



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.20: Employment for Security-sensitive Positions

DATE: October 21, 2015

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish policy and procedure to protect the safety and welfare of employees and the general public and preserve state property. TTU will obtain criminal history information and check names against sex and violent offender registries and/or disbarment lists for applicants seeking employment in security sensitive positions, current employees who are selected for a security sensitive position, or employees whose position is reclassified to a security sensitive position. The information will be used in order for the institution to make appropriate employment decisions.

REVIEW: This OP will be reviewed in September of odd-numbered years by the managing director of Human Resources, the managing director of the Texas Tech University System Office of Risk Management, and the chief of police with substantive revisions forwarded through administrative channels to the vice chancellor/chief financial officer or designee, the chief of staff and associate vice president for administration, and the university counsel.

POLICY/PROCEDURE

1. General

All staff positions, including temporary staff positions, at Texas Tech University will be classified as security sensitive Level I. In addition, other positions may be designated as security sensitive Level II, and student worker positions may be identified as security sensitive Level I or II if, in the opinion of the administrator and with approval of the managing director of Human Resources, the duties and responsibilities are of such a nature to justify pre-employment criminal background checks and/or pre-employment and post-hire drug and alcohol testing.

All new staff employees, including direct appointments, will be required to have a criminal history, sex offender, and violent offender check prior to employment. In cases where licensure is required, the names may be checked against appropriate disbarment lists. Any student selected for a position that is classified as security sensitive will be required to have the same checks prior to employment.

Any current staff employees selected for promotion, including direct appointments, or whose position is reclassified, will be required to have a criminal history, sex offender, and violent offender check prior to the promotion or reclassification becoming effective. This also includes any student position that is classified as security sensitive Level I or II.

This policy does not apply to TTU campus police department employees in criminal justice

positions. Those security checks will be conducted in accordance with Chapter 441, Subchapter F, Texas Government Code, and Texas Education Code, Section 51.215.

2. Procedure

- a. All security sensitive Level I or Level II positions will be identified as such in individual job descriptions, in any advertising for job applicants, and in all personnel transaction forms and/or correspondence concerning recruitment with the Human Resources department.
- b. After selection of the best qualified candidate, the hiring manager shall:
 - (1) Complete a *Disclosure and Authorization Form for Criminal Background Check* (Attachment A) and, for Level II positions, *Employee Consent to Drug and Alcohol Testing* form (Attachment C). Refer to Attachment B for a list of Level II positions.
 - (2) Forward the *Disclosure and Authorization Form for Criminal Background Check* to the managing director of Human Resources or his/her designee; and
 - (3) Hold the *Employee Consent to Drug and Alcohol Testing* form in the applicant's file pending results of the records check (security sensitive Level II only).
- c. Any applicant for a position that requires fingerprinting as a condition of employment who fails to provide a complete set of fingerprints upon request may be denied employment.
- d. The information provided by the applicant will be transmitted to the selected vendor, which shall perform the criminal background check.
- e. Upon receipt of the information from the vendor, background checks will be reviewed by the managing director of Human Resources or his/her designee and a notification indicating that the applicant is either eligible for hire or "not eligible for hire" will be sent to the hiring manager. Note: No applicant previously convicted of a felony or misdemeanor involving moral turpitude (including probation or deferred adjudication) shall be eligible for employment without the written consent of the Chancellor.
- f. Any candidate who is "not eligible for hire" will receive a written notification from the managing director of Human Resources or his/her designee. The notification will provide the candidate with information on the vendor that provided the information and a copy of the report. The candidate will have 10 business days to respond with any supporting documentation to refute the information contained in the criminal background check.
- g. Candidates for Level II positions must pass a post-offer/pre-employment drug screening as set forth in TTU OP 70.35.
- h. Criminal background records of staff and applicant background verifications are confidential. Such records will be plainly marked "CONFIDENTIAL" and will only be disclosed to those who have a need to know. The unauthorized disclosure of background information will be considered a breach of confidentiality, and the individual or individuals involved will be subject to discipline as deemed appropriate in accordance with the institution's policy on confidentiality and the appropriate policy on discipline and discharge.

- i. All criminal history record information obtained will be destroyed after the information is used for its authorized purpose.
- j. Staff employees and students in security sensitive positions are required to notify their immediate supervisor within three business days of any convictions, other than minor traffic violations, which they receive during the term of their employment. Failure to report a conviction will be considered grounds for termination in accordance with the applicable discipline and discharge policy.
- k. A fee may be charged to the hiring department for processing the background check. Expenses for drug screening may be passed on to the hiring department.

3. **Right to Change Policy**

Texas Tech reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

[Attachment A: Background Check Disclosure & Authorization Form](#)

[Attachment B: Security-sensitive Position List](#)

[Attachment C: Consent to Drug and Alcohol Testing](#)

[Attachment D: TechBuy Guidelines for Entering Requisitions for Employee Drug & Alcohol Screening](#)