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

**and Self-Reporting Requirements Issue No. 3**

**Effective Date: 12/06/2019
Next Review Date: 10/01/2022 (E3Y)**

**Senior Reviewer: Provost and Vice President for Academic Affairs**

**01. POLICY STATEMENTS**

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, doctoral, and graduate teaching 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#51.215) and the [Texas Government Code, Section 411.094](https://statutes.capitol.texas.gov/Docs/GV/htm/GV.411.htm).

**02. DEFINITIONS**

02.01 Applicant – an individual who applies for an open position with Texas State, whether the individual is an outside candidate or a current employee of Texas State.

02.02 Criminal Background Check – information collected about a person by a criminal justice agency.

**03. PROCEDURES**

03.01 All selected applicants for faculty, doctoral, and graduate teaching positions shall be required to have a criminal background check for any felony conviction or 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 [signed written consent](http://gato-docs.its.txstate.edu/jcr%3Aa7d01614-c5a5-4f12-af11-83c60cce8e5b/Faculty%20Criminal%20Background%20Consent%20Form.docx) from the potential employee.

03.03 The Faculty and Academic Resources 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.

03.05 The chair or director and dean, in consultation with the Office of the Provost and Vice President for Academic Affairs (VPAA), 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/PPS7-20AttB.docx). 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.

03.06 Criminal history record 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, disability, veterans’ status, sexual orientation, gender identity, or gender expression.

03.07 Criminal 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.

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

03.09 A faculty applicant who has been employed as a faculty member during the prior academic year is exempt from this background check, unless otherwise determined by the chair, dean, and associate provost. Grounds for requiring the applicant to complete a background check include, but are not limited to:

1. the applicant has never submitted to a background check at Texas State;
2. the applicant was hired during the previous year with Texas State’s knowledge of prior criminal activity; or
3. Texas State has reason to believe that there is recent criminal activity on the part of the applicant.

**04.** **PROCEDURES FOR POST-EMPLOYMENT SELF-REPORTING REQUIREMENT**

04.01 All employees must report to their chair or director (or dean if the faculty member is a direct report to the dean), in writing, within five business days, any criminal charges filed against them excluding misdemeanor offenses punishable only by fine. Additionally, employees must report to their supervisor in writing any conviction or other final disposition of a criminal charge filed against them. A criminal conviction or other final disposition for misdemeanor offenses punishable only by fine similarly does not need to be reported.

04.02 The chair, director, or dean receiving a self-report, as required by this section, must provide the information to the dean and the associate provost. The chair or director and dean, in consultation with the Office of the Provost and VPAA, shall be responsible for conducting the individualized assessment to determine any employment action for the faculty member.

04.03 Failure to report under this section is a violation of this policy and may lead to disciplinary action, up to and including termination, as appropriate.

**05. REVIEWER OF THIS PPS**

**05.01 Reviewer of this PPS includes the following:**

**Position Date**

**Provost and Vice President for October 1 E3Y**

**Academic Affairs**

**06. CERTIFICATION STATEMENT**

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

Provost and Vice President for Academic Affairs; senior reviewer of this PPS