



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 70.20: Conducting Criminal Background Checks for Employment Purposes

DATE: December 16, 2022

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy and procedure to promote Texas Tech University’s commitment to a safe and secure environment by conducting criminal background checks in compliance with federal and state laws. TTU will conduct criminal background checks for applicants seeking employment with TTU or current staff employees who are being reclassified into a higher pay grade. The information will be used in order for the institution to make appropriate employment decisions.

REVIEW: This OP will be reviewed in February of odd-numbered years by the Associate Vice President for Human Resources, the Managing Director of the Texas Tech University System Office of Risk Management, and the Chief of Police with substantive revisions forwarded through administrative channels to the Vice Chancellor and Chief Financial Officer or designee, the Chief of Staff and Vice President for Administration, and the Assistant Vice Chancellor and Director of Equal Opportunity.

POLICY/PROCEDURE

1. General

A criminal background check refers to the process of seeking information about a person that includes a social security number verification, criminal records check, public court records check, and sex offender registration. A criminal background check must be requested on applications prior to hire.

A licensing and certification records check may be conducted in cases where licensure is required, and names may be checked against appropriate disbarment lists.

This policy does not apply to TTU campus police department employees in criminal justice positions. Those security checks will be conducted in accordance with [Chapter 411, Subchapter F, Texas Government Code](#), and [Texas Education Code, Section 51.215](#).

2. Applicants

a. New Employees

All new employees, including direct appointments, may be required to have a background check, which includes criminal history, sex offender, and violent offender check, prior to employment. In cases where licensure is required, the names may be checked against appropriate disbarment lists. Any student selected for a position that is classified as security-sensitive Level II will be required to have the same checks prior to employment.

b. Current Employees

Current staff employees who competitively apply for a position through the University's applicant tracking system and who are selected for the position in which they applied will be required to have a criminal background check prior to being hired into the new position. Current staff employees selected for promotion, including direct appointments, or whose position is reclassified into a higher pay grade, may, at the request of the department, have a criminal background check prior to the promotion or reclassification becoming effective. This also includes any student position that is classified as security-sensitive Level II.

c. Security-Sensitive Level I

All staff and faculty positions, including temporary positions, at Texas Tech University will be classified as security-sensitive Level I.

d. Security-Sensitive Level II

Other positions may be designated as security-sensitive Level II.

e. Student Assistants

Student worker positions may be identified as security-sensitive Level I or II if, in the opinion of the administrator and with approval of the Associate Vice President for Human Resources, the duties and responsibilities are of such a nature to justify pre-employment criminal background checks and/or pre-employment and post-hire drug and alcohol testing.

f. Volunteer Workers

All volunteer workers, including youth camp volunteers, will be required to have a criminal background check prior to the beginning of their assignment. Before the background check can be run, a copy of the *Adult Volunteer Worker Application* or *Minor Volunteer Worker Application* must be sent to Human Resources (see [OP 70.21, Volunteer Workers](#), for additional details).

3. Procedure

- a. All security-sensitive Level I or Level II positions will be identified as such in individual job descriptions, in any advertising for job applicants, and in all personnel transaction forms and/or correspondence concerning recruitment with the Human Resources department.
- b. After selection of the desired candidate:
 - (1) Candidates applying through the applicant tracking system (Kenexa): the hiring manager shall complete a contingent offer letter within Kenexa and forward the offer letter to the candidate. Once the candidate has accepted the offer, Human Resources will initiate the background check process through the applicant tracking system.
 - (2) Candidates not applying through the applicant tracking system, student employees, and volunteers: the hiring manager shall complete an online *Authorization for Criminal Record Check* form (Attachment A).

- (3) The hiring manager shall forward the *Authorization for Criminal Record Check* form to Human Resources at hr.backgroundcheck@ttu.edu.
 - (4) Candidates being considered for employment in Level II positions: the hiring manager shall have the candidate complete the *Consent to Drug and Alcohol Testing* form (Attachment B).
 - (5) The hiring manager shall hold the *Consent to Drug and Alcohol Testing* form in the applicant's file pending results of the records check (security-sensitive Level II only).
- c. For a position that requires fingerprinting as a condition of employment, any candidate who fails to provide a complete set of fingerprints upon request may be denied employment.
 - d. The information provided by the applicant will be transmitted to the selected vendor, which shall perform the criminal background check.
 - e. Upon receipt of the information from the vendor, background checks will be reviewed by the Associate Vice President for Human Resources or his/her designee and a notification indicating that the applicant is either "eligible for hire" or "not eligible for hire" will be sent to the hiring manager.

Note: No applicant listed as "not eligible for hire" shall be eligible for employment without the written consent of the Chancellor or President.

- f. Candidates for Level II positions must pass a post-offer/pre-employment drug screening as set forth in [TTU OP 70.35, Drug and Alcohol Testing for Safety- and Security-Sensitive Positions](#).
- g. Criminal background records of staff and applicant background verifications are confidential. Such records will be plainly marked "CONFIDENTIAL" and will only be disclosed to those who have a need to know. The unauthorized disclosure of background information will be considered a breach of confidentiality, and the individual or individuals involved will be subject to corrective action as deemed appropriate in accordance with the institution's policy on confidentiality and the appropriate policy on corrective action and termination.
- h. A fee will be charged to the hiring department for processing the background check. Expenses associated with drug screening are the responsibility of the hiring unit.

4. Review Process

An individual with a criminal record will not automatically be disqualified from employment. All background check results are reviewed on a case-by-case basis. Human Resources will take into consideration the time passed since the offense, whether the offense is related to the position being sought, and the overall criminal history of the applicant.

Any candidate who is "not eligible for hire" will receive notification from the Associate Vice President for Human Resources or his/her designee. The notification will provide the candidate with information on the vendor that provided the information and a copy of the report. The candidate will have 10 business days to contact the vendor to dispute any convictions the applicant deems to be incorrect.

5. Self-Reporting

Faculty, staff, and student employees are required to notify their immediate supervisor of any felony conviction; conviction of a Class A misdemeanor; or any drug, assault, or theft conviction that they receive during the term of their employment no later than five days after the conviction. Failure to report a conviction can result in an array of penalties ranging from an oral reprimand to termination in accordance with the applicable corrective action and termination policy. For a faculty member, any potential involuntary separation of employment is governed by the provisions of [TTU OP 32.02, Faculty Non-reappointment, Dismissal, and Tenure Revocation](#).

6. Retention

All criminal history record information obtained will be destroyed after the information is used for its authorized purpose.

7. Third-Party Vendor Agency Report

Criminal Background checks are considered a “consumer report” under the Fair Credit Reporting Act (FCRA). The university complies with all applicable FCRA disclosure and notice requirements.

8. Authoritative References

[Texas Government Code, Chapter 411, Subchapter F](#)
[Texas Education Code, Section 51.215](#)

9. Right to Change Policy

Texas Tech reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

[Attachment A: Authorization for Criminal Record Check](#)

[Attachment B: Consent to Drug and Alcohol Testing](#)