

33.99.14.K1 Criminal History Record Information - Employees and Applicants



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

Rule Statement

Texas A&M University-Kingsville (TAMUK) shall perform background checks of current employees and applicants for employment as provided in System Regulation 33.99.14, *Criminal History Record Information – Employees and Applicants*, and by this rule.

Reason for Rule

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

Procedures and Responsibilities

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 history records shall not be used for illegal discrimination.

2. PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

- 2.1 All finalists for TAMUK positions shall be subject to a criminal background check.
- 2.2 Every finalist for TAMUK employment will be required to complete and sign a background check authorization form authorizing the university to perform criminal history background checks as necessary to determine suitability for employment or continued employment. A finalist's failure to consent to a criminal background check is grounds for the rejection of the applicant.

- 2.3 Every finalist for university employment 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 using the background check authorization form.
- 2.4 Any finalist 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 respective division vice-president and approval by the 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 finalist for university employment is required to promptly report any arrest, criminal charge or conviction occurring after his or her application is submitted. This reporting obligation for finalists 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 finalists for university employment shall be run from the Texas Department of Public Safety (DPS) Crime Records Service Secure site.
- 3.2 Criminal history background checks on current university employees under Section 5 of this rule shall be run from the DPS Crime Records – Secure Site if the current employee is a finalist for another university position. If the current university employee is not a finalist for another university position, the DPS Crime Records Service Public Site shall be used.

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 finalist'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 designee to be in the best interests of the university. University employees who are applicants for another university position shall be checked as required by Section 2 of this rule unless a criminal background check has been done within the prior 12 months then no new criminal background check will be done.
- 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 applicant or employee's criminal history record information or the individual's failure to report any criminal arrest, criminal charges, or criminal conviction.

Related Statutes, Policies, or Requirements

[Tex. Gov't Code Ch. 411, Subchapter F](#)

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

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

Contact Office

Human Resources Office
(361) 593-3705