

Rule 33.99.14.T1 Criminal History Record Information



Approved: November 1, 2008
Revised: December 7, 2016
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Rule Statement

Tarleton State University (Tarleton) is committed to providing a safe environment for students, employees and visitors. In an effort to attain a safe environment, Tarleton shall conduct criminal history record information (background) checks on applicants hired or employees transferred into positions designated as security sensitive in accordance with System Regulations 33.99.01 and 33.99.14 and Tarleton Standard Administrative Procedure (SAP) 33.99.01.T0.01.

Reason for Rule

As per System Regulation 33.99.01, *Employment Practices*, each system member shall publish a procedure to be followed in the hiring process which will include timely orientations and appropriate training as required by law, or system policy or regulation.

Procedures and Responsibilities

1. GENERAL

- 1.1 All Tarleton positions, including temporary and student positions, are deemed security sensitive and are subject to criminal record background checks in accordance with System Regulation 33.99.14, *Criminal History Record Information-Employees and Applicants*.

2. PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 2.1 All finalists for positions shall be subject to an acceptable criminal history background check. This includes any applicant as defined by System Regulation 33.99.14. Any applicant declining to consent to a criminal history background check will be removed from further consideration for the position.
- 2.2 Any offers or hiring action that may occur prior to the completion of the criminal history background check shall be conditional and contingent on an acceptable criminal background check.

- 2.3 When performed by the Employee Services Department, criminal history background checks on applicants for employment with Tarleton shall be run from;
 - 2.3.1 the Department of Public Safety (DPS) Crime Records-Secure Site, or
 - 2.3.2 the DPS Crime Records-Public Site, or any other publicly available local, state, or federal source.

3. POST-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

- 3.1 Current employees being considered as a candidate for promotion, transfer or reclassification that requires a position change shall be subject to a criminal history background check.
- 3.2 Any employee declining to consent to a criminal history background check during a promotional or transfer process will be removed from further consideration for the position. If an employee's position is being reclassified and the employee declines to consent to the background check, the employee may be terminated.
- 3.3 Any offers or hiring action that may occur prior to the completion of the criminal background check shall be conditional and contingent on an acceptable criminal background check.
- 3.4 Criminal history background checks on current Tarleton employees shall be run from the 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.

4. PROCESS FOR OBTAINING AND EVALUATION CRIMINAL HISTORY RECORD INFORMATION

- 4.1 The Employee Services Department is responsible for obtaining criminal history records. Records will be analyzed by an Employee Services representative and, when necessary, a University Police Department representative and, the appropriate Department Head in accordance with System Regulation 33.99.14.
- 4.2 If the criminal history check produces a criminal record, then Employee Services Department may contact a University Police Department representative to further investigate, verify the record and/or obtain any necessary additional information needed for analyzing the record.
- 4.3 The record analysis will follow the guidelines as outlined in System Regulation 33.99.14 and a final disposition of the analysis will be documented and retained in the personnel file. The criminal record will be destroyed in accordance with System Regulation 33.99.14.
- 4.4 If an analysis determines the applicant or employee should not be employed into the position, the Employee Services representative will immediately notify the Department Head, and the Department Head will notify the applicant or employee of the final decision.

- 4.5 The Employee Services Department will consult with the University Police Department representative and the appropriate Department Head when it is found that an applicant or employee has falsified or failed to disclose criminal history. The record analysis will follow the same guidelines as outlined in System Regulation 33.99.14 for record analysis.
- 4.6 The CEO delegates his authority to authorize hire actions and/or approve written reports as allowed by System Regulation 33.99.14 to the appropriate divisional vice president.
- 4.7 Every applicant and 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 Tarleton using authorization given as a part of the employment application.

Related Statutes, Policies, or Requirements

[System Regulation 33.99.01 *Employment Practices*](#)
[System Regulation 33.99.14, *Criminal History Record Information –Employees and Applicants*](#)
[Tarleton Standard Administrative Procedure 33.99.01.T0.01 *Employment Practices Hiring Faculty and Non-Faculty*](#)

Contact Office

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