

HIRING PRACTICES: BACKGROUND CHECKS

SECTION ONE: PURPOSE

- 1.01** The purpose of this regulation is to provide guidance and information regarding requirements needed to ensure the College District remains in compliance with all State and Federal laws, SACSCOC Guidelines, and all College District Policies and Regulations pertaining to employment eligibility.

SECTION TWO: APPLICABILITY

- 2.01** This regulation applies to all selected candidates (including current employees, faculty, adjunct faculty, staff, and work-study students) who received and accepted a conditional job offer from the authorized College District official(s) and are required to undergo a criminal history background check and/or drug testing for designated safety and security sensitive positions.

SECTION THREE: DEFINITIONS

- 3.01** "Security Sensitive Positions" means positions that are described in the Texas Education Code 51.215§ as positions in which the employee handles money, has access to a computer terminal, has access to a master key, or works in a safety and security sensitive position designated by the College District. All positions at the College District are considered security-sensitive.

"Safety and/or Security Sensitive Positions" are positions that the College District has identified as positions in which an employee may be required to perform "safety and security sensitive" duties or functions.

- 3.02** "Public Information Search" means information, in any form or format, available to the general public. Examples of public information pursuant to this regulation include, but are not limited to, public court filings, published news articles, and information publicly accessible on social media or other websites, such as photos, videos, and/or commentary.
- 3.03** "New Employee" means the individual has never worked for Angelina College or had any break in service with Angelina College.
- 3.04** "Current Employee" means someone who is currently employed by the College District and accepted a conditional job offer for a new position within the organization.
- 3.05** "Break in Service" for adjunct faculty means the employee had a break in service of more than one (1) semester (summer sessions not included) or less than twelve (12) months).

- 3.06** "Break in Service" for staff and faculty means the employee had a break in service of more than one (1) day but less than twelve (12) months. "Work Study Student" means a College District student who works on the College District's property. (Work Study Student is not considered an employee of the College District)
- 3.07** "Fingerprinting" shall mean an individual submits to being fingerprinted by an outside agency contracted by the College District for a DPS/FBI criminal history report.
- 3.08** "Days" shall mean College District business days unless otherwise noted. "Hit" shall mean results that include a felony, an act of moral turpitude, or a series of arrests, including misdemeanors.

SECTION FOUR: PRE-EMPLOYMENT CRIMINAL HISTORY BACKGROUND CHECK/FINGERPRINTING

- 4.01** The College District must obtain a pre-employment criminal history background check for all position categories (new employee, current employee, former employee, and work study student) after a conditional job offer is made. A criminal history background check is required for all employees prior to the first day of employment. Any falsification of application information or credentials, or failure to make full disclosure of criminal history when requested, as defined within this regulation, shall be grounds to deny or terminate employment in the position applied for or the College District job currently held.

SECTION FIVE: MANAGEMENT OF CRIMINAL HISTORY RESULTS

- 5.01** All criminal history background records returned with a hit or verification notification of a criminal record may be reviewed by the Chief of Police, Sr. Director of Human Resources, and Vice President of Business Affairs.

SECTION SIX: PROHIBITED CRIMINAL RECORD

- 6.01** A selected candidate may be ineligible for employment if the individual has the following including, but not limited to:
- Has a felony violation as prohibited by the requirements of the Texas Education Code 22.085§
 - Has been convicted of a felony, a misdemeanor involving moral turpitude
 - Has a pending charge for a prohibited offense
 - Is currently on probation or parole (including deferred adjudication probation) for a prohibited offense
 - Has been convicted of any other serious offense as determined by the Sr. Director of Human Resources and the Vice President of Business Affairs or College President.

SECTION SEVEN: SAFETY AND SECURITY SENSITIVE POSITIONS

- 7.01** Resources will review and update the list of employment positions on an annual basis or as needed in consultation with supervisory personnel from departments in which employees performing safety and security-sensitive duties or functions are employed.

SECTION EIGHT: PRE-EMPLOYMENT DRUG TESTING PROCEDURES

- 8.01** When applying for a safety-sensitive position, a pre-employment drug test may be required, along with a criminal history background check prior to the first day of employment. When required, the applicant has three (3) days to complete the drug testing requirement. If an applicant does not comply with the requirements outlined in this regulation, he/she is not eligible for employment with the College District.

SECTION NINE: MANAGEMENT OF DRUG TEST RESULTS

- 9.01** The Sr. Director of Human Resources manages the program for drug testing results returned with a hit except for those programs managed by the College District's Police Department.

**DCB
(REGULATION)**

The Vice President of Business Affairs is responsible for reviewing and updating this regulation. Policy reviews are made in accordance with the Office of Institutional Effectiveness Policy Tracking document.

Document History
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