

<b>Policies of the University of North Texas Health Science Center</b>	<b>Chapter 05 Human Resources</b>
<b>05.413 CRIMINAL HISTORY BACKGROUND CHECKS FOR SECURITY SENSITIVE POSITIONS</b>	

Policy Statement:

The University of North Texas Health Science Center, in furtherance of protecting the welfare of its human and financial resources, shall inquire into the criminal history background of any individual who receives an offer of employment as a non-student staff or faculty member at the UNTHSC and of all current non-student staff or faculty members who are being considered for transfer, promotion, or reclassification to a security-sensitive position and for whom no criminal history background check has been completed within the previous five (5) years. This process will be conducted in a manner that balances the UNTHSC’s interests in protecting the general welfare and in respecting individual privacy.

This policy does not apply to positions under the administrative direction and control of the chief law enforcement officer.

**Use of Criminal History Information**

- a.) Criminal history information will be used only for the purpose of evaluating personnel decisions involving security-sensitive positions and shall not be used in any manner to discriminate on the basis of race, color, national origin, religion, sex, disability, or age.
- b.) This policy does not automatically exclude from consideration for employment all individuals with criminal convictions. However, an applicant or staff member who has been convicted of a sexual offense that requires registration with any law enforcement agency in this or another jurisdiction shall not be eligible for employment or favorable personnel action to a security sensitive position while s/he is required to register as a sex offender.
- c.) A conviction that has been expunged or sealed by order of a competent court shall not be used in making an employment decision. An individual is not required to disclose a conviction which has been expunged or sealed and may deny the occurrence of the disposition that is the subject of an expunction or sealing order.

**Suitability Guidelines**

In reviewing the results of a criminal history background check, consideration will be given to the nature of any revealed disposition and to whether it may have an effect on the welfare of UNTHSC students, employees, or resources or on the public. Whether a disposition results in withdrawal of an offer of employment or termination of favorable personnel action will be made on a case-by-case basis based on factors that include:

- a.) the specific duties of the position;
- b.) the number of offenses committed by the individual;

- c.) the nature and seriousness of each offense;
- d.) the length of time between the offense and the employment decision;
- e.) the efforts by the individual at rehabilitation; and
- f.) the accuracy of the information provided in the individual's employment application.

#### **Confidentiality of Criminal History Information and Criminal History Record Information**

- a.) Criminal history information obtained pursuant to this policy may not be disclosed to anyone other than the individual about whom the information was obtained or to persons involved in the hiring process or who have a legitimate business-related need for this information without the written authorization of the applicant or staff member.
- b.) To the extent allowed by the Texas Public Information Act and other state or federal laws, criminal history information will be treated as confidential. Criminal history record information obtained pursuant to section 411.094 of the Texas Government may not be released or disclosed to any person except on court order.
- c.) Release of criminal history information or criminal history record information other than as allowed by law or this policy may result in disciplinary action, including termination of employment.

#### **Access and Review of Criminal History Information**

An applicant or employee about whom criminal history information is collected under this policy shall be given access to any information relating to her/him and the right to correct information in accordance with the UNTHSC privacy policy and Chapter 559 of the Texas Government Code.

#### Application of Policy.

Non-student Staff and Faculty

#### Definitions.

1. Adverse Report. Results from a criminal history information search that reveal criminal dispositions against an employee or applicant, including voluntary disclosure of criminal history information.
2. Applicant. Any individual who applies for a position with the University of North Texas Health Science Center, whether the individual is an outside candidate or a current employee.
3. Criminal History Information. Any information, whether obtained through disclosure or in an adverse report, in which an individual is identified as having been indicted or convicted or which identifies any other formal disposition of criminal charges pertaining to such individual, including acquittal, sentencing, correctional supervision, or release.

