

STANDARD ADMINISTRATIVE PROCEDURE

33.99.14.M1.01 Criminal History Record Information – Non-faculty Employees and Applicants

Approved March 14, 2000

Revised March 23, 2011

Revised May 24, 2011

Revised July 30, 2013

Revised August 3, 2018

Next scheduled review: August 3, 2023

Standard Administrative Procedure Statement

In accordance with Texas A&M 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. Texas A&M University may perform criminal background checks on persons volunteering for any reason for any program, meeting, event or similar activity.

Definitions

As defined in the rule, the Appropriate University Office (AUO) is the Office of Scholarships & Financial Aid for undergraduate student employees, University Youth Programs Office within the Division of Student Affairs for camp workers and Human Resources and Organizational Effectiveness (HROE) for all other positions. Texas A&M University at Galveston's Department of Human Resources (TAMUG HR) has been designated as the AUO for all student employees and other positions on the Galveston Campus, with the exception of camp workers (including camp volunteers). Additionally, TAMUG HR will perform the functions of HROE Recruitment and Workforce Planning, HROE Organizational Consulting and Resolution Management, the Student Employment Office, and the Division of Research and Graduate Studies for positions on the Galveston Campus. And, the TAMUG Executive Director of Human Resources will perform the function of the HROE Recruitment Manager for positions on the Galveston Campus, with the exception of camp workers (including camp volunteers). Camp workers and volunteers are defined

as any worker or volunteer associated with programs for minors in accordance with System Regulation 24.01.06, *Programs for Minors*, and related University rules.

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 AUO has approved the collection of this information. Failure of an employee to consent to a criminal background check is grounds for disciplinary action, up to and including termination.

2. APPLICANTS (final internal or external candidate for a Texas A&M position or camp volunteer)

- 2.1 Staff, Temporary-Casual (including camp workers), Volunteers, Student Workers, and Graduate Students
 - 2.1.1 The hiring department or camp sponsor must submit the Criminal Background Check Request Form to HROE Recruitment and Workforce Planning (Recruitment).
 - 2.1.2. 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. Recruitment will verify that the individual is being processed through the International Faculty and Scholar Services Office (IFSS). If an individual has most recently lived outside of the United States but is not being processed through IFSS or International Student Services (ISS), an international background check may be required. Additional time is needed for completion of international background checks (average of 4 – 6 weeks). A national check may be conducted on international applicants. For employees or camp workers for Qatar, if the applicant has never worked or lived in the US and does not possess a US based SSN, Qatar can request a background investigation. If the investigation is for a camp worker, a global international search process

has been established. If the investigation is for a Qatari native employee, the investigation will be run for the name only against the National Criminal Database. Recruitment will coordinate with TAMUQ Human Resources if an international background check is requested to fill positions located in Qatar. TAMUQ will cover the additional expense of such checks.

- 2.1.3. If there are no relevant convictions, Recruitment will notify Payroll (for paid positions) that the criminal background check has been completed. If convictions are found, refer to Section 4.

3. EXISTING EMPLOYEES AND VOLUNTEERS

3.1 Staff, Temporary-Casual (including camp workers), Volunteers, Student Workers, and Graduate Students

- 3.1.1 Staff and Temporary-Casual Employees: The department/unit will contact HROE Organizational Consulting and Resolution Management (OCRM) to request the check and provide information as to why the check is requested. OCRM will make a determination on this request. If approved, OCRM or the department/unit will submit the Criminal Background Check Request Form to Recruitment for processing. Recruitment will disseminate the relevant results of the check to the department/unit and OCRM. If convictions are found, refer to Section 4.

- 3.1.1.1 Current employees who will be considered for paid work or volunteer in a camp will be treated as applicants and follow criteria in Section 2.

- 3.1.2 Student Workers: The department/unit will contact the Student Employment Office (SEO) to request the check and provide information as to why the check is requested. If the SEO approves, the request will be sent to OCRM. OCRM will make a determination on this request. If approved, the SEO or the department/unit will submit the Criminal Background Check Request Form to Recruitment for processing. Recruitment will disseminate the relevant results of the check to the department/unit and the SEO through Recruitment. If convictions are found, refer to Section 4.

