



Rule

33.99.14.L1 Criminal History Record Information – Employees and Applicants

First Approved: September 29, 2008
Revised: June 20, 2012
September 4, 2017
Next Scheduled Review: September 4, 2022

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 Applicants](#). Texas A&M International University (TAMIU) shall perform criminal history investigations of current employees and applicants for employment as provided in [System Regulation 33.99.14, Criminal History Record Information – Employees and Applicants](#) 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 authorization form for the criminal history investigation will not be eligible for employment with TAMIU.
- 2.3 The Office of Human Resources (HR) is responsible for obtaining the Background Check Authorization Form for finalists for TAMIU employment, excluding student employment and graduate assistant (GA) employment which is addressed in Section 2.4 of this Rule. The signed form for the finalist will be forwarded by HR to the University Police Department (UPD). HR or UPD are responsible for conducting the criminal history investigation in accordance with [System Regulation 33.99.14, Criminal History Record Information – Employees and Applicants](#) and this Rule, as well as for promptly communicating the results to HR.
- 2.4 For student employment, including graduate assistant (GA) employment, the administering office in charge of such employment (i.e., Financial Aid Office, the Graduate School) is responsible for obtaining the Background Check Authorization Form from finalists for TAMIU employment. The signed form for finalist will be forwarded by the administering office to UPD. UPD is responsible for conducting the criminal history investigation in accordance with [System Regulation 33.99.14, Criminal History Record Information – Employees and Applicants](#) and this Rule, as well as for promptly communicating the results to HR.
- 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 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 from the Texas Department of Public Safety (DPS) Crime Records Service Public Website or any other publicly available local, state, or federal source, or b) if the investigation is performed by UPD, it shall be run from the DPS Crime Records Service Secure Website, the DPS Crime Records Service Public Website, or any other publicly available local, state, or federal source.
- 3.2 Criminal history investigations on current TAMIU employees under Section 5 of this Rule shall be run from the DPS Crime Records Service-Public Website or any other publicly available local, state, or federal source.

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 Applicants](#).

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 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 Applicants](#), 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 Applicants](#).
- 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 Applicants](#).

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 Applicants](#).

Related Statutes, Policies, Regulations, or SAP's

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

Contact Office

Office of Human Resources, 956-326-2365