

33.99.14.R1 Criminal History Background Checks

Approved November 7, 2008



Rule Statement

Texas A&M University-Commerce performs criminal background checks of current employees and applicants for employment as provided by System regulation [33.99.14 Criminal History Record Information-Employees and Applicants](#).

Reason for Rule

Texas A&M University-Commerce is committed to providing a safe and secure environment for faculty, staff, students and visitors; protecting state property; and maintaining the high standards of this institution.

Procedures and Responsibilities

1. GENERAL

The Texas A&M University-Commerce Human Resources Office (HRO) shall perform background checks of current employees and applicants for employment as provided by System regulation 33.99.14 and this rule. All A&M-Commerce employment positions are security-sensitive.

2. PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 2.1 The finalists for each A&M-Commerce position shall be subject to a criminal history background check.
- 2.2 The finalist for A&M-Commerce employment will be required to complete and sign a background check authorization form, authorizing A&M-Commerce Human Resources to perform criminal history background checks as necessary to determine suitability for employment or, in the case of a post-employment criminal history background check, continued employment.
- 2.3 The applicant for A&M-Commerce employment will have, as permitted by law, the opportunity to request, receive, review and correct information about that individual collected by or on behalf of A&M-Commerce, using the background check authorization form.

3. SOURCES OF CRIMINAL HISTORY RECORD INFORMATION

- 3.1 Criminal history background checks on applicants for A&M-Commerce employment shall be run from: (a) the Texas Department of Public Safety (DPS) Crime Records-Public Site or any other publicly available local, state, or federal source, if the check is performed by a third-party vendor on behalf of A&M-Commerce, or (b) the DPS Crime Records-Secure Site, the DPS Crime Records-Public Site, or any other publicly available local, state, or federal source, if the check is performed by A&M-Commerce Human Resources.
- 3.2 Criminal history checks on current A&M-Commerce employees under Section 5 of this rule shall be run from the DPS Crime Records-Public Site or any other publicly available local, state, or federal source.

4. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

A&M-Commerce Human Resources Office shall notify the hiring supervisor of the results of the criminal history background check, if the applicant failed to disclose information on the application. The applicant will be given the opportunity to explain to the hiring supervisor who will, in turn, discuss it with the HRO. The HRO (or Provost or designee) will discuss it with the CEO. The CEO will make the final decision as to whether or not the applicant will be employed.

- 4.1 Applicant. If it is determined prior to employment that an applicant has falsified his or her criminal history in his or her application for employment, the applicant will not be eligible for employment at A&M University-Commerce. If it is determined prior to employment that an applicant has failed to disclose his or her criminal history in his or her application for employment, the applicant may not be eligible for employment with A&M-Commerce.
- 4.2 Employee. If it is determined any time after employment that an employee falsified or failed to disclose his or her criminal history on his or her application for employment, the employee may be subject to disciplinary action, including dismissal.

5. POST-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 5.1 All A&M-Commerce employees will be subject to periodic criminal history background checks when such checks are determined by the CEO or designee to be in the best interests of A&M-Commerce. A&M-Commerce employees who are applicants for another division shall be checked as required by Section 2 of this rule.
- 5.2 Every A&M-Commerce 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 A&M-Commerce.

6. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

A&M-Commerce Human Resources Office shall consult with the appropriate vice president before determining appropriate action based on an employee's criminal history record information or the failure to report any criminal arrest, criminal charges, or criminal investigation.

Related Statutes, Policies, or Requirements

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

Contact Office

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