

**PRAIRIE VIEW A&M UNIVERSITY
UNIVERSITY RULE**

33.99.14.P1 Criminal History Record Information – Employees and Candidates for Employment

Approved May 4, 2009
Revised January 10, 2013
Revised December 10, 2015
Reviewed March 5, 2018
Revised August 15, 2022
Next Scheduled Review: August 15, 2027



Rule Statement

Prairie View A&M University (PVAMU) may perform criminal background history checks of internal and external candidates for employment and shall perform criminal background checks of all finalists for appointment at PVAMU. PVAMU may perform checks on existing employees as provided by this rule.

Reason for Rule

To promote the safety and welfare of employees, students, and the general public, preserve state property, and uphold the reputation and integrity of the university for the citizens of Texas. The information obtained through criminal history background checks shall be used to make employment decisions affecting the candidate for employment or employee as provided by this rule. This rule is required by System Regulation [33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

Official Procedures and Responsibilities

1. GENERAL

- 1.1 All PVAMU employment positions, including student employment positions, are designated as security-sensitive.

2. PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS

- 2.1 All finalists, whether internal or external, for PVAMU employment, including positions where student status is a condition for employment, shall be subject to a criminal history record information check before the respective offer of employment becomes final.

Every offer of employment must be conditioned on receipt of an acceptable criminal history record information check. Every candidate for employment is required to complete the background check authorization/consent process. A candidate for employment's failure to consent to a criminal background check is grounds for the rejection of that candidate. Except as required or otherwise provided by law, a member will not request the disclosure of criminal history record

information regarding an applicant before the member extends a conditional offer of employment to the applicant.

A candidate for employment is required to report any arrest, criminal charge or conviction as provided for during the background check process. This reporting obligation exists until the candidate for employment: (a) receives notice of not being hired; or (b) is hired and first reports to work.

- 2.2 All finalists, whether internal or external, for PVAMU employment, including positions where student status is a condition for employment, will be required to complete and sign a [Confidential Release Form](#), authorizing PVAMU to perform criminal history record information checks as necessary to determine suitability for employment or continued employment. Refusing to sign the authorization form for the criminal history record information check is grounds for rejection of the candidate.
- 2.3 The Office of Human Resources (OHR) is responsible for obtaining the [Confidential Release Form](#) from all finalists for PVAMU employment to facilitate the third-party vendor criminal history record information check.
- 2.4 Every candidate for PVAMU employment will have, as permitted by law, the opportunity to request, receive, review and correct information about themselves collected by or on behalf of PVAMU by contacting the third-party vendor which conducted the criminal history record information check.

3. SOURCES OF CRIMINAL HISTORY RECORD INFORMATION

- 3.1 Criminal history record information checks on candidates for PVAMU employment and on current employees shall be conducted by a third-party vendor in accordance with the federal Fair Credit Reporting Act.

4. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

- 4.1 Falsification or failure by an employee or candidate for employment to disclose criminal history will be handled in accordance with 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 All PVAMU employees' criminal history record information is subject to review at any time as permitted by law. Periodic criminal history record information checks may be conducted at the discretion of the University.
- 5.2 PVAMU employees, who are candidates for another PVAMU position, shall be checked as required by Section 3 of this Rule.
- 5.3 Every PVAMU employee will have, as permitted by law, the opportunity to request, receive, review and correct information about themselves collected by or on behalf of PVAMU by contacting the third-party vendor which conducted the criminal history record information check.
- 5.4 Reporting of arrests, charges, or convictions shall be in accordance with System Regulation [33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

6. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

- 6.1 The OHR shall conduct an analysis in accordance with Section 6 of System Regulation [33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#) before determining appropriate action based on a candidate for employment or employee's criminal history record information. The System Office of General Counsel will be contacted for consultation. Once the OHR has determined that a person is unsuitable for a position or should be disciplined, a department/unit that disagrees with the conclusion and desires to employ or not discipline the individual may request written approval from the President.

7. APPEALS

- 7.1 Appeals for action taken under this Rule may only be made in accordance with the provisions of Section 7 of System Regulation [33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

Related Statutes, Policies, Regulations and Rules

[Tex. Gov't Code Chapter 559](#)

[System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#)

Definitions

Unless stated otherwise, all terms used in this Rule shall have the meaning assigned by System Regulation [33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#).

Contact Office

Office of Human Resources 936-261-1730