about that candidate collected by or on behalf of TAMUK by a contacting the third-party vendor.
- 2.4 Any candidate of employment who has criminal history record information indicating a conviction for an offense listed in this subsection may be hired only after a recommendation by the university's president or designee.

A conviction for any of the following offenses requires such approvals:

- (a) a felony, as defined by state or federal law, or equivalent offenses under the law of another jurisdiction; or
 - (b) any offense requiring registration as a sex offender
- 2.5 A candidate for employment is required to promptly report any arrest, criminal charge or conviction occurring after his or her application is submitted. This reporting obligation for candidates 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. SOURCES OF CRIMINAL HISTORY RECORD INFORMATION

- 3.1 Criminal history background checks on candidates for employment shall be run by a third-party vendor.
- 3.2 Criminal history background checks on current university employees under Section 5 of this rule may be run by a third-party vendor or the DPS Crime Records – Secure Site if the current employee is a candidate for another university position.

4. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

The university Human Resources Department shall consult with the System Office of General Counsel before determining appropriate action based on a candidate's falsification or failure to disclose his or her criminal history on the individual's application for TAMUK employment.

5. POST – EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 5.1 All TAMUK employees will be subject to periodic criminal background checks when such checks are determined by the president or Human Resources designee to be in the

best interests of the university. University employees who are candidates for employment for another university position shall be checked as required by Section 2 of this rule.

5.2 Every university employee will have, as permitted by law, the opportunity to request, receive, review and correct information about that individual collected by or on behalf of TAMUK.

5.3 Employee Reporting of Arrests, Charges, or Convictions

5.3.1 University employees must report to their supervisor, within twenty-four (24) hours 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.

6. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

The TAMUK Human Resources (staff) or provost (faculty) shall consult with the System Office of General Counsel before determining appropriate action based on the candidates for employment's or employee's criminal history record information or the individual's failure to report any criminal arrest, criminal charges, or criminal conviction.

7. APPEALS

Existing employees may appeal the disciplinary or termination decision in accordance with System Regulations 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*, or 32.01.01, *Complaint and Appeal Process for Faculty Member*, or University Rule 08.01.01.K1, *Civil Rights Compliance*.

Related Statutes, Policies, or Requirements

[Tex. Educ. Code § 51.215](#)

[Tex. Gov't Code Ch. 411.0845](#)

[Tex. Gov't Code, Chapter 559](#)

[System Policy 08.01, *Civil Rights Protections and Compliance*](#)

[System Regulation 08.01.01, *Civil Rights Compliance*](#)

[System Regulation 32.01.01, *Complaint and Appeal Process for Faculty Members*](#)

[System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*](#)

[System Policy 32.02, Discipline and Dismissal of Employees](#)

[System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)

[System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#)

[University Rule 08.01.01.K1, Civil Rights Compliance](#)

[University Rule 24.01.06.K1, Programs for Minors](#)

Contact Office

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