

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: Human Resources

NUMBER: 02.A.37

AREA: General

SUBJECT: Security Sensitive Positions

1. PURPOSE

- 1.1. The purpose of this administrative memorandum is to establish a policy allowing components to designate certain positions as security sensitive and to set forth guidelines for the hiring of employees to fill these positions as prescribed by Section 51.215 of the Texas Education Code.
- 1.2. This policy is applicable to all positions, full and part-time, permanent and temporary, in all university programs, regardless of funding source, whenever that job is considered security sensitive or the employee will be working in a security sensitive area. This policy applies to both internal and external candidates for these positions.

2. POLICY

- 2.1. Chapter 51, Section 51.215 of the Texas Education Code enables institutions of higher education to designate certain positions as security sensitive and to obtain criminal history record information related to applicants for these positions.
- 2.2. Positions that may be designated by components as "security sensitive" are those positions of special trust in which employees have access to or control of activities, systems, and/or resources that are subject to misappropriation, malicious mischief, damage, and/or loss or impairment of communications or control.

Those positions that may be designated by components as "security sensitive" shall be restricted to and identified from positions that:

- a. handle currency;
- b. have access to confidential information and/or the capability to create, delete, or alter records in any of the university student, financial, personnel, payroll, or related computer databases or to research databases that may contain trade secrets;
- c. have routine access to building master control and key systems;

- d. are responsible for the care or instruction of children; or
 - e. work in an area of the institution which has been designated as a security-sensitive area.
- 2.3. Each component of the University of Houston System is responsible for designating those positions considered to be security sensitive. Positions designated as security sensitive will be clearly identified as security sensitive in job descriptions and advertisements for job applicants.
- 2.4. All applicants for security sensitive positions will undergo a criminal history record investigation. Applicants who decline to submit to a criminal history record investigation or fail to provide required information may be denied employment for a security sensitive position. Employment in a job that is designated as security sensitive is contingent upon satisfactory completion of the criminal history record investigation.
- 2.5. Nothing in this policy shall be used as the basis for discrimination or retaliation against any individual or group on the basis of race, sex, age, color, religion, national origin, disability, or veteran status.
3. POLICY PROVISIONS
- 3.1. Hiring authorities desiring to designate a position as security sensitive must contact the Human Resources Department for guidance in establishing such a designation. Positions may be added to or deleted from the list of security sensitive positions, available in the Human Resources Department, only upon approval by the Chief Executive Officer (CEO) or designee.
- 3.2. After selection of the final candidate, the hiring authority must contact the Human Resources Department to request a complete criminal history record investigation of the selected applicant. No job offer may be extended until the request for the criminal history record investigation is submitted by the component Human Resources Department to the Chief of Police or another appropriate authority. Any job offer must be specified as conditional until successful completion of this investigation.
- 3.3. The criminal history record investigation will be conducted by the University Chief of Police or another appropriate authority. This does not preclude components from conducting a background investigation which may include finger printing, a driving record check, and/or a credit check. All data obtained in the criminal history record investigation will be privileged and confidential. This information will be maintained by the investigating authority, and will not be released or otherwise disclosed to any other person or agency except as provided herein.

- 3.4. The University Chief of Police, or other designated authority, will report to the component Human Resource Director that the applicant has "no criminal history" or has a "positive criminal history" and will provide information as to the nature of any positive criminal history.
 - 3.5. The Human Resources Director will evaluate any positive criminal history against job-related criteria and will make a recommendation as to whether the applicant is "employable" or "not recommended for employment." An applicant with no criminal history will be recommended as "employable."
 - 3.6. If the applicant is "not recommended for employment," the Human Resources Director will issue a report to the hiring authority, who may accept the recommendation and reject the employment of the applicant, or may request permission to hire. A request for permission to hire will be submitted to the CEO or designee through the component procedures. Only the CEO or designee can authorize hiring someone with a positive criminal history.
 - 3.7. The CEO or designee will notify the Human Resources Director of the hiring decision. The Human Resources Director will, in turn, notify the designated hiring authority. The hiring authority will either proceed with finalization of the hiring process, or, in the case of a decision not to hire, will notify the conditional employee of the decision and select another applicant. In the latter case, the conditional employee will be terminated immediately.
 - 3.8. Any breach of confidentiality at any point in the process defined herein may be grounds for disciplinary action up to and including termination.
4. PROCUREMENT AND MAINTENANCE OF RECORDS
- 4.1. The criminal history record information request shall be handled by the University Chief of Police, or other appropriate authority, who will be responsible for the confidentiality of the information.
 - 4.2. If criminal history record information on the individual does not exist, information obtained during the investigation will be destroyed by the University Police Department after the expiration of the probationary term of employment.
 - 4.3. Details of positive criminal history record investigation checks will be sealed in an envelope identified by the individual's name and marked "not to be opened except by Human Resources, Legal Counsel, or the appropriate Vice President." Such records will be located as specified in Section 3.3, and will be maintained during the employee's period of employment and for a minimum of seven (7) years after termination of employment.

5. REVIEW AND RESPONSIBILITIES

Responsible Party: Vice Chancellor for Administration and Finance

Review: Annually on or before September 1

6. APPROVAL

Approved: William P. Hobby
Chancellor

Date: February 23, 1996