33.99.14.C1 Criminal Background Checks

Revised: April 13, 2026
Next Scheduled Review: September 1, 2027
Revision History

Rule Summary

Criminal background checks must be performed on all new employees and may be performed on current employees. This rule provides guidance for performing and analyzing criminal background information. Criminal history records must not be used to discriminate on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, or any other classification protected by federal, state, or local law.

Rule

1. GENERAL

1.1. This rule supplements System Regulation *33.99.14, Criminal History Record Information – Employees and Candidates for Employment*. In an effort to provide a safe environment for students, visitors, faculty, and staff, and enhance the security of physical resources, Texas A&M University-Corpus Christi will conduct criminal background checks on candidates for employment selected for hire and may conduct criminal background checks on current employees.

1.2. The President has determined that all positions, including student, adjunct, part-time, and temporary positions at the university fall under the category of security-sensitive positions, as defined in System Regulation *33.99.14, Criminal History Record Information – Employees and Candidates for Employment*.

1.3. Additional information regarding the ongoing criminal background check process for employees involved in youth initiatives can be found in university rule *24.01.06.C1, Programs for Minors*.

1.4. Vacancy announcements, advertisements for positions, and employee job descriptions will identify the security-sensitive nature of the positions. Candidates for employment will be informed that employment requires an acceptable background investigation.

1.5. Every candidate for employment and current employee will have, as permitted by law, the opportunity to request, receive, review, and correct information collected by or on behalf of the university.

2. CRIMINAL HISTORY BACKGROUND CHECKS

2.1. If an offer is extended to a candidate for employment before the completion of the background check, the offer must state that employment is contingent on the completion of an acceptable criminal background investigation.

2.2. Human Resources will obtain an authorization form from final candidates for employment and new employees who have been extended a conditional offer of employment. Individuals refusing to sign the authorization form for the background investigation will not be eligible for employment. The criminal background authorization form can be found on the Human Resources website and in the Appendix section of this rule.

2.3. Any candidate for employment who has a criminal history record indicating a conviction may be hired only after the Human Resources office has conducted the analysis outlined in section 6 of this rule and it is determined that the criminal history does not affect the individual's eligibility for employment.

2.4. The approval of the President is required to employ an individual who has a conviction for:

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

2.4.2. Any offense requiring registration as a sex offender.

2.5. A candidate for employment is required to promptly report any arrest, criminal charge, or conviction occurring after their application is submitted. This reporting obligation for candidates for employment exists until the individual: (a) receives notice that they will not be hired; or (b) is hired and first reports to work.

3. CRIMINAL HISTORY RECORDS

Criminal history record information, including conviction information contained therein, will be regarded as confidential as required by law and will not be made a part of the candidate for employment's file or the employee's personnel file or communicated to any unauthorized individual.

4. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

Falsification or failure to disclose criminal activity at any point during the application process or period of employment will be addressed as outlined in section 4 of system regulation *33.99.14, Criminal History Record Information – Employees and Candidates for Employment*.

5. CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES

5.1. Employees are Subject to Periodic Checks

5.1.1. Employee's criminal history record information is subject to review at any time as permitted by law. Periodic criminal history information record checks may be conducted at the discretion of the university with approval of the President. The President has delegated this authority to the vice presidents for units not reporting directly to the President.

5.1.2. Criminal background information may also be required for an employee who is under consideration for a transfer, demotion, or promotion.

5.2. Current employees must report to their supervisor and Human Resources, within twenty-four (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 required by this section will constitute grounds for disciplinary action, including dismissal. These arrests, charges, or convictions must be analyzed in accordance with section 6 of this rule.

6. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

6.1. Upon finding criminal history record information indicating a conviction, criminal charge, or an arrest, the Human Resources office and the University Police Department will conduct the analysis found in section 6 of system regulation *33.99.14, Criminal History Record Information – Employees and Candidates for Employment*.

6.2. To ensure compliance with the Equal Employment Opportunity Commission standards and policy guidance, candidates for employment with a criminal history will not be automatically disqualified from university employment, and a university employee's criminal history will not result in automatic disciplinary action or dismissal. The analysis must be used to determine whether an individual's criminal history will affect the individual's potential or continued university employment.

6.3. If, after completing the analysis with respect to a conviction, Human Resources and the University Police Department reasonably conclude the candidate for employment's or employee's criminal conduct makes them unsuitable for the position in question, Human Resources, in consultation with the University Police Department, may recommend that the department/unit reject the candidate for employment or dismiss the employee. If the department/unit disagrees with the conclusion of Human Resources and wishes to employ or continue the employment of the individual, the department/unit must receive approval from the President or designee. With the exception of convictions listed in section 2.4 of this rule, the President has delegated this authority to the vice presidents for units not reporting directly to the President.

6.4. If, after completing the analysis with respect to a criminal charge or arrest, Human Resources concludes the candidate for employment's or employee's misconduct makes them unsuitable for the position in question or should be disciplined, Human Resources may recommend that the department/unit reject the candidate for employment or discipline or dismiss the employee. If the department/unit disagrees with the conclusion of Human Resources and wishes to employ, continue the employment of, or not discipline the individual, the department/unit must receive approval from the President or designee. The President has delegated this authority to the vice presidents for units not reporting directly to the President.

7. APPEALS

7.1. A candidate for employment rejected for university employment under this rule has no appeal unless the individual alleges discrimination. Such appeals must be filed in accordance with university rule *08.01.01.C1, Civil Rights Compliance*.

7.2. Faculty employees may appeal action taken under this rule by following the applicable provisions of university procedure *32.01.01.C0.01, Complaint and Appeal Process for Faculty Members,* or university rule *08.01.01.C1, Civil Rights Compliance*.

7.3. Non-faculty employees may appeal action taken under this rule by following the applicable provisions of university procedure *32.01.02.C0.01, Complaint and Appeal Process for Non-faculty Employees* or university rule *08.01.01.C1, Civil Rights Compliance*.

7.4. The President has delegated authority to review and approve appeal investigation findings to the vice presidents for units not reporting directly to the President.

Related Statutes, Policies, or Requirements

Tex. Gov't Code Ch. 411, Subchapter F
Tex. Educ. Code §51.215
Tex. Gov't Code Ch. 559
Fair Credit Reporting Act, as amended, 15 U.S.C. §§ 1681 – 1681u
System Policy *12.01, Academic Freedom, Responsibility and Tenure*
System Policy *32.02, Discipline and Dismissal of Employees*
System Regulation *08.01.01, Civil Rights Compliance*
System Regulation *32.01.01, Complaint and Appeal Process for Faculty Members*
System Regulation *32.01.02, Complaint and Appeal Process for Nonfaculty Employees*
System Regulation *33.99.14, Criminal History Record Information - Employees and Candidates for Employment*
University Rule *08.01.01.C1, Civil Rights Compliance*
University Rule *24.01.06.C1, Programs for Minors*
University Rule *32.01.01.C0.01, Complaint and Appeal Process for Faculty Member*
University Rule *32.01.02.C0.01, Complaint and Appeal Process for Non-Faculty Employees*

Appendix

Criminal Background Check Authorization Form

Contact Office

Contact for clarification and interpretation: Human Resources
361.825.5743