



TEXAS A&M INTERNATIONAL UNIVERSITY

Rule

33.99.14.L1 Criminal History Record Information – Employees and Candidates for Employment

First Approved: September 29, 2008

Revised: June 20, 2012

September 4, 2017

December 21, 2022

Next Scheduled Review: December 21, 2027

Rule Statement and Reason for Rule

This Rule is required by Texas A&M University [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#). Texas A&M International University (TAMIU) shall perform criminal history investigations of current employees and candidates for employment as provided in [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#) and in this Rule.

Procedures and Responsibilities

1. GENERAL

- 1.1 In an effort to provide the safest possible environment for students, visitors, faculty, and staff, TAMIU shall conduct criminal history investigations on applicants selected for employment.
- 1.2 All TAMIU employment positions, including student employment positions, are designated as security-sensitive.

2. PRE-EMPLOYMENT CRIMINAL HISTORY INVESTIGATION

- 2.1 All finalists, whether internal or external, for TAMIU employment, including student employment, shall be subject to a criminal history investigation before they are eligible to begin employment with TAMIU. If circumstances require that an offer or decision be made before the completion of the criminal history investigation, the offer must state that employment is contingent on the completion of a satisfactory criminal history investigation.

- 2.2 All finalists, whether internal or external, for TAMIU employment, including student employment, will be required to complete and sign a *Background Check Authorization* form, authorizing TAMIU to perform criminal history investigations as necessary to determine suitability for employment or continued employment. Individuals refusing to sign the *Background Check Authorization* form are ineligible for employment with TAMIU.
- 2.3 The Office of Human Resources (HR) is responsible for providing the *Background Check Authorization* form to all finalists for TAMIU employment via email. This includes full-time and part-time staff employees, full-time faculty, adjunct faculty, student employees and graduate assistants (GA). The form is sent via email to the finalist to complete the required information, electronically sign the document, and submit it directly to Sterling Background Check. Sterling Background Check is responsible for conducting the criminal history investigation in accordance with [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#) and this Rule, as well as for promptly communicating the results to HR.
- 2.4 For positions within the University Police Department that require TCOLE certification, a background investigation and background check will be completed as part of the application process. The department will provide the TCOLE Personal History Statement and the Authorization to Release Information to all applicants for police or communication officer positions. The department will conduct a background check through the Texas Department of Public Safety (DPS) Crime Records Service website or other local, state or federal source available to UPD.
- 2.5 Every applicant for TAMIU employment will have, as permitted by law, the opportunity to request, receive, review, and correct information about themselves collected by or on behalf of TAMIU using the Background Check Authorization Form.

3. SOURCES OF CRIMINAL HISTORY RECORD INFORMATION

- 3.1 Criminal history investigations on all finalists for TAMIU employment shall be conducted as follows: a) if the investigation is performed by a third-party vendor (in accordance with the federal Fair Credit Reporting Act) on behalf of TAMIU, it shall be run through Sterling Background Check or b) if, the position is for a position within the University Police Department, the initial background investigation is performed by UPD, and shall be run from the DPS Crime Records Service website or any other local, state, or federal source available to UPD.
- 3.2 Criminal history investigations on current TAMIU employees under Section 5 of this Rule may be run through Sterling Background Check for employment purposes or through the DPS Crime Records Service website or any other local, state, or federal source available to UPD for other investigative purposes.

4. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

Falsification or failure by an employee or applicant to disclose criminal history will be handled in accordance with Section 4 of [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

5. CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES

5.1 Employees are Subject to Periodic Checks

5.1.1 All TAMIU employees' criminal history record information is subject to review at any time as permitted by law. Periodic criminal history investigations shall be conducted at the discretion of TAMIU. TAMIU employees who are applicants for another TAMIU position shall be checked as required by Section 2 of this Rule.

5.1.2 Criminal history investigations will also be required for all employees who are both under consideration for reclassification, transfer, demotion, or promotion and on any employee whom TAMIU did not previously conduct a criminal history investigation.

5.2 Employee Reporting of Criminal Arrests, Charges, or Convictions

5.2.1 In accordance with Section 5.2 of [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#), employees are obligated to report to their supervisor, within 24 hours or as soon as possible thereafter, any criminal arrests, criminal charges, or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Any necessary review or investigation will be handled pursuant to [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

5.3 Every TAMIU employee will have, as permitted by law, the opportunity to request, receive, review, and correct information about themselves collected by or on behalf of TAMIU.

6. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

In situations where criminal history record information is found for an applicant (Section 2) or an employee (Section 5), analysis to determine whether an applicant is eligible for potential or continued employment or whether to discipline or dismiss an employee will be handled in accordance with Section 6 of [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

7. APPEALS

An employee or applicant alleging unlawful discrimination, sexual harassment, and/or retaliation, and wishing to appeal an action taken under this Rule may do so pursuant to Section 7 of [System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

Related Statutes, Policies, Regulations, or SAP's

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

Contact Office

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