- 3.1.3 Graduate Student Employees: The department/unit will contact the designated contact in the Division of Research and Graduate Studies to request the check and provide information as to why the background check is requested. The designated contact will review the request for inconsistencies and send it to OCRM. OCRM will make a final

determination of this request. If approved, the designated contact or the department/unit will submit the Criminal Background Check Request Form to Recruitment for processing. Recruitment will disseminate the relevant results of the check to the department and to the Division of Research and Graduate Studies designated contact. If convictions are found, refer to Section 4.

- 3.1.4 Camp Workers and Volunteers: If any concern arises at employment or when volunteer work has begun, the department/unit will contact the designated contact in the Student Organization Development and Administration to request the check and provide information as to why the background check is requested. The designated contact will review the request for inconsistencies and send it to OCRM. OCRM will make a final determination of this request. If approved, the designated contact or the department/unit will submit the Criminal Background Check Request Form to Recruitment for processing. Recruitment will disseminate the relevant results of the check to the department and to the Student Organization Development and Administration designated contact. If convictions are found, refer to Section 4.

4. ACTIONS IN THE CASE OF A FINDING OF RELEVANT PRIOR CONVICTION(S)

4.1 Applicants, Existing Employees and Camp Workers (Paid or Volunteer)

4.1.1. Staff or Temporary-Casual Position Applicants and Existing Employees

4.1.1.1 If a relevant conviction is found that does not match the information self-disclosed by the staff applicant, temporary-casual applicant, or existing employee, Recruitment and/or the background check vendor will notify the applicant or existing employee that he/she has a conviction on record and may provide corrective or contextual information to Recruitment and/or the vendor within a specified period of being notified.

4.1.1.2 Once the information is obtained or the specified period has passed, Recruitment will notify the hiring department/unit or existing employee's department/unit and OCRM (where applicable) of relevant convictions. The department/unit will render its decision and inform Recruitment regarding approval to hire the applicant or to discipline or terminate the existing employee.

4.1.1.3 If the HROE Recruitment Manager disagrees with the decision, the

department/unit may appeal the decision to the President or designee through the department's/unit's Vice President.

4.1.1.4 The department/unit may not hire the applicant or officially retain the existing employee until the department's/unit's appeals process is complete. Existing employees will be handled according to System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*, Section 4, Extended Suspension with Pay.

4.1.1.5 Existing employees may appeal the disciplinary or termination decision in accordance with System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*.

4.1.2 Student Worker Applicants and Existing Student Worker Employees

4.1.2.1 If a relevant conviction is found that does not match the information self-disclosed by the student worker applicant or existing student worker employee, Recruitment and/or the background check vendor will notify the applicant or existing employee that he/she has a conviction on record and may provide corrective or contextual information to Recruitment and/or the vendor within a specified period of being notified.

4.1.2.2 Once the information is obtained or the specified period has passed, Recruitment will notify the hiring department/unit and the SEO of relevant convictions. The department/unit, with the advice of the SEO, will render its decision and inform Recruitment regarding approval to hire the applicant or to discipline or terminate an existing employee. Recruitment will inform the SEO of the final decision.

4.1.2.3 If the HROE Recruitment Manager disagrees with the decision, the hiring department/unit may appeal the HROE Manager's decision to the President or designee through the department's/unit's Vice President.

4.1.2.4 The department/unit may not hire the applicant or officially retain the existing student employee until the department's/unit's appeals process is complete. The student worker may be terminated or suspended without pay until the appeals process is complete if the department/unit appeals the HROE Recruitment Manager's decision.

4.1.3 Graduate Student Applicants and Existing Graduate Student Employees

4.1.3.1 If a relevant conviction is found that does not match the information self-disclosed by the graduate student applicant or employee, Recruitment and/or the background check vendor will notify the applicant or employee that he/she has a conviction on record and may provide corrective or contextual information to Recruitment and/or the background check vendor within a specified period s of being notified.

4.1.3.2 Once the information is obtained or the specified period has passed, Recruitment will notify the hiring department and the Division of Research and Graduate Studies of relevant convictions. The department/unit, with the advice of the Division of Research and Graduate Studies, will render its decision and inform-Recruitment regarding approval to hire for the graduate student applicant or the decision to terminate an existing graduate student employee. Recruitment will inform the Division of Research and Graduate Studies of the final decision.

4.1.3.3 If the HROE Recruitment Manager disagrees with the decision, the department/unit may not hire the applicant or retain the employee until the department's/unit's appeals process is complete.

