

STANDARD ADMINISTRATIVE PROCEDURE

33.99.14.M1.02 Criminal History Record Information – Current Faculty and Faculty Applicants

Approved February 22, 2011

Next scheduled review: February 22, 2016

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.

Definitions

As defined in the rule, the Appropriate University Office (AUO) is the Office of the Dean of Faculties and Associate Provost for faculty 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 appropriate AUO has approved the collection of this information. Failure of an employee to consent to a criminal background check is grounds for disciplinary action, including termination.
2. FACULTY APPLICANTS (final internal or external candidate for a Texas A&M academic position)
 - 2.1 The Office of the Dean of Faculties and Associate Provost will forward the Criminal Background Check Request Form (completed by the applicant) to the office of Human Resources' Recruitment and Workforce Planning (Employment.)

- 2.2 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 through the International Faculty and Scholar Services Office (IFSS) whether the process required to obtain permission of employment of a foreign national includes a security background check that makes the international background check redundant, and therefore unnecessary.
- 2.3 International and national background checks will be required of US citizens and permanent resident aliens who reside or work outside the US.
- 2.4 National background checks will be required of foreign national applicants who already reside or work in the US.
- 2.3 If there are no relevant convictions, Employment will notify the Dean of Faculties and Associate Provost Office that the criminal background check has been completed. If convictions are found, refer to Section 4.

3. EXISTING FACULTY

- 3.1 The department/unit will contact the Dean of Faculties and Associate Provost Office to request the check and provide information as to why the check is requested.
- 3.2 If the Dean of Faculties and Associate Provost Office approves, the department/unit will provide the Criminal Background Check Request Form (completed by the employee) to the Dean of Faculties and Associate Provost Office.
- 3.3 The Dean of Faculties and Associate Provost Office will then forward the forms to Employment for processing.
- 3.4 The relevant results of the check will be provided to the Dean of Faculties and Associate Provost Office. If convictions are found, refer to Section 4.

4. ACTIONS IN THE CASE OF A FINDING OF PRIOR CONVICTION(S) OR STATUS AS A SEX OFFENDER

- 4.1 Faculty Applicants and Existing Faculty
 - 4.1.1 Employment will notify the Dean of Faculties and Associate Provost Office of relevant conviction or sex offender status information.
 - 4.1.2 If a relevant conviction or registered sex offender status is found that does not match the information self-disclosed by the faculty member or faculty applicant, the Dean of Faculties and Associate Provost Office will notify

and ask the faculty applicant or employee to provide within five business days corrective and/or contextual information to explain the discrepancy.

4.1.3 Within five business days after receiving the response (or lack thereof) from the faculty applicant or employee, the Dean of Faculties and Associate Provost will render a decision regarding approval to hire (for applicants) or disciplinary sanctions (for employees.) The Dean of Faculties and Associate Provost will notify the appropriate Dean of the decision.

4.1.4 Hiring units may appeal the decision of the Dean of Faculties and Associate Provost Office to the President or designee through the Provost.

4.1.5 Existing faculty may appeal a decision or sanction in accordance with University rule 12.01.99.M2 or 12.01.99.M4.

4.2 Methods for Faculty Applicants and Existing Faculty to View and/or Correct Records

4.2.1 The Dean of Faculties and Associate Provost Office is responsible for ensuring that the faculty applicant or faculty member is notified if a relevant conviction or registered sex offender status is found. The faculty applicant or faculty member may provide information regarding the conviction prior to or within five business days of being notified of the finding.

4.2.2 Third Party Vendor: Per the Fair Credit Reporting Act, if the finding is from a third party vendor, faculty applicant or faculty member may be provided a copy of the record. If a discrepancy exists, the faculty applicant or faculty member may provide documentation or obtain clarification as directed by the third party vendor. In such cases, Employment will verify the initial criminal background check by requesting a county check from the third party vendor or by searching the Texas Department of Public Safety (TX DPS) database. Employment will request updated records from the vendor and provide the information to the Dean of Faculties and Associate Provost Office.

5. FACULY APPLICANTS AND FACULTY MEMBERS EXISTING RESPONSIBILITIES TO INFORM POTENTIAL OR EXISTING SUPERVISORS OF ARRESTS, CHARGES, OR CONVICTIONS

5.1 Faculty members or faculty applicants must report arrests, charges, or convictions to the Department Head or the Dean or the Dean of Faculties and Associate Provost.

5.2 For instances requiring verification of the third party vendor's initial background

check, the TX DPS Secure Site may be used. Per Government Code 411.085, Employment may not provide the TX DPS Secure Site record or a copy of the record to unauthorized individuals, including the person who is the subject of the record. The Dean of Faculties and Associate Provost Office may verbally communicate the final conviction status to the faculty member or faculty applicant. If the faculty member or faculty applicant states that the finding is in error, the faculty member or faculty applicant may provide documentation or obtain clarification as directed by the Texas Department of Public Safety. Employment will request updated records from TX DPS and provide the information to the Dean of Faculties and Associate Provost Office, as necessary.

Related Statutes Policies, Regulations and Rules

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

<http://policies.tamus.edu/33-99-14.pdf>

Supplements University rule 33.99.14.M1, *Criminal History Record Information – Employees and Applicants*

<http://rules-saps.tamu.edu/PDFs/33.99.14.M1.pdf>

Forms

Faculty Criminal Background Check Request Form

http://dof.tamu.edu/dof/media/PITO-DOF/Documents/Forms/DOF-Universal/Criminal-Background-Check-Request_2.pdf

Contact Office

OFFICE OF RESPONSIBILITY: [Dean of Faculties and Associate Provost](#)