

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy ER-9
Criminal Background Checks

SUBJECT: Criminal Background Checks

PURPOSE: To establish the University's policy and procedures for conducting and obtaining background checks for non-student positions.

POLICY: The University will use information obtained in background checks only for evaluating individuals wishing to enter into positions identified as security sensitive with the University. The University will not use the information to discriminate on any basis prohibited by law.

CONTENTS: 1. General
2. Security Sensitive
3. Procedures for Background Checks
4. Use of Information Obtained in Background Checks

1. General

- a. Employment between the University and an individual in a security sensitive position is contingent on successfully passing a background check.
- b. Postings for employment with the University that require a background check will include a notification of the background check requirement per the authority granted in the State of Texas Education Code Section 51.215 and Government Code Section 411.1405.
- c. The University will conduct criminal background checks for:
 - (1) Applicants selected to fill security sensitive positions; and
 - (2) Employees selected to transfer or to be promoted to security sensitive positions.
- d. All information obtained through a background check is privileged and confidential and will not be released or disclosed to any unauthorized person.

2. Security Sensitive

Security sensitive positions shall be restricted to employees who handle currency, have access to a computer terminal, have access to a master key, or who work in an area of the University which has been designated as a security sensitive area.

3. Procedures for Background Checks

- a. Through coordination with the Human Resources Department, the Public Safety Services Department will conduct and obtain criminal history background checks for all positions designated as security sensitive.
- b. The Public Safety Services Department will notify Human Resources of the results of the background check. If the check does not meet eligibility standards, the hiring supervisor may discuss it with the Public Safety Services Department.

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- c. The unauthorized release of criminal history information is a criminal offense and against University policy. Any unauthorized release of criminal history information will subject the person releasing the information to prosecution under the law and University disciplinary sanctions.

4. Use of Information Obtained in Background Checks

Information obtained in a background check should carefully consider the following:

Information can only be used to disqualify an individual for employment if it is relevant to the position. The severity of the individual's offense, its relatedness to the position, and the amount of time that has passed since the offense are to be considered. Additionally, knowledge of an arrest in and of itself should not necessarily be used to disqualify an individual from employment.

New policy approved by: James F. Gaertner, President – 02/07/2008

Next review: Ted E. Michael, Director of Human Resources – 11/01/2008