

POLICY: NONDISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY AND
WORKFORCE DIVERSITY
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.0
REVISED: JANUARY 2004

1. **NONDISCRIMINATION:** It is the policy of Lamar State College - Port Arthur not to discriminate on the basis of race, color, religion, sex, national origin, age, mental or physical disability, or veteran status its educational programs, activities, admissions, or employment practices.
2. **EQUAL EMPLOYMENT OPPORTUNITY AND WORKFORCE DIVERSITY:** In regard to employment, it is the policy of Lamar State College - Port Arthur to ensure equal employment opportunity to all individuals. This means that Lamar State College - Port Arthur will seek to insure by all means at its disposal that all prohibited employment policies do not operate to the detriment of any person on the grounds of race, color, religion, sex, national origin, age, mental or physical disability, or veteran status. Lamar State College - Port Arthur will also insure that the practices of those responsible in matters of employment and supervision, are nondiscriminatory, and further, that Lamar State College - Port Arthur will take affirmative action to recruit, employ and promote qualified members of under utilized groups. This policy is extended uniformly to the employment of all individuals.
3. **RESPONSIBILITY:** It is the responsibility of Lamar State College - Port Arthur's management to insure that Lamar State College - Port Arthur and all its constituencies comply with the provisions of this policy, and with all Federal and State laws, executive orders and regulations regarding equal employment opportunity and affirmative action. The Director of Human Resources shall serve as *Access and Diversity* officer for staff and administrative deans, the Vice President of Academic Affairs shall serve as *Access and Diversity* officers for the faculty. The President has the final responsibility for efforts. Specifically, all departments of Lamar State College - Port Arthur will:
 - 3.1 Follow policies of recruitment, employment, upgrading, promotion, transfer, training, lay off, or dismissal for all categories of employees, without regard to race, color, religion, sex, national origin, mental or physical disability, or veteran status. The sex, handicap, or age of an employee may be considered only when sex, disability, or age is demonstrably a bona fide occupational qualification (BFOQ).
 - 3.2 Determine all matters of employment and of subsequent promotion to a higher position only upon the individual's qualification for the position for which he/she is to be considered.
 - 3.3 Administer equitably all programs involving salary, fringe benefits, and participation in the affairs of Lamar State College - Port Arthur, for all individuals without regard to any of the characteristics named above.
4. **EXTERNAL RECRUITMENT:** In its relationship with external recruiting sources, Lamar State College - Port Arthur will require complete conformity to the principles stated above, insuring full opportunity for equal consideration for all prospective employees.
5. **ACCESS AND DIVERSITY EMPLOYMENT:** Lamar State College - Port Arthur undertakes a program of access and diversity, to which good faith efforts will be directed for the achievement of the following:
 - 5.1 Determination of the extent to which minorities and women are under utilized in all job categories.
 - 5.2 Identification and elimination of any employment practices which impact has been adverse on minorities, women and other protected by applicable law and which relationship to job performance has not been clearly established. If such employment practices are identified, they will be replaced by others which are based on merit and valid job qualifications.
 - 5.3 Development through special recruitment efforts and other measures, of applicant pools in which qualified minorities and women are represented in proportions sufficient to help reduce their underutilization, where such underutilization may exist.

5.4 Development, through special recruitment efforts and other measures, of applicant pools in which handicapped persons and Vietnam Veterans are represented.

6. Certification Statement

This APP has been approved by the following individuals in their official capacities and represents Lamar State College - Port Arthur policy and procedure from the date of this document until superseded.

Dr. Sam Monroe, President
Linda McGee, Director, Human Resources

POLICY: EMPLOYMENT OF PERSONS WITH DISABILITIES
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.1
REVISED: DECEMBER 2003

1. POLICY:

Lamar State College-Port Arthur will not discriminate against any employee or applicant for employment because of physical or mental disabilities in regard to any position for which the employee or applicant for employment is qualified to perform the essential duties of the position with or without reasonable accommodations. Lamar State College - Port Arthur shall recruit, employ, and promote qualified disabled individuals and comply with the rules and regulations pursuant to the Rehabilitation Act of 1973, as amended, the American with Disabilities Act of 1990, and the Texas Commission on Human Rights Act, as amended.

2. DEFINITIONS:

2.1 A qualified individual with a disability is a person who has
* a physical or mental impairment that substantially limits one or more major life activities;
* a record of such an impairment; or
* is regarded as having such an impairment.

