

6. **U. T. System Board of Regents: Report on proposed revisions to the Systemwide policy on Criminal Background Checks for Employment (U. T. System Administration Policy UTS124)**

REPORT

Chancellor Cigarroa will report on proposed revisions to the Systemwide policy on Criminal Background Checks for Employment (The University of Texas System Administration Policy UTS124).

BACKGROUND INFORMATION

In August 2010, amendments to the Systemwide policy on criminal background checks (UTS124) were approved by the Chancellor and distributed to U. T. System institutions for implementation. The highlights of the 2010 amendments to UTS124 are:

- Institutions are required to conduct a criminal background check on any applicant who is under final consideration for regular employment;
- Institutions are required to conduct a criminal background check on all current employees for whom a criminal background check had never been obtained (“catch-up” checks);
- Individuals for whom a report is received indicating a criminal record are to be notified and given the opportunity to provide additional information relating to the record; and
- Current employees are required to self-report criminal convictions, excluding misdemeanor offenses punishable by fine.

Over the course of the last year, the institutions updated their criminal background check policies and procedures to be consistent with UTS124 and performed the catch-up checks. Although many institutions had been conducting criminal background checks since at least 2001 or 2002 on most of their positions, prior to the 2010 amendments not all institutions were conducting criminal background checks on all applicants for employment. The impetus for the policy amendment was to ensure that all institutions were requiring criminal background checks on applicants for regular employment, and to obtain a criminal background check on anyone who had been employed prior to an institutional policy that required a check.

In cases where a criminal background check identified a criminal background, law and institutional policy require the institution to determine on a case-by-case basis whether the individual will be allowed to continue employment based on factors such as the

nature and gravity of the offense, the specific duties of the position, the length of time since the offense, and the individual's employment history.

The institutions reported that in most cases where a conviction was found, it was determined that the conviction was of a nature and age such that continued employment did not constitute a risk to the institution and the individual was cleared for employment. A common example was a conviction for driving while intoxicated that was dated or not related to the individual's job duties. The institutions also reported that additional scrutiny was given to offenses that were more serious or were applicable to the duties of the position. In some instances, after the case-by-case analysis, the individual was cleared for employment. Four employees who were subject to the catch-up check were terminated from the employing institution after the institution determined that the individual should not continue in the positions they held.

At the direction of the Chancellor, UTS124 was further reviewed for any additional recommended enhancements. Following the review and consultation with the institutions, the following changes were approved by the Chancellor:

- Temporary employees and faculty members without salary who provide instruction to U. T. students will now be required to have criminal background checks;
- The criminal background check requirements for persons volunteering in day care centers and at youth camps have been tightened;
- All volunteers working in health care facilities and students assigned to health care facilities must have criminal background checks; and
- U. T. System institutions must develop a process for determining when criminal background checks will be required for contractors.

The newly revised policy will be distributed to the institutions for implementation.