STANDARD ADMINISTRATIVE PROCEDURE

33.99.14.M1.01 Criminal History Record Information – Non-faculty Employees and Applicants

Approved March 14, 2000
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Standard Administrative Procedure Statement

In accordance with University Rule 33.99.14.M1, Texas A&M University may perform criminal background checks for internal and external applicants for employment and shall perform criminal background checks of all finalists for appointment at Texas A&M. Texas A&M may perform checks on existing employees as provided by University Rule 33.99.14.M1. Texas A&M University may perform criminal background checks on persons volunteering for any reason for any program, meeting, event or similar activity.

Definitions

As defined in the rule, the Appropriate University Office (AUO) is the Office of Scholarships & Financial Aid for undergraduate student employees, the Student Organization Development and Administration section in the Department of Student Activities for camp workers and Human Resources (HR) for all other positions.

Procedures and Responsibilities

1. COLLECTION OF CRIMINAL HISTORY RECORD AND SEX OFFENDER REGISTRY INFORMATION

1.1. Per Texas A&M University System Regulation 33.99.14, Section 2.1, failure of an applicant to consent to a criminal background check is grounds for rejection of the applicant.

1.2. In accordance with University Rule 33.99.14.M1, Section 1.3, existing employees
may have criminal history record and sex offender registry information gathered only after the AUO has approved the collection of this information. Failure of an employee to consent to a criminal background check is grounds for disciplinary action, up to and including termination.

2. APPLICANTS (final internal or external candidate for a Texas A&M position or camp volunteer)

2.1 Staff, Wage (including camp workers), Volunteers, Student Workers, and Graduate Students

2.1.1. The hiring department or camp sponsor must submit the Criminal Background Check Request Form to Human Resources Recruitment and Workforce Planning Employment.

2.1.2. Due to the security background checks that federal agencies run when a foreign national applies for an immigration benefit, an international criminal background check may not be required. Employment will verify that the individual is being processed through the International Faculty and Scholar Services Office (IFSS). If an individual has most recently lived outside of the United States but is not being processed through IFSS or International Student Services (ISS), an international background check may be required. Additional time is needed for completion of international background checks (average of 4 – 6 weeks). A national check may be conducted on international applicants.

2.1.3. If there are no relevant convictions, Employment will notify Payroll (for paid positions) that the criminal background check has been completed. If convictions are found, refer to Section 4.

3. EXISTING EMPLOYEES AND VOLUNTEERS

3.1. Staff, Wage (including camp workers), Volunteers, Student Workers, and Graduate Students

3.1.1. Staff and Wage Employees: The department/unit will contact Human Resources Employee Relations (Employee Relations) to request the check and provide information as to why the check is requested. Employee Relations will make a determination on this request. If approved, Employee Relations or the department/unit will submit the Criminal Background Check Request Form to Employment for processing. Employment will disseminate the relevant results of the check to the department/unit and Employee Relations. If convictions are found, refer to Section 4.

3.1.1.1 Current employees who will be considered for paid work or
volunteer work in a camp will be treated as applicants and follow criteria in Section 2.

3.1.2. Student Workers: The department/unit will contact the Student Employment Office (SEO) to request the check and provide information as to why the check is requested. If the SEO approves, the request will be sent to Employee Relations. Employee Relations will make a determination on this request. If approved, the SEO or the department/unit will submit the Criminal Background Check Request Form to Employment for processing. Employment will disseminate the relevant results of the check to the department/unit and the SEO through Employment. If convictions are found, refer to Section 4.

3.1.3 Graduate Student Employees: The department/unit will contact the designated contact in the Division of Research and Graduate Studies to request the check and provide information as to why the background check is requested. The designated contact will review the request for inconsistencies and send it to Employee Relations. Employee Relations will make a final determination of this request. If approved, the designated contact or the department/unit will submit the Criminal Background Check Request Form to Employment for processing. Employment will disseminate the relevant results of the check to the department and to the Division of Research and Graduate Studies designated contact. If convictions are found, refer to Section 4.