“Qualified individual” is a person with a disability who “satisfies the requisite skill, experience, education and other job related requirements of the employment position, and who with or without reasonable accommodation, can perform the essential functions of such position.

2.2 “Undue hardship” is defined as an action that requires significant difficulty or expense.

3. RESPONSIBILITY:

Lamar State College - Port Arthur’s policy on Nondiscrimination/Equal Employment Opportunity and Workforce Diversity outlines the administrative responsibility for implementation of nondiscrimination as regards to disabled and protected class workers.

4. REQUESTING ACCOMMODATION:

Persons with disabilities must make their need for accommodation known to their supervisor or to the Director of Human Resources. The request must be in writing. **A medical certification that contains a diagnosis, prognosis and major life function that is substantially limited and the effect that the impairment has on the employee’s ability to perform his/her job must be attached to the request.** Lamar State College - Port Arthur will attempt to provide reasonable accommodation for all disabilities which meet the standards established by the American with Disabilities Act, the Texas Commission on Human Rights Act, and the definitions established by judicial review. Lamar State College - Port Arthur maintains the right to review the requested accommodation and determine if the request can be facilitated. If the accommodation will enable the qualified individual to attain the same level of performance or enjoy equal benefits and privileges as are available to similarly situated employees without disability, or if the request would impose an undue hardship upon Lamar State College - Port Arthur.

Disapproval based on “undue hardship” include (a) impact on operations and business; (b) cost factors involved; and (3) the effect on the safety of the requestor or other individuals.

POLICY: EMPLOYMENT OF VETERANS
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.2
REVISION DATE: MARCH 2002

VETERANS PREFERENCE

Lamar State College - Port Arthur reaffirms its policy of giving preference in employment opportunities to qualified veterans in accordance with S.B. 646, as amended by the 74th Legislature. Veterans qualify for preference "if the veteran served in the military for not less than 90 consecutive days during a national emergency declared in accordance with federal law or was discharged from military service for an established service-connected disability." The veteran must also have been honorably discharged and must be competent. A veteran's orphan or surviving spouse who has not remarried qualifies for the veterans' preference if the veteran was killed on active duty; the veteran served in the military for no less than 90 consecutive days during a national emergency in accordance with federal law; and the spouse or orphan is competent.

Lamar State College - Port Arthur is required to file a quarterly report with the Comptroller stating hiring percentages and the current percentage of employees that are eligible for a veterans' preference. In addition, Lamar State College - Port Arthur must provide the Texas Workforce Commission information regarding open positions that may be subject to the hiring preference law.

POLICY: NEPOTISM
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.3
REVISION DATE: MARCH 2002

State law prohibits a State Officer from appointing, voting for, or confirming the appointment to any office, position, employment, or duty of any person related to such officer within the third degree by consanguinity (blood) or within the second degree by affinity (marriage).

The Board of Regents of the Texas State University System possesses the appointive power, but since executive and administrative officers have been given considerable latitude in making appointments and submitting them to the Board for confirmation, it is necessary to apply the policy to all personnel exercising the appointive power in whole or in part. Where doubt exists as to whether such power is being exercised, advice should be sought through administrative channels prior to making the appointment final.

The relationships prohibited by statute as interpreted by Attorney General Opinions are summarized below.

Civil Law - Degrees of Relationship				
Employee & Spouse	1st	2nd	3 rd	4th
	Child	Grandchild	Great-Grandchild	Great,Great-grandchild
	Parent	Sister/Brother	Niece/nephew	Grandniece/nephew
		Grandparent	Aunt/uncle	First cousin
			Great-Grandparent	Great aunt/uncle
				Great,great-grandparent

Departments or comparable administrative units may employ individuals who are related within the degrees of relationships detailed above provided such employment does not cause one relative to (a) have responsibility for the direct or indirect supervision of the other, or (b) have authority over the salary or other terms and conditions of employment of the other. Employment under either of these conditions may only be granted by the President.

Where a supervisory relationship exists or would exist if an appointment is approved, a written request for exception to policy must be submitted through administrative channels to the President. If it is deemed in the best interests of the College to employ such related individuals in exception to normal policy, the President may grant approval.

POLICY: OUTSIDE EMPLOYMENT/ACTIVITIES
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.4
REVISION DATE:

1. Policy Statement:

1.1 Lamar State College - Port Arthur recognizes the common practice of faculty and staff employees to hold more than one employment or position due to needs, interests, or development. However, other activity interests outside Lamar State College - Port Arthur are considered secondary to the employee's Lamar duties and responsibilities and must not interfere or conflict with these duties and responsibilities.