4.1.3.4 The hiring department/unit may appeal the decision to the President or designee through the department's/unit's Vice President.

4.1.3.5 Current Graduate Assistants-Teaching employees and persons holding a post-doctoral teaching appointment will be considered faculty for the purpose of these procedures and may appeal a termination decision in accordance with University Rule 12.01.99.M2 or 12.01.99.M4.

4.1.3.6 Current Graduate Assistants-Non-Teaching employees and persons holding post-doctoral non-teaching appointments are considered non-faculty employees for the purpose of these procedures and may appeal a termination decision in accordance with System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*.

4.1.4 Camp Workers or Volunteers

4.1.4.1 If a relevant conviction is found that does not match the information

self-disclosed by the camp worker Recruitment and/or the background check vendor will notify the prospective camp worker or volunteer that he/she has a conviction on record and may provide corrective or contextual information to Recruitment and/or the vendor within a specified period of being notified.

4.1.4.2 Once the information is obtained or the specified period has passed, Recruitment will notify the appropriate AOU and OCRM (where applicable) of relevant convictions. The AOU will render its decision and inform Recruitment regarding approval to place the worker in a camp or event.

4.1.4.3 If the HROE Recruitment Manager disagrees with the decision, the AUO may appeal the decision to the President or designee through the AUO's Vice President.

4.1.4.4 The camp or event may not allow the person's participation until the appeals process is complete. Existing employees will be handled according to System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*, Section 4, Extended Suspension with Pay.

4.1.4.5 Existing employees may appeal any disciplinary or termination decision resulting from the review in accordance with System Regulation 32.02.02 *Discipline and Dismissal of Nonfaculty Employees*.

4.2 See System Regulation 33.99.14, section 2.3 for offenses requiring approval to hire by the Vice President for Human Resources and Organizational Effectiveness or TAMUG's Chief Operating Officer for positions on the Galveston Campus.

5. APPLICANTS, EXISTING EMPLOYEE AND CAMP WORKERS (PAID OR VOLUNTEER) RESPONSIBILITIES TO INFORM POTENTIAL OR EXISTING SUPERVISORS OF ARRESTS, CHARGES, OR CONVICTIONS

5.1 The candidate must report arrests, charges, or convictions to their potential supervisor or Recruitment within twenty-four (24) hours or at the earliest possible opportunity thereafter. Existing employees must report arrests, charges, or convictions to their supervisor or directly to OCRM within twenty-four (24) hours or at the earliest possible opportunity.

5.2 Refer to Section 3 of University Rule 33.99.14.M1 for further discussion.

6. RECORD RETENTION AND CONFIDENTIALITY

- 6.1 Information pertaining to the criminal background check, sex offender registry, or arrest, charge, or conviction information must not be shared with unauthorized individuals
- 6.2 The hiring department and other employees or administrators holding criminal background information, including the Criminal Background Check Request Form, must shred paper copies and originals and must delete electronic files after the document has been received by the intended party or the outcome or situation has been resolved.
- 6.3 Recruitment will not maintain any documentation submitted by the departments except in the case of camps. The documents submitted for camp workers will be maintained only for the period it takes to process appropriate billing. If the documents submitted for camp workers are the authorizing form, these documents will be maintained for the appropriate period. Documents obtained from the departments will be maintained in the online vendor system only if they are the authorizing form as will any documents provided by persons being checked that were provided to Recruitment. If the Texas DPS Secure Site was accessed, the prescribed DPS form will be maintained in a separate file for the prescribed time. If Recruitment has conducted a criminal background check on an applicant or existing employee within the past 365 days, an additional background check is not required.

Related Statutes, Policies, Regulations and Rules

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

[University Rule 33.99.14.M1, Criminal History Record Information – Employees and Applicants](#)

[System Regulation 24.01.06, Programs for Minors](#)

[University Rule 24.01.06.M1, Campus Programs for Minors \(CPM\)](#)

Forms

33.99.14.M1.01

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Non-faculty Criminal Background Check Request Form (used only for Background Check requests that must be requested outside of Workday)

Contact Office

For more information or clarification on this standard administrative procedure, contact [Human Resources and Organizational Effectiveness](#), Recruitment and Workforce Planning at 845-5154.

OFFICE OF RESPONSIBILITY [Human Resources and Organizational Effectiveness](#)