

Memo to: All UH-Downtown/PS Holders
From: Juan Sánchez Muñoz, President
Subject: Security-Sensitive Positions Policy

UH-Downtown/PS 02.A.17
Issue No. 7
Effective date: 06/14/2019
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1. PURPOSE

This PS designates all UHD positions as security-sensitive and establishes the guidelines for hiring employees to fill these positions. UHD employees include faculty, staff, student workers, and temporary employees paid through the University payroll system,

2. DEFINITIONS

- 2.1 Criminal background investigation: An investigation into official public records to determine the existence or non-existence of records of any criminal convictions.
- 2.2 Positive criminal history record: A criminal history record that indicates a conviction or deferred adjudication.
- 2.3 Security-sensitive positions: All University positions are security-sensitive and require a criminal background check. A criminal background check must be conducted on applicants for all positions, including current employees applying for new positions within UHD.

3. POLICY

- 3.1 The University of Houston-Downtown is an affirmative action, equal opportunity employer in compliance with federal and state laws and regulations. This includes compliance with [Section 51.215 of the Texas Education Code](#), which indicates that the employment selection process for all positions, full and part-time, regular, temporary, and student positions, in all University programs, regardless of funding source may include evaluation of criminal history information pertaining to an applicant, whether internal or external, for employment in a security-sensitive position.
- 3.2 Primary candidates for all UHD positions will undergo a complete background investigation. Applicants who decline to submit to a background investigation or fail to provide required information may be denied employment.
- 3.3 Positions that may involve contact with minors, such as those under the Campus Program for Minors, or through grants and/or sponsored programs, will be subject to a criminal background check and completion of required training.
- 3.4 All job announcements will include the following statement: “Security-sensitive Position. Requires Complete Background Investigation.”

- 3.5 Nothing in this policy shall be used as the basis for discrimination or retaliation against any individual or group on the basis of race, , age, color, religion, national origin, sexual orientation, gender identity, gender expression, genetic information, sex (including pregnancy), disability, or veteran status.

4. PROCEDURES

- 4.1 The primary candidate for all UHD positions will undergo a complete background investigation prior to being offered a job.
- 4.2 ESO notifies the hiring manager of the results of the background investigation.
- 4.3 Should the investigation reflect positive criminal history, unsatisfactory credit report or motor vehicle violations, the UHD Chief of Police and Vice President of Employment Services and Operations (VPESO) will evaluate the results against job-related criteria and make a recommendation as to whether the applicant is “employable” or “not recommended for employment.”
- 4.4 If the applicant is “not recommended for employment,” the VPESO will issue a report to the hiring manager, who may accept the recommendation and reject hiring the primary candidate, or may request permission to hire through the respective vice president who can authorize hiring someone with a criminal history or unsatisfactory credit report.
- 4.5 If the hiring manager decides not to hire the applicant, the VPESO will send a notice to the applicant of the intention to deny employment, as required by the Fair Credit Reporting Act (FCRA), allowing the applicant five business days from the date of receipt of the notice to explain or contest the information included in the report.
- 4.6 If the respective vice president authorizes hiring an applicant with positive criminal history or unsatisfactory credit report, details of the report(s) will be sealed in an envelope identified with the individual’s name.
- 4.7 If the information obtained through the background investigation reflects that the applicant was untruthful during the application process, the UHD Chief of Police and VPESO will declare the applicant ineligible for employment. This decision may not be appealed by the hiring manager to the respective vice president, as this constitutes a violation of institutional policy. The VPESO will follow the process outlined in section 4.5 and inform the applicant of the University’s intention to deny employment.
- 4.8 All information obtained in background investigations will be privileged and confidential. This information will be maintained by the VPESO in accordance with the University of Houston System (UHS) records retention schedule and will not be released or otherwise disclosed to any person or agency except the UHS general counsel or the respective vice president.

4.9 Any breach of confidentiality at any point in the procedures defined herein may be grounds for disciplinary action up to and including termination.

5. REVIEW PROCESS

Responsible Party (Reviewer): Vice President for Employment Services and Operations

Review: Every three years on or before December 1st.

Signed original on file in Employment Services and Operations.

6. POLICY HISTORY

Issue #1: 04/25/94

Issue #2: 03/11/98

Issue #3: 03/10/03

Issue #4: 09/10/09

Issue #5: 01/08/10

Issue #6: 07/09/15

7. REFERENCES

[University of Houston System Memorandum 02.A.37](#)

[University of Houston System Memorandum 03.H.01](#)