

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 and 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.

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.

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.

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.

NOTE

The language used in this document does not create an Employment Contract between the employee and Texas Tech University Health Sciences Center.

References

Texas Education Code § 51.215: Access to police records of employment candidates
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
Texas Government Code § 411.085: Unauthorized obtaining, use, or disclosure of criminal history
Texas Government Code § 411.082: Definitions
Texas Government Code § 411.0845: Criminal history
Fair Credit Reporting Act