2. Definitions:

2.1 Outside employment - Any compensated employment, consulting, or service performed by the employee outside of the employee's employment relationship with Lamar State College - Port Arthur for the direct or indirect benefit of the employee or the organization served.

2.2 Outside activity - Any uncompensated employment, consulting, or service performed by the employee outside of the employee's employment relationship with Lamar Port Arthur for the direct or indirect benefit of the employee or the organization served.

The holding of a non-elective or elective office with boards, commissions, and other state, political subdivision, or federal entities is considered an outside activity for the purposes of this policy.

2.3 Public employment/activity - Any outside employment/activity as defined above performed for a public institution of higher education or local, state or federal government agency.

2.4 Private employment/activity - Any outside employment/activity as defined above performed for an entity that is not a public institution of higher education or local, state or federal government agency.

2.5 Conflict of interest - Any outside employment or activity, as determined by the President, that interferes and/or conflicts with the employee's Lamar Port Arthur duties and responsibilities, and includes as a minimum the situations described in Chapter V, Sections 2.4 and 4.(11) and Chapter VIII of the TSUS Regents' Rules.

3. Background:

3.1 The Texas Constitution and Texas law have special provisions for holding public offices with the State of Texas and the United States. These provisions cover individuals such as elected and appointed judges, members of city councils and public school boards, mayors, and county commissioners. Such individuals are not required to comply with section on outside activities, but are required to obtain approval from their vice president or president to hold office.

NOTE: Examples of participants in outside activities include individuals appointed to city/county boards, committees, commission, and the like.

3.1.1 Non-elective office - Employees may hold non-elective offices with boards, commissions, and other state, political subdivision, or federal entities if the holding of such office benefits the state or political subdivision or is required by state or federal law. The holding of such office must not conflict with the employee's duties at Lamar Port Arthur and must be approved by the employee's supervisor.

3.1.2 Elective office - Employees may serve as members of governing bodies of school districts, cities, towns, or other governmental districts if their holding such positions does not conflict with their duties at Lamar Port Arthur. Prior to seeking election,

the employee should consult with his/her supervisor about how duties will be fulfilled and how time will be managed.

3.2 Public Employment/Activity

General - The Texas State University System (TSUS or System) rules and regulations provide that staff employees should not be discouraged from accepting outside employment or participating in other outside activities provided such employment and/or participation do not conflict with the staff employee's work at Lamar Port Arthur. Similarly, faculty are encouraged to accept appropriate appointments of a consultative or advisory capacity with governmental agencies, industry, and other educational institutions, but are discouraged from accepting regular employment. (TSUS Rules and Regulations, Chapter V, Sections 4.73 and 5.4)

The TSUS Rules and Regulations also provide that no full time employee shall be employed in any outside work or activity or receive from an outside source a regular retainer fee or salary during the period of employment by Lamar Port Arthur until a description of the nature and extent of the employment has been filed with the President. The Rules and Regulations further direct the President to approve policies governing outside employment/activities and incorporate such policies into the Administrative Policy and Procedures manual. (TSUS Rules and Regulations, Chapter V, Section 4). The President has delegated authority to approve and disapprove requests for participation in outside employment/activity to the vice presidents.

Notification - The Appropriations Act requires that all state employees must inform their state agencies or institutions of higher education before accepting an additional employment with another agency or institution. Furthermore, they are to be informed that:

- 3.2.1 Completely separate leave records will be maintained for each employment;
- 3.2.2 Time worked in one position may not be used as additional service credit for purposes of longevity or annual leave accrual for the other positions;
- 3.2.3 Upon termination of one employment, the leave balances accrued under one employment may not be transferred to the remaining employment;
- 3.2.4 The state contribution towards the employee's benefit replacement pay will be subject to the overall individual limit, meaning that the employee will be treated as if he or she holds only one position with the state;
- 3.2.5 The total state contribution towards the employee's group insurance will be limited to no more than the amount specified in the Appropriations Act for full-time active employees;
- 3.2.6 The employee will be entitled to receive state longevity payment for no more than one employment; and
- 3.2.7 Overtime compensation will accrue to each employment independent of the other except in those instances in which the employee is subject to the overtime provisions of the Fair Labor Standards Act (FLSA). When the employee is subject to FLSA provisions, the employing state entities must be consider all combined time worked in excess of forty (40) hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. The two (2) entities shall coordinate in order to determine which entity will have the responsibility for ensuring that the employee is properly compensated.

