**Faculty Criminal Background Checks AA/PPS No. 04.01.10 (7.20)**

 **Issue No. 2**

 **Effective Date: 06/01/2017
 Next Review Date: 06/01/2020(E3Y)**

 **Senior Reviewer: Provost**

**01. POLICY STATEMENT AND SCOPE**

01.01 In an effort to provide the safest possible environment for students, visitors, faculty, staff, and physical resources, Texas State University shall conduct criminal background checks on all applicants selected to be hired for faculty positions.

01.02 Postings for faculty employment will include a notification of the background check requirement per the authority granted in the [Texas Education Code, Section 51.215](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm), and the [Texas Government Code, Section 411.1405](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.411.htm).

**02. DEFINITIONS**

02.01 An **applicant** is an individual who applies for an open position with Texas State, whenever the individual is an outside candidate or a current employee of Texas State.

02.02 A **criminal background check** is information collected about a person by a criminal justice agency.

**03. PROCEDURES**

03.01 All selected applicants for faculty positions shall be required to have a criminal background check for a felony conviction or a deferred adjudication on a felony offense at age 17 or older conducted prior to the first day of employment. Employment may not begin until the university has received the results of the background check.

03.02 Prior to conducting the criminal background check, the department will obtain the [signed, written consent](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps7/PPS7-20AttB.docx) from the potential employee.

03.03The Faculty Records office shall be responsible for submitting the criminal background check consent form to an approved third party vendor.

03.04 The university will not automatically disqualify an individual with a criminal history from employment. In the event that an applicant or current employee self-identifies a criminal history or a criminal history background investigation reveals a criminal history, an individualized assessment will be conducted to determine the appropriateness of any employment.

03.05The department chair and dean, in consultation with the Provost’s Office, shall be responsible for conducting the individualized assessment and for making the decision to offer employment to an applicant. General eligibility parameters can be found [here](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps7/PPS7-20AttA.doc). In some cases, the assessment of an individual’s criminal history may justify exclusion from employment based on job-relatedness and consistency with business necessity.

03.06Criminal history information will be used only for the purpose of evaluating applicants for employment and shall in no way be used to discriminate on the basis of race, color, national origin, age, sex, religion, sex, disability, veteran’s status, sexual orientation, gender identity, or expression.

03.07Criminal history record information will not be made part of the applicant’s file or the employee’s file or communicated to any unauthorized person. Under [Texas Government Code, Section 411.0845](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.411.htm#411.0845), the unauthorized release of criminal history record information is a criminal offense and, consequently, the institution should seek legal advice with respect to any requested release of such information.

03.08Offers of employment to applicants who apply for faculty positions will be made on a contingent basis, pending satisfactory criminal background checks.

**04. REVIEWERS OF THIS PPS**

**04.01 Reviewers of this PPS include the following:**

**Position Date**

**Provost October 1 E3Y**

**05. CERTIFICATION STATEMENT**

This PPS has been approved by the following individuals in their official capacities and represents Texas State Academic Affairs policy and procedure from the date of this document until superseded.

Provost; senior reviewer of this PPS