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. One way to achieve this objective is to conduct criminal history background checks on all applicants for general student employment in positions defined as security sensitive by the hiring department.

Application of Policy. All applicants for general student employment in a security sensitive position.

Definitions.

1. **Adverse Report.** Results from a criminal history information search that reveal criminal dispositions against an employee or applicant, including voluntary disclosure of criminal history information.

2. **Applicant.** Any student who applies for general student employment in a security sensitive position with the University of North Texas, regardless of whether the individual is currently employed by the University.

3. **Criminal History Information.** Information collected from the Texas Department of Public Safety that consists of notations regarding arrests, detentions, indictments, information and other formal criminal charges and their dispositions.

4. **Disposition.** A conviction by a jury or a court or a plea of guilty or nolo contendere, regardless of whether sentence is imposed, or any action that results in the termination or indeterminate suspension of the prosecution of a criminal charge.

5. **Hiring Official.** The department head or other administrative official responsible for the decision to offer employment to an applicant for general student employment in a security sensitive position.

6. **General Student Employment.** Temporary, part-time, hourly employment of students enrolled on a continuing basis or between regular terms of enrollment at UNT, paid from non-instructional funds. General student employment does not include graduate student teaching fellows, teaching assistants, teaching clinicians, student research assistants,
student academic assistants, positions posted and recruited through the human resources department, students employed in regular staff positions, graduate assistants, or salaried graduate practicum students. (See UNT Policy 1.3.5, General Hourly Student Employment).

7. **Security-sensitive position.** Any position in which the employee handles currency, has access to a computer terminal, has access to a master key, works in the vicinity of minors or works in an area of the institution which has been designated as a security-sensitive area. All areas of the institution are considered security-sensitive areas for purposes of this policy.

**Procedures and Responsibilities.**

1.0 Policy.

The University of North Texas, in furtherance of its goal of protecting the welfare of its human and financial resources, shall inquire into the criminal history background of any individual who receives an offer of employment as a general student employee for a security sensitive position at the University. This process will be conducted in a manner that balances the University’s interests in protecting the general welfare and in respecting individual privacy.

2.0 Procedures.

2.1. Requirement to Disclose and Authorize Background Check

a. All applicants in a general student employment search for a security-sensitive position must disclose any criminal disposition(s) and, if successful in securing a position, must consent to a criminal history background check prior to the first day of employment.

b. An individual who is convicted of a crime after applying for or accepting a position as a general student employee is responsible for informing their supervisor or the Career Center within five (5) days of the conviction.

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

d. Offers of employment will be made on a contingent basis pending receipt of a satisfactory criminal background check.

**Responsible Party:** Student applicant
2.2. Responsibilities of the Career Center.

a. Obtaining the information necessary for criminal background screening from the hiring department, conducting criminal background checks, and retaining and destroying criminal history information in accordance with this policy.

b. Developing and revising forms required under this policy.

c. Evaluating adverse reports and voluntary disclosures along with the job duties of the position to be filled to determine whether an individual’s criminal history may present a safety or security risk and whether an offer of employment will be extended or revoked.

d. Informing the hiring official when the criminal history background check is completed and, when an adverse report is received.

**Responsible Party:** Assistant Director, Student Employment Coordinator or Career Center Designate

2.3. Responsibilities of the Hiring Department and Hiring Official.

a. The hiring department is responsible for identifying positions to be designated as security sensitive.

b. The hiring department is responsible for obtaining a properly completed DPS Computerized Criminal History (CCH) Verification Form when a criminal history background check is required and, ensuring a job offer is not made until the criminal background check is completed or, when that is not possible, ensuring that the student employee does not start their position with the department until the criminal background check is completed.

c. The Career Center in consultation with the department hiring official will evaluate whether an individual’s criminal history may present a safety or security risk and whether an offer of employment will be extended or revoked.

**Responsible Party:** Department Hiring Official

2.4. Verification of Criminal History Information and Filing Background Check.

a. The results of a criminal background check will be recorded by the Assistant Director of Student Employment, the Student Employment Coordinator or Career Center Designate on the DPS Computerized Criminal History (CCH) Verification Form that identifies the name of the applicant, the date the
background check was completed, and the results of the check. The results shall state only that the check was successfully completed or that an adverse report was received and, if applicable, that the person is disqualified from employment in a security sensitive position.

b. The results of a criminal history background check will only be viewable in the Career Center by the hiring manager under the observation of the Assistant Director of Student Employment, the Student Employment Coordinator or Career Center Designate. The designee may not be a student employee. All criminal history information received as a result of the background check will be maintained and destroyed in accordance with this policy.

