

University Rule

33.99.14.J1 Criminal History Record Information—Employees and Candidates for Employment

Approved: April 27, 2026
Next Scheduled Review: April 27, 2031

Rule Summary

Texas A&M University-Victoria (A&M-Victoria) must perform criminal background checks of current employees and candidates for employment as provided in System Regulation 33.99.14, *Criminal History Record Information – Employees and Candidates for Employment*. A&M-Victoria may perform also criminal background checks on individuals volunteering for any reason at any program, meeting, event, or activity.

This rule is required by System Regulation 33.99.14, *Criminal History Record Information Employees and Candidates for Employment*.

Definitions

Click to review [Definitions](#).

Rule

1. GENERAL

- 1.1 A&M-Victoria is committed to protecting the safety and welfare of employees and the general public; protecting state property and maintaining the reputation and integrity of the university for the citizens of Texas. As a part of our security efforts, A&M-Victoria will obtain criminal history information (sometimes referred to as a “Background Check”) regarding current employees and candidates to whom a conditional offer of employment is made. Unless specifically expressed otherwise, every offer of employment made by A&M—Victoria is conditioned upon receipt of an acceptable criminal history record information check.

This rule does not apply to members of the campus police department obtaining criminal history record information for a criminal justice purpose under Chapter 411, Subsection F, Texas Government Code.

- 1.2 Criminal background records cannot be used for purposes of illegal discrimination. See System Policy *08.01, Civil Rights Protections and Compliance*.

2. PRE-EMPLOYMENT CRIMINAL HISTORY INVESTIGATION

- 2.1 All offers of employment A&M Victoria are conditioned upon A&M Victoria's receipt of an acceptable criminal history record information check. ("Background Check"). Any candidate for employment declining to consent to a Background Check will be removed from further consideration for the position.
- 2.2 Any offer or hiring action that may occur prior to the completion of the Background Check will be conditional and contingent on receipt of an acceptable Background Check.
- 2.3 Every candidate for employment will have, as permitted by law, the opportunity to request, receive, review, and correct information about that candidate contained in their Background Check collected by or on behalf of A&M-Victoria.
- 2.4 Any candidate for employment whose Background Check indicates a conviction for an offense listed in this subsection may be hired only after receipt of approval of the university President or their designee. A conviction for any of the following offenses requires such approval:
 - (a) a felony, as defined by state or federal law, or equivalent offenses under the law of another jurisdiction; or
 - (b) any offense requiring registration as a sex offender
- 2.5 A candidate for employment is required to report to Human Resources within 24 hours or as soon as possible any arrest, criminal charge, or conviction occurring after his or her application is submitted. This reporting obligation for candidates exists until the individual:
 - (a) receives notice that he or she will not be hired; or
 - (b) is hired and first reports to work.

3. SOURCES OF CRIMINAL HISTORY RECORD INFORMATION

- 3.1 When performed by Human Resources, Background Checks on candidates for employment with A&M-Victoria will be obtained from;
 - 3.1.1 the Department of Public Safety (DPS) Crime Records-Secure Site,
 - 3.1.2 the DPS Crime Records-Public Site, or any other publicly available local, state, or federal source, and/or

3.1.3 a third-party vendor (in accordance with the federal Fair Credit Reporting Act).

3.2 Background Checks on current A&M-Victoria employees under Section 5 of this rule may be run by a third-party vendor or the DPS Crime Records –Public Site if the current employee is a candidate for another university position.

4. FALSIFICATION OR FAILURE TO DISCLOSE CRIMINAL HISTORY

Falsification or failure by an employee or candidate to disclose criminal history in the application process will be handled in accordance with Section 4 of System Regulation 33.99.14, *Criminal History Record Information – Employees and Candidates for Employment*.

5. EMPLOYEE CRIMINAL HISTORY BACKGROUND CHECKS

5.1 All A&M-Victoria employees will be subject to periodic Background Checks when such checks are determined by the President or their designee to be in the best interests of the university. University employees who are candidates for employment for another university position will be required to submit to a Background Check as required by Section 2 of this rule.

5.2 Every A&M-Victoria employee will have, as permitted by law, the opportunity to request, receive, review, and correct information about that individual contained in a Background Check collected by or on behalf of A&M-Victoria.

5.3 Employee Reporting of Arrests, Charges, or Convictions

5.3.1 A&M-Victoria employees must report to their supervisor, within 24 hours or the earliest possible opportunity thereafter, any criminal arrests, criminal charges, or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Failure to make the report required by this section will constitute grounds for disciplinary action, including dismissal.

5.3.2 An employee who has been arrested is subject to immediate suspension with pay pending administrative review of the situation. The employee must cooperate fully with the university in the administrative review process.

6. ANALYSIS OF CRIMINAL HISTORY RECORD INFORMATION AND SUBSEQUENT ACTION

In situations where Background Check shows evidence of a criminal history for a candidate (Section 2) or an employee (Section 5), an analysis of the criminal history is conducted by Human Resources in accordance with Section 6 of System Regulation 33.99.14, *Criminal History Record Information – Employees and Candidates for Employment*.

Employment, to determine whether a candidate is eligible for potential or continued employment, or whether to discipline or dismiss an employee.

7. APPEALS

An employee or candidate who suffers adverse action as a result of a Background Check alleging unlawful discrimination, harassment, and/or retaliation, and wishing to appeal an action taken under this rule may do so pursuant to Section 7 of System Regulation 33.99.14, *Criminal History Record Information – Employees and Candidates for Employment*, System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*, or System Regulation 32.01.01, *Complaint and Appeal Process for Faculty Member*.

Related Statutes, Policies, or Requirements

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

System Policy [08.01, Civil Rights Protections and Compliance](#).

System Regulation [32.01.01, Complaint and Appeal Process for Faculty Members](#)

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

System Regulation [32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)

Contact Office

Office of Human Resources
361-570-4801