



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 70.20, Employment Background Screening Policy

PURPOSE: Texas Tech University Health Sciences Center (TTUHSC) is dedicated to excellence in academics, research, and patient care through a qualified workforce. To ensure a safe environment for all stakeholders and to protect TTUHSC's assets, this policy has been established. It outlines mandatory procedures for verifying credentials, criminal history, and prior employment, as well as checks against relevant registries and sanction lists. These measures guide TTUHSC in making informed employment decisions.

REVIEW: This TTUHSC OP will be reviewed by May 1st of each odd-numbered year (ONY) by the Vice President and Chief Human Resources Officer (CHRO), with recommendations for revisions forwarded to the Office of General Counsel (OGC) and the Chief Compliance Officer (CCO) by June 1st.

POLICY/PROCEDURE

1. **Policy Statement.** TTUHSC mandates that all prospective employees, including student workers and volunteers, undergo and successfully clear a comprehensive background check before their employment or volunteer service commences. The background check will include, but is not limited to, verification of the highest level of education, required licenses, registrations, or certifications, and checks against criminal databases, sex and violent offender registries, and federal and state healthcare sanction lists. For candidates in financially sensitive positions, a credit check may be conducted. Additionally, employment verifications or other required verification or checks may be conducted by licensing boards, applicable regulations, or in accordance with other policies.
 - a. For candidates designated to work in the TTUHSC division of Managed Care within the Texas Department of Criminal Justice (TDCJ), TDCJ will conduct criminal background checks. TTUHSC will perform credit checks in accordance with Responsibilities Section 2(c), Credit Check Procedures.
2. **Monitoring and Compliance.** TTUHSC's Office of Institutional Compliance will conduct monthly reviews of all employee names against federal and state Office of Inspector General (OIG), General Services Administration (GSA), and other applicable exclusion lists. Candidates or current employees found on these lists may face ineligibility for employment or termination, as outlined in [HSC OP 52.11](#), Sanction Check Process. A current employee determined to be on any of these exclusion lists may be subject to termination for cause through the applicable policies.
3. **Criminal Conviction or Probation.** All employees are required to notify TTUHSC Human Resources leadership of any indictment, criminal conviction, or deferred adjudication no later than three (3) calendar days after such has been rendered (including a change in driving status when driving is an essential job function). Notification is not required for minor traffic offenses unless one of the employee's job duties includes or involves the use of a TTUHSC vehicle. Failure to notify TTUHSC in a timely manner will constitute misconduct. TTUHSC human resources department will consult with the System Office of General Counsel and the System Office of Equal Opportunity to determine whether continued employment is appropriate given the nature of the criminal offense in relation to the employee's job duties and responsibilities.
4. **Employee Obligations.** No candidate previously convicted, placed on probation, or given deferred adjudication for a felony or a misdemeanor involving a crime of violence or moral turpitude shall be eligible for employment without the written approval of the Chief Human Resources Officer and Regional Dean, Assistant Vice President, Associate Vice President, or equivalent position, prior to the candidate's start date.

5. Confidentiality. All background check results are confidential and will be securely stored by Human Resources for a period of six months. Unauthorized disclosure of this information will result in disciplinary action, up to and including termination, in accordance with TTUHSC's policies.
6. Report Copy. An individual who is the subject of a background check may receive a copy directly from the consumer reporting agency that provides the report.

DEFINITIONS:

1. "Employee" is defined as any person employed by TTUHSC, whether full or part-time, faculty or staff, regular or temporary, including student employees.
2. "Applicant" is defined as any person who submits an official application for an open position with TTUHSC, whether the individual is an outside candidate or a current employee. The application signifies the formal expression of interest from the applicant.
3. "Candidate" is defined as meeting the qualifications of the job posting and being considered for the position.
4. "Credit history check" means checking the credit history of the candidate offered a position. (Federal laws prohibit discrimination against an applicant, candidate, or employee as a result of bankruptcy.)
5. "Criminal history check" means a national criminal history check with social security tracing to verify that the selected candidate does not have any undisclosed criminal history in counties where the candidate currently resides or previously resided.
6. "Educational verification" means ensuring the selected candidate possesses the educational qualification beyond a high school diploma as listed in their application as cited, which qualifies the individual for the position sought.
7. "Employment verification" refers to the process of confirming the work history of the selected candidate. This may include verifying positions that are relevant to the qualifications required for the job they are being offered and, in most cases, the most recently held position by the candidate.
8. "License verification" means ensuring the selected candidate possesses the cited License (s) by the candidate to qualify them for the interview and position sought. This may include a motor vehicle driver's License if required for the position.
9. "Sex and violent offender registry check" means verifying that the selected candidate does not have undisclosed convictions of certain sex and violent crimes in every jurisdiction where the candidate has resided over the past seven (7) years.
10. "Security sensitive position" is restricted to those positions described in Texas Education Code, Section 51.215(c) and Texas Government Code, Section 411.094, as those sections may be amended from time to time.
11. "Volunteer" is a person defined under section 3(e)(4)(A) of the Fair Labor Standards Act and 29 C.F.R. §§ 553.101 and 553.103 provides services for civic, charitable, or humanitarian reasons without compensation, offers services freely without coercion, and is not employed by the same public agency for the same services. Volunteers may receive expenses, reasonable benefits, or a nominal fee, serve part-time, and do not replace regular employees.

POLICY PROVISIONS

1. Job Candidates and Current Employees.
 - a. As a condition of employment, all candidates who receive a contingent job offer from TTUHSC must undergo background checks. Human Resources will initiate these checks and assess the results to determine the candidate's eligibility for employment.

- b. A third-party vendor will conduct a criminal history check for candidates who have accepted a contingent offer. The results will be sent to the relevant campus Human Resources team. This applies to all individuals, including U.S. citizens, permanent residents, and visa holders, who have lived in foreign countries.
 - i. Criminal history checks may also include activities in prior foreign countries, subject to the availability of records.
 - ii. Sex and Violent Offender Registry Check. A check against sex and violent offender registries will be conducted.
 - iii. Healthcare Sanctions Lists – Checks will be made against both Federal and State OIG and other applicable Exclusion Lists.
 - iv. Government Contractor Debarment List. A check against the Government Contractor Debarment List will be conducted.
- c. Financial Roles. A credit check may also be conducted for candidates applying for positions that involve direct access to significant financial assets of the institution, including roles in Finance and Accounting. The Human Resources department will identify these positions upon ordering the background check.
 - i. Senior Leadership. Candidates and employees applying for senior or executive-level positions, such as President, Executive Vice President, Provost, Vice President, Dean, Regional Dean, and others, may also be subject to a credit check as a condition of employment.
- d. Reuse of Previous Background Checks. If TTUHSC has conducted any of the aforementioned checks on a candidate within the past six months, a new check in that specific category may not be necessary. The results of the previously performed check may be considered in any pending employment decision.
 - i. Candidates who have been separated from TTUHSC for more than 30 calendar days must undergo a new background check after receiving a contingent offer to ensure they meet all hiring requirements as outlined in this policy.
- e. Texas Tech University System Employees. An employee within the TTU System hired by TTUHSC will be subject to a background check.
- f. Reclassifications. An employee under consideration for a reclassification to a position of financial trust may be subject to a credit check as outlined below in 2(c).

RESPONSIBILITIES

- 1. Responsibility of Employees and Candidates for Employment.
 - a. Consent. It is a condition of employment eligibility that any disclosures and consent forms, whether online or on paper, for background verification are completed as required by TTUHSC.
 - b. Dispute. If a candidate or employee believes that the pre-employment check negatively impacts their employment prospects, they must contact the third-party vendor to dispute the findings. TTUHSC is not obligated to hold the position open during the dispute process, and the responsibility for resolving such disputes lies solely with the candidate or employee with the reporting courthouse or third-party vendor.
- 2. Responsibilities of the Human Resources and the Hiring Department.
 - a. Employment Offers. Both oral and written employment offers must include a statement indicating that the offer is contingent upon the verification of credentials and other information required by state and federal law, as well as TTUHSC policies, including the completion of required background checks. The template language is already established in the template offer letters in our Applicant Tracking System.

- b. Timing and Types of Checks. Criminal history, sex, and violent offender registry checks will be initiated after the candidate accepts the conditional offer and before the employment start date.
- i. No Convictions. If the criminal history check indicates no convictions, the vendor will inform the campus Human Resources Director or designee, who, in turn, will inform the hiring department and candidate that the employment offer is no longer contingent.
 - ii. Convictions. If convictions are found, the campus Human Resources office will follow the procedures outlined by the Fair Credit Reporting Act (FCRA), including providing a pre-adverse action disclosure to the candidate. The candidate has up to five business days to dispute the report. The final employment decision will be made after a thorough review, which may include consultation with the Chief Human Resources Officer.
 - Candidates in Managed Care may be excluded from the requirement of FCRA pre-adverse action disclosure, as background checks and clearance for unit access are conducted and approved by TDCJ.
 - iii. Evaluation. If the criminal history check reveals convictions, the campus Human Resources office will collaborate with the Chief Human Resources Officer to assess the implications of these convictions in relation to the job position. This evaluation will also consider any supplementary information provided by the candidate in the interactive process. The presence of a conviction does not automatically render a candidate ineligible for employment.
 - Candidates in TTUHSC Managed Care needing clearance undergo their evaluation and approval process for background checks through TDCJ. Should TDCJ deny clearance necessary for the role, the candidate is deemed to have failed the background check.
 - iv. Factors taken into account during the evaluation may include, but are not limited to:
 - The nature and severity of each offense.
 - The number of offenses.
 - The relevance of the conviction to the job role.
 - The time elapsed since the offense.
 - The accuracy of the information provided on the employment application.

The final decision to employ or reject a candidate with a conviction rests solely with TTUHSC. This may involve consultation with the appropriate Dean or Vice President and department head in conjunction with the Chief Human Resources Officer.
 - v. Unreported Convictions. If unreported convictions are found, the employment offer may be withdrawn, or the employee may be terminated in compliance with other policies and regulations at the discretion of the divisional or school executive leadership and the Chief Human Resources Officer.
 - vi. Moral Turpitude. Employment of a candidate with a criminal record involving moral turpitude requires written approval from the appropriate Dean or Vice President. The recommendation for employment must be documented and submitted to the Chief Human Resources Officer for review and approval.
 - vii. Adverse Employment Action. If the background check results lead to the withdrawal of an employment offer, the campus Human Resources leadership will formally notify both the hiring department and the affected individual in writing. This adverse action will only be taken after a reasonable waiting period has elapsed, generally five business days. The Human Resources department will request an adverse action notice to the candidate, as mandated by the FCRA. This notice sent by the third-party vendor should include:

- Contact information for the consumer reporting agency responsible for the background check;
- A statement clarifying that the consumer reporting agency did not make the adverse employment decision and cannot provide specific reasons for it;
- Information on the individual's right to dispute the accuracy or completeness of any data provided by the agency; and
- The candidate's right to request an additional free consumer report from the agency within 60 days.

c. Credit Check Procedures

Roles requiring a credit check as determined by Human Resources will be conducted as part of the pre-employment background check package following the acceptance of the conditional offer of employment.

- No Concerns.** If the credit check indicates no areas of concern, the campus Human Resources Director or designee will inform the hiring department and candidate that the employment offer is confirmed.
- Areas of Concern.** Should the credit check indicate areas of concern, the campus Human Resources office will issue a pre-adverse action disclosure to the individual in compliance with the FCRA. This disclosure will include the individual's consumer report and "A Summary of Your Rights under the Fair Credit Reporting Act," as prescribed by the Consumer Financial Protection Bureau. The candidate will have up to five business days to dispute any items on the report with the consumer reporting agency.
- Evaluation of Credit.** In cases where the credit check reveals areas of concern, the campus Human Resources office will consult with the Chief Human Resources Officer to evaluate the findings. This evaluation will consider any additional information provided by the candidate. The existence of credit concerns does not automatically disqualify a candidate from employment. Factors for consideration may include the nature, severity, and relevance of the credit concerns, as well as their relationship to the job responsibilities. Final approval is at the discretion of the school or divisional leadership in conjunction with Human Resources.
- Adverse Actions.** If the credit check results in the withdrawal of an employment offer, the campus Human Resources leadership will notify the hiring department and the candidate in writing, following a reasonable waiting period, generally five business days. An adverse action notice, compliant with FCRA, will be issued to the candidate.
- Confidentiality of Records.** All results of credit, criminal, sex, and violent offender convictions or other information verified by the institution's third-party vendor are considered confidential and will be maintained in a dedicated, password-protected, confidential database.

- GA-48 AND CRITICAL INFRASTRUCTURE POSITIONS.** In accordance with Texas Executive Order GA-48, the Texas Business and Commerce Code, and applicable University policies, certain positions that involve access to, work on, or research related to critical infrastructure may be subject to additional background screening requirements. These may include pre-employment and background checks, including criminal history and other security-related screenings. Employment in these positions is contingent upon the successful completion of all required screenings as mandated by state and institutional regulations.

4. VIOLATIONS. Failure to adhere to TTUHSC policies, including the provision of false or misleading information for any background checks, will lead to the immediate withdrawal of a candidate from the hiring process. For current employees who refuse to consent to a background check, such refusal will serve as grounds for disciplinary action, up to and including termination of employment.
5. APPEALS. Decisions to withdraw an employment offer or terminate existing employment due to adverse background check results can be appealed to Human Resources within five days of receiving the adverse action notice. Human Resources will consult with the leadership of the position on the appeal. The final decision, once made, is not open to further appeal. By following these procedures, TTUHSC maintains a transparent and structured appeals process.
6. NON-CONTRACTUAL. The language used in this document does not create an Employment Contract between the employee and Texas Tech University Health Sciences Center.
7. RIGHT TO CHANGE POLICY. TTUHSC reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without prior notice or consent of the employee or employees.
8. REFERENCES.

Texas Education Code § 51.215. Access to police records of employment candidates.

Texas Government Code § 411.082. Definitions.

Texas Government Code § 411.0845. Criminal history.

Texas Government Code § 411.085. Unauthorized obtaining, use, or disclosure of criminal history.

Texas Government Code § 411.094. Access to criminal history—higher education.

Texas Government Code § 411.135. Access to certain public information laws and practices.

Texas Government Code § 559.003. Right to notice about certain information.

Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.