**Responsible Party:** Assistant Director of Student Employment, Student Employment Coordinator, or Career Center Designate

3.0 Use of Criminal History Information.

3.1 Criminal history information will be used only for the purpose of evaluating hiring decisions involving security sensitive positions and shall not be used in any manner to discriminate on the basis of race, color, national origin, religion, sex, disability, or age.

3.2 This policy does not automatically exclude all individuals with criminal convictions from consideration for employment. However, an applicant who has been convicted of a sexual offense that requires registration with any law enforcement agency in this or another jurisdiction shall not be eligible for employment in a security sensitive position while he/she is required to register as a sex offender.

3.3 A conviction that has been expunged or sealed by order of a competent court shall not be used in making a hiring decision. An individual is not required to disclose a conviction which has been expunged or sealed and may deny the occurrence of the disposition that is the subject of an expunction or sealing order.

**Responsible Party:** Assistant Director of Student Employment, Student Employment Coordinator, or Career Center Designate

4.0 Suitability Guidelines.

In reviewing the results of a criminal history background check, consideration will be given to the nature of the criminal history background and to whether it may have an effect on the welfare of University students, employees, or resources or on the public. Whether a disposition results in withdrawal of an offer of employment will be made on a case-by-case basis based on factors that include:
a. the specific duties of the position;

b. the number of offenses committed by the individual;

c. the nature and seriousness of each offense;

d. the length of time between the offense and the employment decision;

e. the efforts by the individual at rehabilitation; and

f. the accuracy of the information provided in the individual’s employment application.

**Responsible Party:** Assistant Director of Student Employment, Student Employment Coordinator, or Career Center Designate

5.0 Retention and Disposal of Records.

5.1. Criminal history information obtained pursuant to this policy shall be maintained in the Career Center for two (2) years from the date an adverse result is used as a basis for employment denial, unless longer retention is necessary, and destroyed in accordance with the University record retention policy.

5.2. Criminal history information obtained pursuant to this policy shall be destroyed once a criminal history record has served the immediate purpose for which it was obtained; i.e., for UNT, once a non-adverse result has resulted from the check; unless longer retention is necessary, and destroyed in accordance with the University record retention policy.

5.3. The DPS Computerized Criminal History (CCH) Verification Form should remain on file for a year after the completion of the background check and the TXDPS audits the forms, unless longer retention is necessary, and destroyed in accordance with the University record retention policy.

5.4. If printed, criminal history record information obtained from the Texas Department of Public Safety databases will be destroyed by the UNT Chief of Police after the results of a criminal background check are recorded as described in 4.4 (a) and a hiring decision has been made.

**Responsible Party:** Assistant Director of Student Employment, Student Employment Coordinator, or Career Center Designate

6.0 Confidentiality of Criminal History Information.
6.1 Criminal history information obtained pursuant to this policy may not be disclosed to anyone other than the persons involved in the hiring process or who have a legitimate business-related need for this information without the written authorization of the applicant or student employee.

6.2 To the extent allowed by the Texas Public Information Act and other state or federal laws, criminal history information will be treated as confidential. Criminal history record information obtained from the Texas Department of Public Safety databases may not be released or disclosed to any person except on court order.

6.3 Release of criminal history information or criminal history record information other than as allowed by law or this policy may result in disciplinary action, including termination of employment.

**Responsible Party:** Assistant Director of Student Employment, Student Employment Coordinator, or Career Center Designate

7.0 Access and Review of Criminal History Information.

An applicant or student employee about whom criminal history information is collected under this policy shall only be given access to any information relating to her/him after completing a fingerprint search with the TXDPS and the right to correct information in accordance with the TXDPS and Chapter 559 of the Texas Government Code.

**Responsible Party:** Student Applicant

**References and Cross-references.**

UNT Policy 05.025, Hourly Student Employment
UNT Policy 04.008, Records Management and Retention
Texas Education Code § 51.215
Texas Government Code § 411.085
Texas Government Code § 411.094

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