

Texas A&M AgriLife Research Rules

33.99.14.A1 | Criminal History Record Information – Employees and Candidates for Employment



Revised: October 21, 2022

Next Scheduled Review: October 21, 2027

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RULE SUMMARY

This rule outlines the specific procedures and responsibilities for Texas A&M AgriLife Research (AgriLife Research) to conduct criminal background checks of all candidates for employment and current employees as provided by The Texas A&M University System (A&M System) Regulation 33.99.14, *Criminal History Record Information – Employees and Candidates for Employment*. It applies to all candidates for employment and all AgriLife Research employees including, but not limited to, graduate assistants and agency employees with faculty titles who are not in tenure track positions.

This rule is required by [A&M System Regulation 33.99.14](#).

PROCEDURES & RESPONSIBILITIES

1.0 GENERAL

- 1.1 All positions within AgriLife Research are considered “security sensitive.”
- 1.2 AgriLife Research may obtain, at any time as provided by law, criminal history record information on any candidate for employment or any current employee. Criminal history record information may be used to make employment decisions affecting the candidate for employment or employee as provided by A&M System Regulation 33.99.14.
- 1.3 Texas A&M AgriLife (AgriLife) Human Resources is responsible for conducting all background checks, and conducting analyses as required by A&M System Regulation 33.99.14.
- 1.4 AgriLife Human Resources will review the results of the background check and recommend rejection of a candidate for employment or dismissal of an employee, as applicable. If a department/unit disagrees with this recommendation, a written request from the department/unit to employ/continue employment may be submitted through administrative channels to the Director or designee with a copy to AgriLife Human Resources. The Director or designee will have final authority in such matters.
- 1.5 All criminal history information obtained during the background check will be destroyed in accordance with A&M System Regulation 33.99.14.

2.0 PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECKS FOLLOWING CONDITIONAL OFFER

- 2.1 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 by completing form [AG-473, Criminal Background Check Request Form](#). A candidate for employment’s failure to consent to a criminal background check is grounds for the rejection of that candidate. This form will be forwarded to AgriLife Human Resources per the instructions on the form and will be maintained in the individual’s payroll file.
- 2.2 Except as required or otherwise provided by law, AgriLife Research will not request the disclosure of criminal history record information regarding an applicant before extending a conditional offer of employment to the applicant.

- 2.3 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.
- 2.4 If it is determined prior to employment that a candidate has falsified or failed to disclose the individual's criminal history as provided in A&M System regulation 33.99.14, the candidate may be rejected.
- 2.5 A candidate for employment who is rejected for employment under this rule and A&M System Regulation 33.99.14, has no appeal unless the individual alleges discrimination. Such appeals must be filed in accordance with AgriLife Research Rule 08.01.01.A0.01, *Civil Rights Compliance* and A&M System Regulation 08.01.01, *Civil Rights Compliance*.

3.0 CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES

- 3.1 Each AgriLife Research employee's criminal history record information is subject to review at any time as permitted by law. Periodic criminal history information record checks may be conducted at the agency's discretion.
- 3.2 In accordance with A&M System Regulation 33.99.14, all employees must report to their supervisor, within 24 hours or at the earliest possible opportunity thereafter, any criminal arrests, criminal charges, or criminal convictions, excluding misdemeanor traffic citations punishable only by a fine.
- 3.3 The employee's supervisor must report the arrest(s), criminal charge(s), or conviction(s) to the head of the department/unit and AgriLife Human Resources.
- 3.4 An employee who has been arrested is subject to immediate suspension with pay pending the outcome of an administrative review of the facts surrounding the arrest, charges, or conviction by AgriLife Human Resources and/or an investigation by the appropriate law enforcement agency. The employee must cooperate fully during the review process.
- 3.5 AgriLife Human Resources conducts the analysis outlined in A&M System Regulation 33.99.14 and assists the employee's department/unit in determining appropriate disciplinary action in such cases, including dismissal, depending on the facts and circumstances surrounding the arrest or conviction.
- 3.6 If it is determined at any time after employment that an employee falsified or failed to disclose the individual's criminal history in accordance with A&M System regulation 33.99.14, the employee may be subject to disciplinary action, including dismissal.
- 3.7 Employees may appeal action taken under this rule and A&M System Regulation 33.99.14 by following applicable provisions of AgriLife Research procedure 32.01.02.A0.01, *Complaint and Appeal for Nonfaculty Employees* and A&M System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*, or A&M System Regulation 08.01.01, and related rules or procedures.

RELATED STATUTES, POLICIES, OR REQUIREMENTS

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

[A&M System Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*](#)

[Texas A&M AgriLife Research Procedure 32.01.02.A0.01, *Complaint and Appeal for Nonfaculty Employees*](#)

[A&M System Regulation 08.01.01, *Civil Rights Compliance*](#)

[Texas A&M AgriLife Research Rule 08.01.01.A1, *Civil Rights Compliance*](#)

DEFINITIONS

Refer to [A&M System Regulation 33.99.14](#) for definitions.

CONTACT OFFICE

Questions concerning this rule should be referred to AgriLife Human Resources at 979-845-2423.

REVISION HISTORY

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