3.3 Employment with System Components

The Texas State University System may establish policies defining a person's employment within components of the System.

4. Procedures for Approval of Outside Employment/Activities

4.1 Public Employment

4.1.1 Hiring a Public Employee - The following steps will be taken prior to hiring when Lamar Port Arthur desires the services of a person already employed by another public Texas institution of higher education or by a state, federal, or local agency.

1) The prospective employee and department head of the department offering employment will complete the request for public outside employment/activity form. If the other public employer is a state entity, the employee will also complete the additional State of Texas employment/activity acknowledgment form. The department head will submit the completed request form, and acknowledgment form if applicable, through the appropriate administrative channels to the employee's vice president for decision. The vice president will approve/disapprove the request and return all paperwork to the department head.

2) If the vice president approves the request, the department head will submit the prospective employee's appointment form through normal processing channels. The department head will attach the approved request form and the acknowledgment form, if applicable, to the personnel action request form (F3.2). The request and acknowledgment forms will be retained in Human Resources in the new employee's personnel file.

4.1.2 Lamar Port Arthur Employee Desiring Other Public Employment - The following steps will be taken prior to the acceptance of the outside employment when a Lamar Port Arthur employee desires to accept another non-elective position with a public Texas institution of higher education or with a state, federal, or local agency.

1) The employee will complete sections 1 through 5 of the Request for Public Outside Employment/Activity Form and submit it to the employee's department head. If the other public employer is a state entity, the employee will also complete the additional State of Texas Employment/Activity Acknowledgment Form and attach it to the request form. The department head will review the request form and submit the form(s) through the appropriate administrative channels to the employee's vice president for decision. The vice president will approve/disapprove the request and return all paperwork to the department head.

2) If the outside private employment is approved, the department head will forward the original of the approved request form to Human Resources to be retained in the individual's personnel file.

4.2 Private Employment

The following steps will be taken at any time a current or prospective employee desires to hold both Lamar Port Arthur and other outside employment with an entity that is not a public institution of higher education or a state, federal, or local agency. If the person is a current Lamar Port Arthur employee, the steps will be taken prior to acceptance of the outside employment. If the individual is a prospective Lamar Port Arthur employee the steps will be taken prior to the individual's employment with Lamar Port Arthur.

4.2.1 The individual will complete sections I through V of the Request for Private Employment/Activity Form and submit it to his or her department head for approval. The department head will approve the request if the outside employment/activity appears not to conflict with the employee's Lamar Port Arthur duties and responsibilities.

4.2.2 If the department head feels the outside employment may conflict with the employee's Lamar Port Arthur duties and responsibilities, he/she will state in writing the basis of the conflict and forward the request form to the dean/division vice-president through appropriate administrative channels for decision. The dean/vice-

president will approve/disapprove the request and return the form to the department head.

- 4.2.3 If the outside private employment is approved, the department head will forward the original of the approved request form to Human Resources to be retained in the individual's personnel file.

4.3 Outside Activities

- 4.3.1 Outside activities are not required to be submitted for approval unless (1) the outside activity is a public outside activity as defined in Section 2.3, (2) the employee participating in the outside activity feels such participation may conflict with the employee's Lamar Port Arthur duties and responsibilities, and requires a request for approval to be submitted to ensure such activity is not in conflict with the employee's Lamar Port Arthur duties and responsibilities.

- 4.3.2 Requests for approval of outside activities will be handled in the same manner as noted above for public or private employment/activity as appropriate.

- 4.4 Approval for outside employment/activities for staff is required for each such event and is good for the duration of the employment/activity. For faculty, annual approval is required.

5. Responsibility for identification and notification

- 5.1 As required, Human Resources will report to the President, the names of those Lamar Port Arthur employees who are also employed by other State of Texas Institutions of higher education.

6. Reviewers of this APP.

- 6.1 Reviewer of this APP include the following

Linda McGee, Director, Human Resources
Dr. Gary Stretcher, Vice President for Academic Affairs

7. Certification Statement

This APP has been approved by the following individuals in their official capacities and represents Lamar State College - Port Arthur policy and procedure from the date of this document until superseded.

