

# 33.99.14.W1 Criminal History Record Information - Employees and Candidates for Employment



Approved April 13, 2000  
Current Revision April 18, 2023  
Next Scheduled Review April 18, 2028

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## Rule Summary

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West Texas A&M University (WTAMU) will conduct criminal history background checks on candidates for employment in security-sensitive positions and may conduct criminal history background checks on current employees as provided in System Regulation 33.99.14, *Criminal History Record Information-Employees and Candidates for Employment*, and by this rule.

WTAMU designates all faculty, staff, and graduate assistant positions as security-sensitive and will perform criminal history background checks for all such position candidates for employment. Criminal history background checks will also be performed for candidates for employment for all student hourly positions that are security sensitive.

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## Rule

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### 1. PROCEDURES AND RESPONSIBILITIES

Criminal history background checks on position candidates for employment will be run, per System Policy 33.99.14, from the DPS Crime Records Service Public Site or any other publicly available local, state, federal or international source; DPS Crime Records Service Secure Site for security sensitive positions; and/or a third-party vendor (in accordance with the federal Fair Credit Reporting Act). The DPS Crime Records Service Secure Site can be used to obtain criminal history record information maintained by DPS that relates to a person who is applicant candidate for a security-sensitive position. The secure site shall not be accessed to obtain criminal history record information for any other applicants or current employees unless permitted by state

law. The information obtained from the secure site may be used only for the purpose of evaluating candidates for employment in security-sensitive positions. NOTE: The information obtained from the secure site may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history records information.

- 1.1. All WTAMU employees are subject to periodic criminal history background checks when such checks are determined by the CEO or designee to be in the best interests of WTAMU. Criminal history background checks on current WTAMU employees will be run from DPS Crime Records Service Public Site or any other publicly available local, state, federal or international source; DPS Crime Records Service Secure Site for security sensitive positions (per System Policy 33.99.14); and/or a third-party vendor (in accordance with the federal Fair Credit Reporting Act). WTAMU employees who are position finalists for another WTAMU position must be checked as required by this rule.
- 1.2. WTAMU employees must report to their supervisor, within 24 hours or at the earliest possible opportunity thereafter, any criminal arrests, criminal charges, or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Failure to make the report as required will constitute grounds for disciplinary action, up to and including termination. The employee's supervisor must report the arrest(s), criminal charge(s), or conviction(s) to the head of the department/division and the EEO Officer. Reports involving motor vehicle violations are subject to review for continued eligibility to operate WTAMU vehicles in addition to possible disciplinary actions. The WTAMU Human Resources department may, if necessary, consult with The Texas A&M University System (A&M System) Office of General Counsel (OGC) before determining appropriate action based on an applicant's falsification or failure to disclose criminal history under the second paragraph of Section 2.1. The A&M System OGC may also, if necessary, be contacted before determining appropriate action based on a candidate for employment or employee's criminal history record information or the individual's failure to report any criminal arrest, criminal charges, or criminal conviction.
- 1.3. The following information is intended to define and describe the process for securing criminal history background checks on candidates for employment. Annually, both a criminal conviction and sex offender background check must be conducted on all individuals hired or assigned to employee or volunteer positions involving contact with minors at a program for minors. The check must utilize a criminal history database and sex offender registration database (such as the

TXDPS-Sex Offender Registry or other valid sex offender database) for each adult employee and/or volunteer's permanent address. Documentation that a search was conducted shall be maintained for a period of two years. All information obtained by WTAMU will be for the exclusive use of WTAMU in evaluating the individual for employment.

1.3.1. A security-sensitive position is defined as a position in which the employee (1) handles money; (2) has access to a computer terminal; (3) has access to a master key; or (4) works in a location designated as a security-sensitive area. In the WTAMU workplace of today, this definition includes all employees of the university.

1.3.2. Every offer of system employment must be conditioned on receipt of an acceptable criminal history record information check. Every candidate for employment is required to complete the background check authorization/consent process. A candidate for employment's failure to consent to a criminal background check is grounds for the rejection of that candidate. Except as required or otherwise provided by a law, a member will not request the disclosure of criminal history record information regarding applicant before the member extends a conditional offer of employment to the applicant.

1.3.3. A criminal history background check will be requested by the hiring authority on a recommended candidate for employment. This request is made to the EEO Officer prior to an offer of employment. The EEO Officer or designee must conduct the criminal history background check. In situations where criminal history record information is found, an analysis, as outlined in, Section 6 of System Regulation 33.99.14, must be initiated prior to finding a candidate ineligible for employment. If an offer is not extended to or accepted by the first candidate, a criminal history background check must be obtained on the next candidate and so on until a candidate is successfully employed.

1.3.4. All criminal history information records will be retained by the EEO Officer and, if obtained from the DPS Crime Records – Secure Site, cannot be released or disclosed to any person except on court order. All criminal history record information obtained about an individual must be destroyed as soon as practicable per the Texas A&M University System Record Retention Schedule: for candidates for employment, after the position has been filled and the individual reports to his/her first day of work; for

employees, after the criminal history record information has been analyzed and any resulting action is taken.

1.3.5. All position descriptions must state that the position is a security-sensitive position.

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## **Related Statutes, Policies, or Requirements**

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[Texas A&M University System Regulation 33.99.14, Criminal History Record information-Employees and Candidates for Employment](#)

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## **Definitions**

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[Refer to System Regulation 33.99.14, Criminal History Record Information-Employees and Candidates for Employment](#) for definitions related to this rule.

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## **Revision History**

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Revised August 2, 2001  
Revised April 9, 2008  
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Revised April 30, 2017

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## **Contact Office**

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WTAMU Human Resources  
(806) 651-2114

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## Approval Office

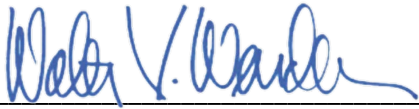
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Office of the President  
(806) 651-2100

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## Approval Signature

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Walter Wendler  
President/CEO

05/25/23

Date

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## System Approvals\*

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### Approved for Legal Sufficiency:

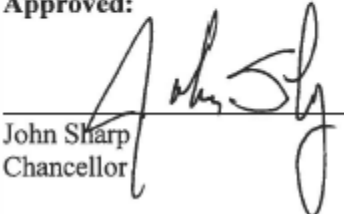


Ray Bonilla  
General Counsel

4/18/23

Date

### Approved:



John Sharp  
Chancellor

4/18/23

Date

**\*System approvals are contingent upon incorporation of any and all System-required changes in the rule's final posting.**