3.1.4 Camp Workers and Volunteers: If any concern arises at employment or when volunteer work has begun, the department/unit will contact the designated contact in the Student Organization Development and Administration to request the check and provide information as to why the background check is requested. The designated contact will review the request for inconsistencies and send it to Employee Relations. Employee Relations will make a final determination of this request. If approved, the designated contact or the department/unit will submit the Criminal Background Check Request Form to Employment for processing. Employment will disseminate the relevant results of the check to the department and to the Student Organization Development and Administration designated contact. If convictions are found, refer to Section 4.

4. ACTIONS IN THE CASE OF A FINDING OF RELEVANT PRIOR CONVICTION(S)

4.1. Applicants, Existing Employees and Camp Workers (Paid or Volunteer)

4.1.1. Staff or Wage Applicants and Existing Employees

4.1.1.1 If a relevant conviction is found that does not match the
information self-disclosed by the staff applicant, wage applicant, or existing employee, Employment and/or the background check vendor will notify the applicant or existing employee that he/she has a conviction on record and may provide corrective or contextual information to Employment and/or the vendor within a specified period of being notified.

4.1.1.2 Once the information is obtained or the specified period has passed, Employment will notify the hiring department/unit or existing employee’s department/unit and Employee Relations (where applicable) of relevant convictions. The department/unit will render its decision and inform Employment regarding approval to hire the applicant or to discipline or terminate the existing employee.

4.1.1.3 If the HR Workforce Management Director disagrees with the decision, the department/unit may appeal the decision to the President or designee through the department’s/unit’s Vice President.

4.1.1.4 The department/unit may not hire the applicant or officially retain the existing employee until the department’s/unit’s appeals process is complete. Existing employees will be handled according to System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees, Section 4, Extended Suspension with Pay.

4.1.1.5 Existing employees may appeal the disciplinary or termination decision in accordance with System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees.

4.1.2 Student Worker Applicants and Existing Student Worker Employees

4.1.2.1 If a relevant conviction is found that does not match the information self-disclosed by the student worker applicant or existing student worker employee, Employment and/or the background check vendor will notify the applicant or existing employee that he/she has a conviction on record and may provide corrective or contextual information to Employment and/or the vendor within a specified period of being notified.

4.1.2.2 Once the information is obtained or the specified period has passed, Employment will notify the hiring department/unit and the SEO of relevant convictions. The department/unit, with the advice of the SEO, will render its decision and inform Employment regarding approval to hire the applicant or to discipline or terminate an existing employee. Employment will inform the SEO
of the final decision.

4.1.2.3 If the HR Workforce Management Director disagrees with the decision, the hiring department/unit may appeal the HR Workforce Management Director’s decision to the President or designee through the department’s/unit’s Vice President.

4.1.2.4 The department/unit may not hire the applicant or officially retain the existing student employee until the department’s/unit’s appeals process is complete. The student worker may be terminated or suspended without pay until the appeals process is complete if the department/unit appeals the HR Workforce Management Director’s decision.

4.1.3 Graduate Student Applicants and Existing Graduate Student Employees

4.1.3.1 If a relevant conviction is found that does not match the information self-disclosed by the graduate student applicant or employee, Employment and/or the background check vendor will notify the applicant or employee that he/she has a conviction on record and may provide corrective or contextual information to Employment and/or the background check vendor within a specified period of being notified.

4.1.3.2 Once the information is obtained or the specified period has passed, Employment will notify the hiring department and the Division of Research and Graduate Studies of relevant convictions. The department/unit, with the advice of the Division of Research and Graduate Studies, will render its decision and inform Employment regarding approval to hire for the graduate student applicant or the decision to terminate an existing graduate student employee. Employment will inform the Division of Research and Graduate Studies of the final decision.

4.1.3.3 If the HR Workforce Management Director disagrees with the decision, the department/unit may not hire the applicant or retain the employee until the department’s/unit’s appeals process is complete.

4.1.3.4 The hiring department/unit may appeal the decision to the President or designee through the department’s/unit’s Vice President.