Dr. Sam Monroe, President
Dr. Gary Stretcher, Vice President for Academic Affairs
Linda McGee, Director, Human Resources

POLICY: **NOMINATIONS AND APPOINTMENTS**
SCOPE: **FACULTY**
POLICY NUMBER: **2.5**
REVISED: **MARCH 15, 2002**

1. APPOINTMENTS

Appointments to the faculty of Lamar State College - Port Arthur are made by the Board of Regents, pursuant to legal authority as granted in Chapters 95 and 96 of the Texas Education Code.

The President of the College is designated by the Board of Regents both to offer employment and accept resignation of faculty. Authority is vested in the President of the College to designate ranks, titles and salaries of those appointed members of the faculty.

2. NOMINATIONS

The President will recommend to the Board the employment or re-employment of faculty members to be awarded term or annual appointments, advising the Board in writing as to the tenure status, proposed academic rank, and highest degree of each nominee.

POLICY: **LIMITATION ON CONTRACTS WITH PREVIOUS EMPLOYEES**
SCOPE: **FACULTY AND STAFF**
POLICY NUMBER: **2.6**
REVISED: **MARCH 15, 2002**

1. **POLICY:**
None of the funds appropriated by the Appropriations Act, 75th Legislative Session, may be used to enter into a contract for consulting or professional services or into an employment contract, with any individual who has been previously employed by the department or agency within the past twelve months. For the purpose of this section, the term “employment contract” shall include a personal services contract regardless of whether the performance of such a contract involves the traditional relationship of employer and employee.

POLICY: CREDENTIAL EVALUATION
SCOPE: FACULTY
POLICY NUMBER: 2.7
APPROVED: DECEMBER 2001

1. POLICY:

When employing new faculty Lamar State College - Port Arthur must ascertain that the prospective faculty member has appropriate academic preparation before the applicant is hired. At some point a situation may occur in which an applicant whose highest earned degree presented as the credential qualifying the applicant to teach at the College was earned at a non-regionally accredited institution within the United States or an institution outside the United States. In this case the College, if it decides to consider the applicant for employment, would utilize an approved credential evaluation service to evaluate that person's academic preparation. The College reserves the right to require an individual with this background, regardless of the outcome of the credential evaluation, to complete additional courses, or obtain a graduate degree, as a condition of continued employment.

POLICY: CLEAR ENGLISH REQUIREMENT
SCOPE: FACULTY
POLICY NUMBER: 2.8
APPROVED: DECEMBER 2001

1. House Bill 638, as enacted by the 71st Legislature of the State of Texas (V.T.C.A.) Education Code, Section 51.917) requires that each public institution of higher education will ensure that all courses (with the exception of foreign languages) will be clearly taught in the English language. House Bill 638 reads (in part) as follows:
 - 1.1 Faculty member means a person who teaches a course offered for academic credit by an institution of higher education, including instructors, lab assistants, lecturers, assistant professors, associate professors, and full professors.
 - 1.2 A faculty member may use a foreign language to conduct foreign language courses designed to be taught in a foreign language.
 - 1.3 A faculty member may provide individual assistance during course instruction to a non-English speaking student in the native language of the student.
 - 1.4 Faculty members whose primary language is not English must earn a satisfactory grade on the “Test of Spoken English” of the Educational Testing Service.
 - 1.5 Faculty members who do not earn a satisfactory score on the “Test of Spoken English” will enroll in a program or short course the purpose of which is to
 - 1.5.1 assist faculty members to become proficient in the use of English;
 - 1.5.2 and ensure that courses offered for credit are taught in the English language.
 - 1.6 The cost of such English proficiency course shall be paid by the faculty member lacking proficiency in English. The faculty member must take the course until deemed proficiency in English by his or her supervisor. The cost will be deducted from said faculty member’s salary.
 - 1.7 Individuals being interviewed for an instructional position at Lamar - Port Arthur will be carefully evaluated prior to being employed to ensure that they possess effective communications skills in the English language.
 - 1.8 The following clause will be added to the contract of any faculty member whose primary language is not English.

“In accordance with a requirement of Texas law, Lamar - Port Arthur has created a special assessment procedure and a program to ensure that all courses (with the exception of foreign languages) will be clearly taught in the English language. As a condition of your employment, you must be assessed, and you may be required to complete this program satisfactorily. Costs with providing English language proficiency instruction as required under the provisions of Education Code Section 51:917 will be paid by instructional personnel receiving such instruction.”