4. Criminal History Record Information. Criminal history information maintained in a restricted database which may be accessed or used only as authorized by section 411.094 of the Texas Government Code or section 51.215 of the Texas Education Code.
5. Disposition. A conviction by a jury or a court or a plea of guilty or nolo contendere, regardless of whether sentence is imposed, or any action that results in the termination or indeterminate suspension of the prosecution of a criminal charge.
6. Hiring Official. The department head or other equivalent administrative official responsible for the decision to offer employment to an applicant or to promote, transfer, or reclassify an employee to a security sensitive position.
7. Position. A full-time or part-time position filled by a regular or a temporary worker, except a position that requires the individual be enrolled as a student at the UNTHSC.
8. Security-sensitive position. Any position in which the employee handles currency, has access to a computer terminal, has access to a master key, or works in an area of the institution which has been designated as a security-sensitive area. All positions that require direct interaction with students are considered security-sensitive for purposes of this policy. The employing department along with Human Resource Services shall be responsible for the identification of positions to be designated as security sensitive.

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

1. The Human Resource Services department will be responsible for:
  - a.) obtaining a properly completed criminal history release form when a criminal history background check is required along with the information necessary to conduct a criminal background screening;
  - b.) submitting the request for background checks, and retaining and destroying criminal history information in accordance with this policy;
  - c.) developing and revising forms required under this policy and appropriate statutes;
  - d.) notifying individuals whose records indicate criminal history information that was omitted from their employment applications and administering the process for challenging the accuracy of the criminal history information;

Human Resource Services

- e.) evaluating adverse reports and voluntary disclosures along with the job duties of the prospective and/or current security sensitive position to determine whether an individual's criminal history may present a safety or security risk; and
- f.) informing the hiring official when the criminal history background check is completed and, when an adverse report is received, discussing the relevancy of criminal information with the hiring official as the information relates to the personnel decision being considered.

2. Responsibilities of the Hiring Department and Hiring Official

Hiring Department  
and Hiring Official

- a.) The hiring department is responsible for all fees incurred for conducting criminal history checks.
- b.) The hiring official, in consultation with the Human Resource Services department, will determine whether an offer of employment will be extended or revoked or whether a favorable personnel action will be terminated under this policy.
- c.) The hiring official, in consultation with the Human Resource Services department, will inform an applicant in writing when an employment offer is revoked or when a favorable personnel action is not taken based on the results of a criminal history background check.

3. Verification of Criminal History Information and Filing Background Check

Human Resources  
Services

- a.) Applicants and staff about whom an adverse report is received will be informed in writing by Human Resource Services of the information in the report before the report is discussed with the hiring official and before a final personnel decision is made.
- b.) An individual about whom an adverse report is received or whose application failed to list criminal history information contained in a report shall be given a reasonable time, generally not less than five (5) business days, to provide documentation establishing that the report is inaccurate, that a reported felony

conviction is a lesser violation under the laws of the charging jurisdiction, that a disposition was the subject of a subsequent expungement or sealing order by a competent court, or that the report is otherwise unreliable.

c.) The results of a background check will be tracked by Human Resource Services. The tracking document shall identify the name of the applicant or staff member, the date the background check was completed, and the results of the check. The results shall state only that the check was successfully completed or that an adverse report was received and, if applicable, that the person is disqualified from employment in a security-sensitive position.

d.) Only the completed criminal history release form and the tracking form will be filed in the applicant's or staff member's permanent record. All criminal history information relating to the background check will be maintained separately and destroyed in accordance with statutory requirements, this policy and the UNTHSC record retention policy.

#### 4. Retention and Disposition of Records

Human Resources  
Services

a.) Criminal history consent release forms and criminal history information obtained pursuant to this policy shall be maintained in the Human Resource Services department in accordance with governing statutes and institutional policy. Information will be destroyed in accordance with the UNTHSC record retention policy.

b.) Criminal history record information will be retained until expiration of the probationary term of the individual's employment. Upon completion of the probationary period, the information shall be destroyed by the UNT chief of police.

#### References and Cross-references.

[Texas Education Code § 51.215](#)

[Texas Government Code § 411.085](#)

[Texas Government Code § 411.094](#)

#### Forms and Tools. (optional)

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Revised: