

POLICY LIT.2.08 CRIMINAL BACKGROUND CHECKS

SCOPE: Faculty and Staff

The purpose of this policy and related procedures is to promote campus safety and the security of personal and Lamar Institute of Technology (LIT) property consistent with the requirements of the law and prudent financial and programmatic practices. Thus, LIT performs criminal background checks for all faculty and staff positions which have, by their nature and scope, access to confidential student, personnel, and payroll records or master keys, in accordance with state law and Texas State University System (TSUS) policy.

1. In an effort to provide and maintain the safest possible environment for students, visitors, faculty, and staff, and to enhance the security of physical resources, LIT shall, consistent with the requirements of the law and prudent practices, conduct criminal background investigations and obtain criminal history record information on each applicant who is under final consideration for a position. This is applicable to all full-time, part-time, or student worker positions.
 - 1.1. It is the policy of LIT to obtain:
 - 1.1.1. Sex Offender and Criminal History record information on each applicant who is under final consideration, following normal screening and selection processes, for all positions.
 - 1.1.2. Sex Offender and Criminal History record information, including convictions contained therein on a current employee who is under consideration for a transfer, promotion or reclassification.
 - 1.1.3. Sex Offender and Criminal History record information on a current employee who is under consideration for a transfer, promotion or reclassification and on whom LIT did not previously obtain a sex offender history, criminal history record information or criminal conviction record information.
 - 1.1.4. Sex Offender and Criminal History information on current employees whose new assignments involve contact with minors on a regular basis outside the scope of faculty/student instruction. Examples of the types of activities involving minors that would require criminal background checks are summer camps, research involving human subjects, volunteer activities, etc.
 - 1.2. The President or President's designee may request a Sex Offender and/or a Criminal History check on a current employee who is not a party to a job transfer, promotion, or reclassification. In this situation "management" will prepare, in writing a business case that substantiates the need to conduct the investigation and submit it to the appropriate Vice President (or President's designee) who will consider the request for the background check. If it is approved, the Vice President (or President's designee) will submit the business case and request to Human Resources, which will coordinate the investigation. If the current employee refuses to complete, sign and submit the Criminal Background Check Form in response to a request made in accordance with this policy, the President or designee will take appropriate action.
 - 1.3. It is the policy of LIT not to obtain Sex Offender and Criminal History information for:

- 1.3.1. Position reclassification that results in a title change with no change in current responsibilities.
- 1.3.2. Career progression promotions occurring within the current department (e.g., Instructor III to Instructor IV or Administrative Associate to Administrative Associate, Sr.)
- 1.4. The College reserves the right to conduct periodic criminal history and sex offender registry background checks on all employees every three years, or more frequently where required by law, regulation, or institutional need.

2. Definitions

- 2.1. "Applicant" is an individual who applies for a position within the college, whether the individual is an external candidate or a current employee of LIT.
- 2.2. "Position" means both full-time and part-time positions in all LIT programs, regardless of the funding source, whether the position is filled or to be filled by a regular or a temporary worker, but not including a position filled by a temporary worker provided by a temporary employment agency, since the employing agency should be expected to conduct and be held responsible for conducting the sex offender and criminal background check.
- 2.3. "Controlled substance" has the meaning assigned in Texas Health & Safety Code §481.002.
- 2.4. "Select agent" has the meaning assigned in 18 U.S.C. §175b.
- 2.5. "Criminal History record information" means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions, as more fully described in Texas Government Code §411.082.
- 2.6. "Civil history record information" means information collected about a person by a civil justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions.
- 2.7. "Criminal conviction record information" means public information maintained by the Department of Public Safety, as provided in the Texas Government Code §411.135.
- 2.8. "Sex Offender information" means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions.
- 2.9. "Hiring Official" is appointed by the President or pertinent Vice President and charged with the responsibility to ensure criminal background checks are performed when required and the results reviewed before job offers or other personnel decisions are made or executed.

Related Procedures: LIT.2.08.01 Conducting Background Checks, LIT.2.08.02 Current Employees and Self-Reporting

Relevant Forms/Documents:

Relevant TSUS Policies/Forms/Documents:

Relevant Statutes: Texas Education Code 51.215; Texas Government Code 411.094 and 411.1405

Relevant SACSCOC Standards:

Document History:

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