4.1.3.5 Current Graduate Assistants-Teaching employees and persons holding a post-doctoral teaching appointment will be considered faculty for the purpose of these procedures and may appeal a
termination decision in accordance with University Rule 12.01.99.M2 or 12.99.99.M0.01.

4.1.3.6 Current Graduate Assistants-Non-Teaching employees and persons holding post-doctoral non-teaching appointments are considered non-faculty employees for the purpose of these procedures and may appeal a termination decision in accordance with System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees.

4.1.4 Camp Workers or Volunteers

4.1.4.1 If a relevant conviction is found that does not match the information self-disclosed by the camp worker Employment and/or the background check vendor will notify the prospective camp worker or volunteer that he/she has a conviction on record and may provide corrective or contextual information to Employment and/or the vendor within a specified period of being notified.

4.1.4.2 Once the information is obtained or the specified period has passed, Employment will notify the appropriate AOU and Employee Relations (where applicable) of relevant convictions. The AOU will render its decision and inform Employment regarding approval to place the worker in a camp or event.

4.1.4.3 If the HR Workforce Management Director disagrees with the decision, the AOU may appeal the decision to the President or designee through the AOU’s Vice President.

4.1.4.4 The camp or event may not allow the person’s participation until the appeals process is complete. Existing employees will be handled according to System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees, Section 4, Extended Suspension with Pay.

4.1.4.5 Existing employees may appeal any disciplinary or termination decision resulting from the review in accordance with System Regulation 32.02.02 Discipline and Dismissal of Nonfaculty Employees.

4.2 See University Rule 33.99.14.M1 for offenses requiring approval to hire by the Associate Vice President for Human Resource and Administrative Services.

5. APPLICANTS, EXISTING EMPLOYEE AND CAMP WORKERS (PAID OR VOLUNTEER) RESPONSIBILITIES TO INFORM POTENTIAL OR EXISTING SUPERVISORS OF ARRESTS, CHARGES, OR CONVICTIONS
5.1. The candidate must report arrests, charges, or convictions to their potential supervisor or Employment within twenty-four (24) hours or at the earliest possible opportunity thereafter. Existing employees must report arrests, charges, or convictions to their supervisor or directly to Employee Relations within twenty-four (24) hours or at the earliest possible opportunity.

5.2. Refer to Section 3 of University Rule 33.99.14.M1 for further discussion.

6. RECORD RETENTION AND CONFIDENTIALITY

6.1. Information pertaining to the criminal background check, sex offender registry, or arrest, charge, or conviction information must not be shared with unauthorized individuals.

6.2. The hiring department and other employees or administrators holding criminal background information, including the Criminal Background Check Request Form, must shred paper copies and originals and must delete electronic files after the document has been received by the intended party or the outcome or situation has been resolved.

6.3. Employment will not maintain any documentation submitted by the departments except in the case of camps. The documents submitted for camp workers will be maintained only for the period it takes to process appropriate billing. If the documents submitted for camp workers are the authorizing form, these documents will be maintained for the appropriate period. Documents obtained from the departments will be maintained in the online vendor system only if they are the authorizing form as will any documents provided by persons being checked that were provided to Employment. If the Texas DPS Secure Site was accessed, the prescribed DPS form will be maintained in a separate file for the prescribed time. If Employment has conducted a criminal background check on an applicant or existing employee within the past 365 days, an additional background check is not required.

Related Statutes, Policies, Regulations and Rules

**Supplements** System Regulation 33.99.14 Criminal History Record Information – Employees and Applicants

University Rule 33.99.14.M1 Criminal History Record Information – Employees and Applicants

System Regulation 24.01.06 Camps and Programs for Minors
University Rule 24.01.06.M1 Camps and Programs for Minors

Forms

Non-faculty Criminal Background Check Request Form

Contact Office

For more information or clarification on this standard administrative procedure, contact Human Resources, Recruitment and Workforce Planning at 845-5154.

OFFICE OF RESPONSIBILITY  Human Resources