1. GENERAL

1.1 This rule should be administered in compliance with System Regulation 33.99.14 Criminal History Record Information-Employees and Applicants (hereinafter, the Regulation). In an effort to provide a safe environment for students, visitors, faculty, and staff, and enhance the security of physical resources, Texas A&M University-Corpus Christi shall conduct criminal background checks on applicants selected for hire and on current employees.

1.2 The President has determined that all positions, including student, adjunct, part-time and temporary positions, at the University fall under the category of security-sensitive positions, as defined in the Regulation.

1.3 Vacancy announcements, advertisements for positions, and employee job descriptions will identify the security-sensitive nature of the positions. Applicants will be informed that employment is contingent upon an acceptable background investigation.

1.4 Criminal history records shall not be used to discriminate on the basis of race, color, national origin, religion, sex, disability, or age.

2. CRIMINAL HISTORY BACKGROUND CHECKS

2.1 If circumstances require that an offer or decision be made before the completion of the investigation, the offer must state that employment is contingent on the completion of an acceptable criminal background investigation.

2.2 Human Resources will obtain an authorization form from all final candidates and new employees who have been extended a conditional offer of employment. The authorization form includes a notice that individuals will have the opportunity to request, receive, review and correct information collected using the authorization, as permitted by law. Individuals refusing to sign the authorization form for the background investigation will not be eligible for employment. The criminal history authorization form can be found at:

http://falcon.tamucc.edu/~hrweb/forms/a%20Criminal%20Background%20Authorization%20Form%20dc.pdf

2.3 Any applicant who has criminal history record information indicating a conviction for a felony (other than those listed in Section 2.2 of The Regulation) may be hired only after a recommendation by the department/unit head, in consultation with the
Director of Human Resources and the Chief of Police. The department/unit head’s recommendation must be approved by the Chief Executive Officer (CEO) or designee. The President has delegated this authority to the Vice Presidents for units not reporting directly to the President.

2.4 Upon finding criminal history record information indicating a conviction (other than those listed in Section 2.2 of the Regulation) or an arrest, the Human Resources office shall conduct the analysis found in Section 6 of the Regulation.

2.5 Applicants are required to report arrests made between the application for employment and the University’s decision to hire the applicant for employment.

3. CRIMINAL HISTORY RECORDS

3.1 Criminal history record information, including conviction information contained therein, will be regarded as confidential as required by law and will not be made a part of the applicant's file or the employee's personnel file or communicated to any unauthorized person. The Chief of University Police will be the custodian of records related to criminal background investigations conducted by the University Police Department. If a criminal background investigation is conducted by a third-party provider, the department/unit head will forward any information received to the Chief of University Police.

3.2 All criminal history record information obtained about an individual shall be destroyed as soon as practicable: for applicants, after the position has been filled and the individual reports to his/her first day of work; for employees, after the criminal history record information has been analyzed and any resulting action taken under this regulation.

4. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

4.1 Falsification or failure to disclose criminal history is addressed in paragraph 4 of the Regulation.

4.2 The Human Resources office 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 employment.
5. POST-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

5.1 Employees are Subject to Periodic Checks

5.1.1 Employee’s criminal history record information is subject to review at any time as permitted by law. Periodic criminal history information record checks shall be conducted at the discretion of the University with approval of the President. The President has delegated this authority to the Vice Presidents for units not reporting directly to the President.

5.1.2 Criminal background information will also be required for an employee who is under consideration for a transfer, demotion or promotion.

5.2 Current employees are required to report arrests, charges, or convictions as addressed in subsection 5.2 of the Regulation.

6. APPEALS

6.1 Appeals are addressed in Section 7 of the Regulation.

6.2 The President has delegated authority to review and approve appeal investigation findings to the Vice Presidents for units not reporting directly to the President.

Contact for Interpretation: Executive Vice President for Finance and Administration