

# ADMINISTRATIVE PROCEDURES

|  |  |
| --- | --- |
| **10.08 Criminal History Information** | **Revised: November 1, 2023** |

1. GOVERNING REGULATIONS

These procedures are governed by Section 51.215 of the [Texas Education Code](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm), System Regulation [33.99.01](http://policies.tamus.edu/33-99-01.pdf) *Employment Practices*, System Regulation [33.99.14](http://policies.tamus.edu/33-99-14.pdf) *Criminal History Record Information-Employees and Candidates for Employment* and Rule [33.99.14.F1](http://tfsfinance.tamu.edu/modules/finance/admin/rules/339914F1%20Criminal%20History%20Record%20Information.pdf) *Criminal History Record Information-Employees and Candidates for Employment*.

1. PURPOSE

Texas A&M Forest Service is committed to providing a safe working environment for its employees and the customers they serve. Therefore, it is imperative that individuals selected to fill positions within the agency are carefully screened. The mission of the agency is such that each employee must be trustworthy and capable of being placed in high stress environments.

1. GENERAL
   1. All budgeted, seasonal and student worker positions are designated as security sensitive and will use screening procedures as provided in System Regulation 33.99.01 to provide consistent data on candidates for employment selected to be hired into such positions. All offers of employment are considered conditional pending receipt of an acceptable background check. In addition, all prospective volunteer workers who will be working with Programs for Minors must have a background check completed.

3.2 All positions have been designated as security sensitive because each position's duties include handling currency, having access to sensitive computerized databases, having access to a master key, working in an area of the agency that has been designated as a security sensitive area, working in remote areas in one-on-one situations with customers or working in high stress situations relating to emergency response either in-state or out-of-state.

3.3 As provided in Section 51.215 of the Texas Education Code, the criminal history record is used as part of the evaluation of final candidates for employment. AgriLife Human Resources (HR) is responsible for obtaining criminal history information and conducting analysis in accordance with System Regulation 33.99.14.

3.4 The AgriLife HR Manager will review the results of the background check. If a candidate for employment is discovered to have a criminal history, the history will be analyzed with consideration given to the relevancy among (a) the nature, gravity and number of offenses, (b) the responsibilities of the position that will be held, (c) the length of time that has elapsed since the arrest or conviction occurred and (d) the protection of the employees, constituencies, property, reputation and integrity of the agency. If after considering all the circumstances noted above, AgriLife HR concludes the candidate for employment’s criminal conduct indicates he or she is unsuitable for the position in question, then AgriLife HR may recommend that the hiring department reject the candidate. If the department disagrees with the conclusion of AgriLife HR and wishes to employ the individual, the department must receive approval from the Director.

3.5 Declining to submit to a criminal history record information check is grounds for non-selection of a candidate.

3.6 None of the provisions of this procedure will be used as the basis for illegal discrimination or retaliation against any individuals or groups.

1. REQUIREMENTS
   1. This procedure applies to all individuals (including current employees) who are in consideration for vacant positions.
   2. All offers of employment are contingent upon successful completion of a criminal history check. The Employee Development Department (ED) coordinates the internal process with the appropriate department to obtain criminal history record information necessary for screening of candidates. AgriLife HR serves as the processor and custodian of criminal history records for screening. AgriLife HR provides the background check completion certificate to ED after review if the candidate for employment is eligible for hire. If there are items in the background check report reflecting criminal history, the AgriLife HR Manager will review as noted in section 3.4. Based on the outcome of this review and resulting decision by agency leadership, the AgriLife HR Manager will notify ED and the hiring supervisor as to whether the candidate meets the conditions of the offer of employment.
   3. All criminal history record information pertaining to a candidate is privileged and confidential and will be destroyed by AgriLife HR in accordance with System Regulation 33.99.14 upon completion of the hiring process.
   4. After a hiring decision is made and conditions of the offer of employment are met, ED places in the hiring record the notification of completion of the criminal history check, as described in the hiring guidelines. Criminal history record information and associated communication and documentation on candidates who are not hired will be administered by AgriLife HR in accordance with applicable laws.
2. PROGRAMS FOR MINORS
   1. Annual criminal history background checks will be conducted on all prospective volunteers and employees who will be working with agency programs that meet the definition of Programs for Minors (see Rule [24.01.06.F1](http://tfsfinance.tamu.edu/modules/finance/admin/rules/240106F1%20Programs%20for%20Minors.docx) *Programs for Minors*). The

supervisor will have the prospective volunteer complete a [Background Check Request Form](https://tfsfinance.tamu.edu/modules/finance/admin/procedures/Background%20Check%20Request.docx) and submit it to ED for processing.

* 1. Criminal history information for prospective volunteers will be obtained and reviewed by AgriLife HR and decisions to approve or disapprove a prospective volunteer will be performed, using the same process for employees and candidates outlined in Section 3, above.

1. RESPONSIBILITIES
   1. ED is responsible for:
2. indicating security sensitive positions in all job postings and advertisements.
3. informing the hiring supervisor of the corresponding instructions for initiating the process if required and completion of criminal history record information checks.
   1. The AgriLife HR Manager is responsible for:
4. consulting with the hiring department when criminal history record information is found, and resolving any concerns related to the suitability for employment by the agency.
5. advising the Director on requests to hire a candidate for employment with a felony record (see section 6.5)
   1. AgriLife HR is responsible for:
6. developing, maintaining and issuing instructions and forms for use in the screening for criminal history information (see [Background Check Request Form](https://tfsfinance.tamu.edu/modules/finance/admin/procedures/Background%20Check%20Request.docx)).
7. obtaining and maintaining criminal history record information in accordance with the System Records Retention Schedule and System Regulation 33.99.14, using appropriate safeguards to ensure confidentiality.
8. informing a candidate if they have been rejected from consideration for a position because of criminal history.
   1. The hiring supervisor/department is responsible for:
9. providing candidates interviewed or selected for hire or prospective volunteers who will be working with Programs for Minors with appropriate information to initiate electronically the required background check information.
10. assisting the AgriLife HR Manager, if necessary, in the analyses of criminal history information as it relates to the job and final consideration of the candidate.
11. submitting justifications for hiring recommendations that are contrary to the AgriLife HR Manager's advice through the chain of command to the Director.
    1. The Director decides if final candidates with felony criminal history record information are hired.

CONTACT: [Texas A&M AgriLife Human Resources Manager](mailto:melanie.upton@ag.tamu.edu), (979) 314-5744