



Rule Summary

East Texas A&M University (University) is committed to protecting the safety and welfare of employees and the general public, protecting state property, and maintaining the reputation and integrity of the University for the citizens of Texas.

The University performs criminal background checks of current employees and applicants for employment as provided by [System Regulation 33.99.14, Criminal History Record Information-Employees and Candidates for Employment](#).

This rule has been amended to comply with Governor Greg Abbott's Executive Order GA-48 dated November 19, 2024.

Procedures and Responsibilities

1 GENERAL

- 1.1 The Human Resources Office (HRO) will perform criminal background checks of current employees and candidates for employment as provided by System Regulation 33.99.14 and this rule. All employment positions of the University are security-sensitive.
- 1.2 Candidates for employment and current employees will have, as permitted by law, the opportunity to request, receive, review, and correct information about that individual collected by or on behalf of the University using a criminal background check authorization form.

2 PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 2.1 All offers of employment by the University are conditional upon the University's receipt of an acceptable criminal history record information check.
- 2.2 All candidates for employment will be required to provide information to complete a criminal background check to determine suitability for employment in order to proceed with the application process.
- 2.3 Any candidate for employment with criminal history record information indicating a conviction for an offense listed in this subsection may be hired only after the University

conducts the analysis found in Section 6 of System Regulation 33.99.14, including but not limited to a recommendation by the department/unit head, Vice President and consultation with the President. A conviction for or plea to any of the following offenses requires such approvals:

2.3.1 A felony, as defined by state or federal law, or equivalent offenses under the law of another jurisdiction; or

2.3.2 Any offense requiring registration as a sex offender.

3 SOURCES OF CRIMINAL HISTORY RECORD INFORMATION

3.1 Criminal history background checks on candidates for employment and employees may be accessed from: (a) the Texas Department of Public Safety (DPS) Crime Records-Public Site or any other publicly available local, state, or federal source , and/or (b) the DPS Crime Records Service Secure Site, and/or- (c) a third party vendor. the HRO performs the check.

3.2 Criminal history checks on current employees under Section 5 of this rule will be sourced from the DPS Crime Records-Public Site and/or any publicly available local, state, or federal source.

3.3 The University must destroy all such information within its control as soon as practicable: for candidates for employment, after the position has been filled and the individual or the successful candidate reports to his or her first day of work; for employees, after the criminal history record information has been analyzed and any resulting action taken under this rule. Note that the University must maintain completed background check authorization/consent forms as provided in the system records retention schedule. (The authorization is held by a 3rd party provider, Sterling)

3.4 The University Police Department (UPD), which requires extended background checks for employees, appointments, or volunteers, will perform background checks and provide results to the HRO prior to hire. Additionally, results will be provided to the HRO for any current employees for whom extended background checks are performed. UPD maintains the results of extended background checks.

4 FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

4.1 Candidate for employment. If it is determined prior to employment that a candidate for employment has falsified or failed to disclose the individual's criminal history, the candidate will not be eligible for employment

4.2 Employee. If it is determined any time after employment that an employee falsified or failed to disclose the individual's criminal history in accordance with System Regulation 33.99.14 and this rule, the employee may be subject to disciplinary action, including dismissal.

4.3 An analysis of the criminal history record is not required for the decision taken under this section of the rule.

5 POST-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 5.1 Employees are subject to criminal history review at any time as permitted by law, but most commonly when being considered as candidates for promotion, transfer, or reclassification that requires a position change.
- 5.2 Any employee declining to consent to a criminal history background when requested to do so will be removed from further consideration for the position and may be subject to further discipline.
- 5.3 Every employee will have, as permitted by law, the opportunity to request, receive, review, and correct their criminal history information collected by or on behalf of the University.
- 5.4 Once the University is informed that an employee has been criminally arrested, charged, or convicted, it will take the actions directed in System Regulation 33.99.14.
- 5.5 Employee Reporting of Arrests, Charges or Convictions
 - 5.5.1 University employees must report to their supervisor within 24 hours or at the earliest possible opportunity thereafter regarding any criminal arrests, criminal charges, or criminal convictions, excluding misdemeanor traffic offenses punishable only by a fine. Failure to make the report required by this section constitutes grounds for disciplinary action, including dismissal.
 - 5.5.2 The employee's supervisor must report the arrest(s), criminal charge(s), or conviction(s) to their supervisor and the HRO.
 - 5.5.3 An employee who has been arrested is subject to immediate suspension with pay pending the outcome of an administrative review of the facts surrounding the arrest, charges, or conviction by the HRO and/or investigation by the appropriate law enforcement agency. The employee must cooperate fully during the review process.
 - 5.5.4 The HRO conducts the analysis outlined in Section 7 and assists the employee's department/unit in determining appropriate disciplinary action in such cases, including dismissal, depending on the facts and circumstances surrounding the arrest or conviction.

6 BACKGROUND CHECKS FOR EMPLOYEES WHO WORK ON OR HAVE ACCESS TO CRITICAL INFRASTRUCTURE

- 6.1 Critical Infrastructure means a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility.
- 6.2 Cybersecurity means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.
- 6.3 The Department of Public Safety contractor cyber intelligence company will be utilized for background checks related to this section.

6.4 The University will obtain these background checks for any job transfer or promotion and biennially for all other employees who research, work on, or have access to critical infrastructure, including cybersecurity systems.

7 ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

7.1 HRO will complete the analysis and subsequent actions in accordance with System Regulation 33.99.14.

7.2 If the department/unit head disagrees with the HRO's recommendation and wishes to employ, continue the employment of, or not discipline the individual, they must obtain the approval of the CEO or their designee.

8 APPEALS

Appeals of employment actions taken under this rule will be conducted in accordance with the requirements of System Regulation 33.99.14 and related University rules or procedures.

Related Statutes, Policies, or Requirements

Executive Order No. [GA-48 “Hardening State Government”](#)

System Regulation [33.99.14, Criminal History Record Information-Employees and Candidates for Employment](#)

University Rule [08.01.01.R2, Civil Rights Compliance](#)

University Procedure [32.01.01.R0.01, Grievance and Appeal Process for Faculty Members](#)

University Procedure [33.99.01.R0.01, Employment Practices](#)

Revision History

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