POLICY: CRIMINAL BACKGROUND CHECKS
SCOPE: FACULTY AND STAFF
POLICY NUMBER: 2.9
APPROVED: JULY 2002
REVISED: FEBRUARY 2008

1. Policy Statement.

Lamar State College - Port Arthur strives to provide the safest possible environment for students, visitors, faculty, staff and physical resources. In an effort to maintain a safe environment the College shall conduct criminal background checks on applicants hired for those positions designated security sensitive.

2. Scope

Any official relationship, including employment, between the College and an individual or entity is contingent on successfully passing any background check required for that relationship. The background check must be successfully passed prior to the first day of employment or official relationship being established.

3. Definitions

1. Applicant is an individual who applies for an open position with Lamar State College – Port Arthur, whether the individual is an outside candidate or a current employee of the College.
2. Security sensitive position shall be restricted to those positions described in Texas Education Code 51.215 (c) and Texas Government Code 411.094 (a)(2), as those sections may be amended from time to time. Positions/areas determined to be security sensitive include those of executive and senior level administrators; those with responsibility for providing patient care or for providing child care in a child-care facility, as that term is defined in Texas Human Resources Code 42.002(3); and those positions designated as security sensitive.
3. Position is both a full time and part time position, 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. The employment agency should be expected to conduct and be held responsible for conducting the criminal background check.
4. Criminal background check is information collected about a person by a criminal justice agency or a third party vendor.

4.4 Procedure

- 4.1 Postings for employment and official relationships with the College that require a background check will include a notification of the background check requirement.
- 4.2 All applicants are required to authorize reference and criminal background checks as a part of the application process.
- 4.3 The Director of Human Resources will conduct and obtain criminal history background checks for all positions designated as security sensitive.
- 4.4 All information obtained through a background check is privileged and confidential and will not be released or disclosed to any unauthorized person.

NOTE: The unauthorized release of criminal history information is a criminal offense and against College policy. Any unauthorized release of criminal history information will subject the person releasing the information to prosecution under the law and College disciplinary sanctions.

- 4.5 Criminal history information will be used only for the purpose of evaluating applicants for employment in security sensitive positions and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability or age. This policy does not automatically exclude from consideration for employment all individuals with criminal convictions.

- 4.6 The Texas Department of Public Safety or a third party vendor will be used to check criminal backgrounds.
- 4.7 A copy of the criminal history record check is reported affirmatively, the Director of Human Resources will consult with the hiring manager to determine whether or not the employee or candidate should be disqualified from employment due to legal requirements.
- 4.8 Except where employment is expressly prohibited by the law, the college will use the information to disqualify an individual for employment if it is directly relevant to the position in question and is consistent with a business necessity. The severity of the individual's offense, its relatedness to the position, and amount of time that has passed since the offense are to be considered. Additionally, knowledge of an arrest in and of itself should not necessarily be used to disqualify an individual from employment.
- 4.9 In the case of a disagreement on whether there are grounds for disqualification, the TSUS General Counsel will review the case and make the final decision.
- 4.10 In the event of a discrepancy in a criminal history record check report involving the individual's identity, a criminal background fingerprint check may be requested.
- 4.11 If a candidate did not disclose a criminal history on his/her application and is found to have such a record, a job offer may be rescinded or employment terminated due to falsification.
- 4.10 The College reserves the right to conduct criminal record searches when an employee is charged with any crime that reflects on his or her suitability for continued employment. Criminal record searches can also be initiated as a result of an administrative investigation.
- 4.11 The Director of Human Resources will destroy criminal history information obtained in a background check no later than 60 days after obtaining it. This information is not a part of any person's permanent personnel file.

APPROVED:
REVISED:

JUNE 1999
NOVEMBER 2005

1. An agency in any branch of state government may not hire a person as an employee if the person is of the age and gender that would require a person residing in the United States to register with the selective service system, unless the person presents proof of either of the following:
 - 1.1 Registration with the selective service system as required by federal law.
 - 1.2 Exemption from registration with the selective service system. (Texas Government Code, Section 551.005(a).

Individuals who are exempt from registration include:
 - Females.
 - Lawfully admitted nonimmigrant aliens.
 - Members of the armed forces on full-time active duty, including cadets and midshipmen at military academies.
2. This requirement does not apply to a person employed by a state agency before September 1, 1999, as long as the person's employment by the agency is continuous. (Texas Government Code, Section 651.005(b).
3. The Office of the Attorney General issued an opinion that requires only those males who are between the ages of 18 and 25 years, inclusive, to furnish proof of either selective service registration or exemption from selective service as a condition of state employment. (Opinion, Texas Attorney General, No. JC-0183 (2000).