

PROCEDURE LIT.2.08.01  
CONDUCTING BACKGROUND CHECKS

**SCOPE:** Faculty and Staff

1. The Office of Human Resources shall be responsible for conducting the criminal background investigation on all faculty and staff positions.
2. Lamar Institute of Technology (LIT) must receive a signed authorization form from the finalist for a position before the background information is requested. The authorization form includes the notice required by Texas Government Code §559.003, as it may be amended from time to time. The authorization form will be completed at the time of interview and returned to the Human Resources Manager for processing.
3. Refusal to sign the authorization form will eliminate the applicant from consideration for employment. Following normal screening and selection processes for applicants and for employees who are under consideration for a transfer, promotion, or reclassification, the hiring official will select the finalist for the position. The hiring official will then notify the Office of Human Resources of the name of the finalist.
4. The Office of Human Resources will conduct the background investigation on the finalist selected by the hiring official before the employment offer is made. If circumstances require that an offer be made before the completion of an investigation, the offer must be in writing and state that the offer is contingent on the completion of a satisfactory criminal background investigation. The Vice President for Finance & Operations, the President and or Vice President for Instruction must approve the written offer before it can be given to the finalist. Only the Vice President for Instruction or the President may make an offer of employment for a faculty position.
5. The candidate selected as the finalist may be offered employment by LIT contingent upon the evaluation of the criminal history background check.
  - 5.1. The Human Resource Manager in charge of information processing will communicate the findings to the Executive Director of Human Resources or in his/her absence, the Director of Human Resources, for evaluation.
  - 5.2. The Executive Director of Human Resources will make a recommendation to the department head and/or hiring official.
  - 5.3. The Vice President for Finance & Operations or the President will make the final decision on employment of the candidate if there is a disagreement.
6. The criminal background check shall include the jurisdictions in which the individual has resided and/or worked at least within seven (7) years preceding the date of employment at LIT.
7. The Executive Director of Human Resources or her/his designee shall be responsible for making the decision to promote, transfer, or reclassify an employee based on a background investigation.

- 7.1. The Vice President for Finance & Operations or the President will make the final decision on employment of the candidate if there is a disagreement.
8. Criminal history recorded information obtained by LIT may be used only for the purpose of evaluating applicants for employment and shall no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability, or age.
9. Criminal history record information, including conviction information contained therein, will be regarded as confidential as required by law and will not be made a part of the applicant's file or the employee's personnel file or communicated to any unauthorized person.
  - 9.1. Under Texas Government Code §411.085, the unauthorized release of criminal history record information is a criminal offense, and consequently, LIT shall seek legal advice with respect to any requested release of such information.
10. Except where employment is expressly prohibited by law, LIT will conduct an individualized assessment of each applicant's criminal history and may consider factors including, but not limited to:
  - 10.1. the nature and severity of the offense(s);
  - 10.2. the age and timing of the offense(s);
  - 10.3. the position sought and the related job duties;
  - 10.4. evidence of rehabilitation;
  - 10.5. the candidate's employment history; and
  - 10.6. professional or personal references.
11. If information obtained through a criminal background check may result in an adverse employment decision, the individual will be provided notice and an opportunity to respond or provide additional information, to the extent required by applicable law.
12. The Texas Department of Public Safety database and/or a third-party vendor will be used to check criminal backgrounds.

**Related Policies:** LIT.2.08 Criminal Background Checks

**Relevant Forms/Documents:**

**Relevant TSUS Policies/Forms/Documents:**

**Relevant Statutes:** Texas Government Code 411.085 and 559.003

**Relevant SACSOC Standards:**

**Document History:**

*Adopted:*

*Reviewed:*

*Revised: June 2026*