

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 criminal background checks for all security sensitive positions and ensuring vendor criminal background check compliance.

POLICY: Security sensitive faculty, staff, student positions exist throughout the University. The University will use information obtained in criminal background checks only for evaluating individuals wishing to enter into positions identified as security sensitive. The University will not use criminal background check information to discriminate on any basis prohibited by law. All personnel actions are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

CONTENTS:

1. General
2. Security Sensitive
3. Procedures for Criminal Background Checks
4. Use of Information Obtained in Criminal Background Checks
5. Vendor Compliance

1. General

- a. Employment between the University and an individual in a security sensitive position is contingent on successfully passing a criminal background check.
- b. Postings for employment with the University that require a criminal 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 criminal background check is privileged and confidential and will not be released or disclosed to any unauthorized person.

2. Security Sensitive Positions

Security sensitive positions are those which handle currency, or work with information technology, or have access to a computer terminal and/or network services, or have access to a master key, or require work in an area of the University which has been designated as a security sensitive area. The overwhelming majority of positions within the University meet one or more of the aforementioned criteria and are therefore considered security sensitive.

3. Procedures for Background Checks

- a. The Human Resources Department will obtain criminal history background check information for all positions designated as security sensitive, and the Associate Vice President for Human Resources and Risk Management or the Associate Director of Human Resources will evaluate

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

this information to determine employability of the individual. Criminal background check information will be obtained through an approved third party vendor.

- b. Based on information obtained in the criminal background check, the Human Resources Department will notify applicable hiring managers that the individual is employable or not recommended for hire. Designation of an applicant as “employable” shall not obligate the hiring manager to offer employment to an applicant; nor, shall such designation create in the applicant any legal entitlement to a position. Recommendations by Human Resources may be appealed by the hiring department/college. Appeal requests should be submitted to the Associate Vice President for Human Resources and Risk Management or the Associate Director of Human Resources. Appeals will be considered by the Provost and Vice President for Academic Affairs or the Vice President for Finance and Operations. The Provost addresses appeals for faculty, and the Vice President for Finance and Operations handles non-faculty appeals. Decisions of the Provost or Vice President for Finance and Operations are final.
- c. Faculty and staff applicants will provide authorization for the University to conduct a criminal background check through electronic signature by accessing the employment website as instructed by Human Resources personnel. All student applicants will complete a paper form to release and disclose information.
- d. 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 Criminal Background Checks

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.

5. Vendor Compliance

For each vendor employee working on SHSU campuses and/or in need of access to university computer networks, vendor will provide SHSU the following on its company letterhead:

- a. Represent and warrant vendor employee has successfully passed a comprehensive criminal background check within 24 months of contract effective date or assignment of vendor employee to work with SHSU. Background check includes national criminal history check of counties where employee has lived or lives over the past seven (7) or more years.
- b. Represent and warrant vendor employee will complete University Title IX training within 30 days of contract effective date or assignment of vendor employee to work with SHSU.
- c. Employee name, address, email address, DOB, and gender.

Background check requirements apply equally to vendor and vendor’s sub-contractors, and vendor shall be responsible for compliance by sub-contractor. Vendor is required to provide notice of any employee changes within five (5) business days of the change date. The notice shall provide employee name, address, email address, DOB, and gender of the individual leaving and the replacement employee.

Reviewed by: David M. Hammonds, Associate VP for Human Resources & Risk Management-06/05/2015
Next review: 04/01/2020