

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: University Affiliate Criminal Background Checks

**Regulation and Procedure
Number: URP: 04.440**

Policy Owner: Finance & Administration

POLICY STATEMENT

Texas Woman's University ("TWU" or "University") is committed to promoting a safe and secure environment and workplace for all University constituents, including students, employees, and guests. It is also important that the University take meaningful actions to protect its funds, property, and other assets. In order to achieve these objectives, criminal background checks must be conducted on certain TWU University Affiliates.

APPLICABILITY

This policy is applicable to Employees and University Affiliates.

DEFINITIONS

1. "Criminal Background Check" means criminal history record information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions in every jurisdiction where the person currently resides or has resided in the past ten (10) years.
2. "Employee" means an individual who is employed part-time, full-time, or in a temporary capacity as faculty, staff, or who is required to be a student as a condition of employment, undergraduate or graduate.
3. "Guests" means any individual not affiliated with TWU.
4. "University Affiliate" means any individual associated with TWU in a capacity other than as a Student or Employee who has access to TWU resources through a contractual arrangement or other association. This includes the following individuals:

- a. Contractors and Vendors: an individual, business, or governmental entity that has a fully executed contract to provide goods or services to TWU. This includes employees of contractors or vendors and independent contractors.
- b. Employee of a Governmental Agency: an individual employed by a federal or Texas state agency.
- c. Employee of a TWU-Affiliated Institution: an individual who works for organizations that are tightly aligned with the University.
- d. Pre-Employment Individual: an individual who will be hired by the University and the hiring department has sponsored their access to TWU resources.
- e. Other University Affiliate: any individual who does not fit into any other category and needs access to TWU resources.

REGULATION AND PROCEDURE

I. Background Investigations

A. University Affiliates Requiring a Criminal Background Check

- 1. A Criminal Background Check must be conducted for all University Affiliates who will not be continuously escorted or accompanied by a TWU employee or another individual associated with TWU for whom a criminal background check meeting these requirements has been completed.
- 2. Exemptions from this requirement may be granted in writing by the Vice President for Finance and Administration.

B. Criminal Background Check Requirements

- 1. Criminal Background Checks for University Affiliates must be conducted annually.
- 2. The scope of Criminal Background Checks for University Affiliates must include, but is not limited to, the following:
 - a. Social Security Verification or Validation;
 - b. Alias and Address History;
 - c. Terrorist Watch List Search;

- d. National Criminal Database Search (for the past ten (10) years);
 - e. Federal Criminal Records Search (all names or aliases and all jurisdictions resided in for the past ten (10) years);
 - f. County Criminal Court Records Search (all names or aliases and all counties resided in for the past ten (10) years); and
 - g. National Sexual Offender Registry Search.
3. Any or all of the following background check sources may be used, as appropriate, on University Affiliates:
- a. The Texas Department of Public Safety (“TX DPS”) Crime Records Service – Secure Site;
 - b. A private vendor that offers national criminal background check services; or
 - c. Other state, national, and international sites.
4. When TWU obtains a criminal background report on a University Affiliate from a third-party agency other than another law enforcement agency (local, state, county, or federal), or another state agency such as the Texas Department of Public Safety, the University must comply with the requirements of the Fair Credit Reporting Act (“FCRA”).

C. Relevant Convictions

1. University Affiliates with relevant convictions will not be permitted to visit campus unless continuously escorted by a TWU employee or another individual for whom a criminal background check has been completed.
2. The following types of convictions are generally considered relevant to any activities at TWU:
- a. Injury to person(s);
 - b. Injury to property;
 - c. Murder;
 - d. Sexual misconduct;
 - e. Theft;

- f. Threats; and
 - g. Weapons.
3. Additional offenses that may be relevant include those related to the work to be performed. Examples include criminal traffic offenses (e.g. DWI, DUI) if work involves driving vehicles or operation of heavy equipment.

D. Responsibility for Conducting Criminal Background Checks

1. The TWU department responsible for bringing the University Affiliate to campus is responsible for ensuring that Criminal Background Checks are conducted per this policy. This can be accomplished by one of the following:
 - a. Requiring Criminal Background Checks to be conducted by the contract between TWU and the University Affiliate (See I.D.2 below); or
 - b. Conducting Criminal Background Checks for the University Affiliate using TWU Criminal Background Check providers (See I.D.3 below).
2. University Affiliates that are Contractors and Vendors may be required to conduct Criminal Background Checks for their employees, and their subcontractor's employees, meeting the requirements of this policy. This requirement must be specifically included in the contract documents.
3. For those University Affiliates whose employers have not conducted Criminal Background Checks per TWU contract, the department responsible for the University Affiliates on campus must ensure Criminal Background Checks are conducted.
 - a. Departments needing to conduct Criminal Background Checks must submit a University Affiliate Criminal Background Check Request Form for each University Affiliate and include the following information:
 - i. Full name;
 - ii. Date of birth;
 - iii. Email address; and
 - iv. Responsible TWU department and TWU department contact information.

- b. The University Affiliate Criminal Background Check Request Form must be submitted to the Office of Human Resources (“OHR”) at least seven (7) business days prior to when the University Affiliate is scheduled to be on campus unescorted.
 - c. OHR will contact the TWU department with the results of the Criminal Background Check, sharing only if the University Affiliate’s background is acceptable or unacceptable per TWU criteria.
 - d. The TWU department is responsible for cost of the Criminal Background Check.
4. University Affiliates must notify their immediate supervisor and TWU point of contact of any arrest, indictment, conviction, or other adjudication for any felony or offense of moral turpitude (including offenses involving dishonesty, fraud, deceit, theft, misrepresentation, deliberate violence) no later than five (5) business days after such arrest, indictment, conviction, or other adjudication. The appropriate point of contact for University Affiliates is as follows:
- a. Contractors and Vendors must notify the TWU project manager or other TWU employee responsible for the contract.
 - b. Employees of Governmental Agencies must notify the TWU employee responsible for their presence on campus.
 - c. Employees of TWU-Affiliated Institutions must notify the TWU employee responsible for managing the relationship between the affiliated institution and TWU.
 - d. Pre-Employment Individuals must notify the TWU HR staff member they have been in contact with during the hiring process.
 - e. Other University Affiliates must notify the TWU employee responsible for their presence on campus.

E. Retention of Criminal Background Check Records

Criminal background check records will be maintained in accordance with the University's records and retention schedule and TX DPS requirements. Records will not be released or disclosed to any person or agency except by the Office of General Counsel or as required by law.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[URP 05.255: Criminal Background Checks](#)

[URP 04.420: Minors on Campus](#)

FORMS AND TOOLS

[University Affiliate Criminal Background Check Request Form](#)

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