

33.99.99.W1/BF Criminal History Information
Approved April 13, 2000
Revised August 2, 2001
Revised April 9, 2008
Revised November 21, 2008
Supplements System Regulation 33.99.14

1. West Texas A&M University (WTAMU) will conduct criminal history background checks on applicants 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 Applicants*, and by this rule.
2. WTAMU has designated all faculty, staff, and graduate assistant positions as security-sensitive and will, therefore, perform criminal history background checks for all such position finalists. Criminal history background checks will also be performed for all student hourly employees who hold security-sensitive positions. Criminal history background checks on position finalists will be run from the Texas Department of Public Safety's (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 WTAMU.
3. 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 the DPS Crime Records-Public Site or any other publicly available local, state, or federal source. WTAMU employees who are position finalists for another WTAMU position will be checked as required by Section 2 of this rule.
4. 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.
5. The WTAMU Personnel Services department may, if necessary, consult with the Office of General Counsel before determining appropriate action based on an applicant's falsification or failure to disclose his/her criminal history on the individual's application for employment. The Office of General Counsel may also, if necessary, be contacted before determining appropriate action based on an applicant or employee's criminal history record information or the individual's failure to report any criminal arrest, criminal charges, or criminal conviction.
6. The following information is intended to define and describe the process for securing criminal history background checks on position finalists. All information obtained by WTAMU will be for the exclusive use of WTAMU in evaluating the individual for employment.

- A. 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 West Texas A&M University workplace of today, this definition includes all employees of the University.
- B. A criminal history background check will be requested by the hiring authority on a position finalist that is being recommended for employment. This request is made to the EEO Officer **prior to an offer of employment**. The EEO Officer will contact the University Police Department (UPD) who will conduct the criminal history background check. The findings of the criminal history background check will be communicated by UPD to the EEO Officer. In situations where criminal history record information is found, an analysis, as outlined in Section 6, will be initiated prior to finding an applicant 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.
- C. All criminal history information records will be retained by UPD 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 will be destroyed as soon as practicable: for applicants, 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.
- D. All position descriptions must state that the position is a security-sensitive position.

Deleted: System Regulation 33.99.14, Criminal History Record Information- Employees and Applicants, Section 6

CONTACT FOR INTERPRETATION: University Police Department

APPROVAL:



 President/CEO

November 21, 2008
 Date