33.99.14.O1 Criminal History Record Information-Employees and Applicants

Approved: July 07, 2010
Revised: November, 2013
Next Scheduled Review: November, 2015

Rule Statement

In accordance with System Regulation 33.99.14, Criminal History Record Information-Employees and Applicants and as part of the University's commitment to attain a safe working environment for students, employees and visitors, Texas A&M University-San Antonio shall perform criminal background checks on employees and finalists for employment as described in this rule.

Reason for Rule

This rule is required by System Regulation 33.99.14.

Process

1.1 GENERAL

All TAMUSA employment positions, including staff, faculty, positions that require student status, and non-paid volunteer positions, are designated as security-sensitive.

1.2 PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

1.2.1 All finalists for TAMU-SA positions shall be subject to a criminal history background check. A signed authorization form will be obtained prior to conducting a criminal history background check. An individual who refuses to sign will be ineligible for employment.

1.2.2 Any offers that may occur prior to the completion of the criminal history background check shall be conditional and contingent on an acceptable criminal background check.

1.2.3 Criminal history background checks shall be processed by a third party vendor or UPD when necessary. Background checks conducted by a third party vendor must comply with the Fair Credit Reporting Act (FCRA).
1.2.4 HR will file and maintain background check consent forms for the retention periods outlined in the systems records retention schedule Record Series Item No. 3.1.014.

1.2.5 HR will file and maintain background reports for the retention period outlined in the system records retention schedule Record Series Item No. 3.1.026.

1.3 FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

Human Resources shall consult with the System Office of General Counsel before determining appropriate actions based on the applicant's falsification or failure to disclose his or her criminal history on the individual's application for TAMU-SA employment.

1.4 POST-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

1.4.1 Criminal history background checks on current TAMU-SA employees shall be run in accordance with System Regulations 33.99.14.

1.4.2 Reporting of arrests, charges, or convictions shall be in accordance with System Regulation 33.99.14.

1.5 PROCESS FOR OBTAINING AND EVALUATING CRIMINAL HISTORY RECORDS

1.5.1 Human Resources is responsible for obtaining criminal history records. These records will be analyzed by a human resources representative and, when necessary, the department head in accordance with System Regulation 33.99.14.

1.5.2 The record analysis will follow the guidelines as outlined by Section 6 of System Regulation 33.99.14 and a final disposition of the analysis will be documented and retained in HR. The criminal history record information will be destroyed in accordance with the System Regulation 33.99.14.

1.5.3 If the criminal history check produces criminal history record information, Human Resources may contact the System Office of General Counsel before determining appropriate action.

1.5.4 Every applicant and 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 TAMU-SA using authorization given as part of the employment application.

1.6 APPEALS

Any appeal of an action taken under this Rule must follow the provisions of Section 7 of System Regulation 33.99.14.

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Related Statutes, Policies, or Requirements

System Regulation 33.99.01, Employment Practices
Appendix

Background Check Authorization Form
http://www.tamus.tamus.edu/hr/backgroundcheck.pdf

Contact Office

Office of Human Resources at (210) 784-2059

System Approvals*

Approved for Legal Sufficiency:

Ray Bonilla
General Counsel

Date

Approved:

John Sharp
Chancellor

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