

<b>Policies of the University of North Texas</b>	Chapter 5
<b>05.006 Criminal History Background Checks for Security Sensitive Positions</b>	<b>Human Resources</b>

**Policy Statement.** The University of North Texas is committed to protecting the welfare and providing for the security of its students, employees, institutional resources, and the public. Criminal history background checks will be required for positions defined as security-sensitive by the University, including compliance with Chapter 81 of the Texas Civil Practices and Remedies Code in relation to mental health services providers.

**Application of Policy.**

Regular Security-Sensitive Faculty and Staff

**Definitions.**

1. **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.
2. **Criminal History Record Information.** 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.
3. **Hiring Official.** “Hiring Official” is the department head or other equivalent administrative official responsible for the decision to offer employment.
4. **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 areas of the institution open to students of any age are considered security-sensitive areas for purposes of this policy.
5. **Sexual Exploitation.** “Sexual Exploitation” is a pattern, practice, or scheme of conduct, which may include sexual contact, which can reasonably be interpreted as being for the purpose of sexual arousal or gratification or sexual abuse of any person.

**Procedures and Responsibilities.**

1. **Criminal History Background Checks.**

The University will conduct a criminal history background check on any individual who receives an offer of employment for a security-sensitive position. This includes current employees who are being considered for movement to a security-sensitive position and for whom no criminal history background check has previously been completed and all current faculty members who are undergoing a personnel review that could result in the

granting of tenure. This process will be conducted in a manner that balances the University's interests in protecting the general welfare and in respecting individual privacy.

Responsible Party: Human Resources and the Office of the Provost

II. Required Background Checks for Staff Positions.

Staff positions are designated as security-sensitive by the Human Resources Department. Final Candidates for security-sensitive designated positions are required to have a criminal history background check conducted. The resulting report will be evaluated by Human Resources and the hiring official will be informed of the results and given guidance on the outcome. The criminal history information will be retained and destroyed in accordance with policy and applicable laws.

Responsible Party: Human Resources

III. Required Background Checks for Faculty Positions.

Faculty positions are designated as security-sensitive by the Office of the Provost. Final Candidates for security-sensitive designated faculty positions are required to have a criminal history background check conducted. The resulting report will be evaluated by the Office of the Provost and the hiring official will be informed of the results and given guidance on the outcome. The criminal history information will be retained and destroyed in accordance with policy and applicable laws.

Responsible Party: Office of the Provost

IV. Criminal History Authorization.

A properly completed criminal history authorization form must be processed for each final candidate and results received and cleared prior to an individual beginning work. Managers must comply and adhere to University practices regarding hiring decisions when adverse reports are discovered.

For mental health services providers, an inquiry is required to be made with previous applicable licensing agencies, former and current employers who employed the mental health services provider within the past five years before the date of disclosure concerning the possible occurrence of sexual exploitation by the mental health services provider of patients or former patients of the mental health services provider.

Failure to consent to a criminal history background check or any misrepresentation in a disclosure may result in revocation of an offer of employment and disqualification from further consideration for the position.

Responsible Party: Hiring Official

V. Sexual Exploitation Allegations.

Any individual having reasonable cause to believe a patient has been the victim of sexual exploitation by a University mental health services provider during the course of treatment should immediately report the alleged conduct to Human Resources and the

Office of the General Counsel, who is responsible on behalf of the University to report the allegation (1) to the prosecuting attorney in the county in which the alleged sexual exploitation occurred and (2) to any applicable state licensing board which has responsibility for the licensing of the mental health services provider involved.

Responsible Party: Office of General Counsel and Human Resources

VI. Background Check Results Disclosure.

To the extent allowed by the Texas Public Information Act and other state or federal laws, 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 individuals involved in the hiring process or who have a legitimate business-related need for this information without the written authorization of the individual. Criminal history information obtained pursuant to section 411.094 of the Texas Government Code may not be released or disclosed to any person except on court order.

Responsible Party: Human Resources, Office of the Provost, and Office of General Counsel

**References and Cross-references.**

[Texas Education Code § 51.215](#)

[Texas Government Code § 411.085](#)

[Texas Government Code § 411.094](#)

[Texas Civil Practices and Remedies Code, Chapter 81](#)

**Forms and Tools.**

[Criminal History Background Check \(CHC\) Form](#)

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