

University of Texas Southwestern Medical Center
Policy Regarding the Requirement of Students in Clinical Programs to Pass a Criminal
Background Check

I. Applicability

This policy applies to applicants to or students enrolled in an educational program that includes, or may include at a future date, assignment to a clinical health care facility. Visiting or non-degree seeking students who enroll in courses with such an assignment are also subject to the policy. Presently, programs that require a background check include:

- Clinical Nutrition
- Clinical Psychology
- Medical Laboratory Sciences
- Medical Illustration
- Medicine
- Orthotics/Prosthetics
- Physical Therapy
- Physician Assistant Studies
- Radiation Therapy
- Rehabilitation Counseling

II. Policy

Effective immediately, applicants must submit to and satisfactorily complete a background check review as a condition to admission into all programs designated as requiring a background check. An offer of admission will not be final until the completion of the background check(s) with results deemed favorable. Admission may be denied or rescinded based on a review of the background check.

Additionally, students who are currently enrolled and who do not have a valid background check must submit to and satisfactorily complete a background check as a condition to enrolling or participating in education experiences at affiliated sites that require a background check.

Students who refuse to submit to a background check or do not pass the background check review may be dismissed from the program.

Applicants or students who are denied admission to or are dismissed may seek admission into another educational program that does not have a clinical component requirement in its curriculum.

III. Rationale

- A. Health care providers are entrusted with the health, safety and welfare of patients, have access to controlled substances and confidential information, and operate in settings that require the exercise of good judgment and ethical behavior. Thus, an assessment of a student or applicant's suitability to function in such a setting is imperative to promote the highest level of integrity in health care services.
- B. Clinical facilities are increasingly required by accreditation agencies, such as Joint Commission of Healthcare Organization (JCAHO), to conduct background checks for security purposes on individuals who provide services within the facility and especially those who supervise care and render treatment. To facilitate this requirement, educational institutions have agreed to conduct these background checks for students and faculty.
- C. Clinical rotations are an essential element in certain curriculum programs. Students who cannot participate in clinical rotations due to criminal or other adverse activities that are revealed in a background check are unable to fulfill the requirements of the program. Additionally, many healthcare licensing agencies require individuals to pass a criminal background check as a condition of licensure or employment. Therefore, it is in everyone's interest to resolve these issues prior to a commitment of resources by UT Southwestern, the student or applicant.
- D. UT Southwestern is obligated to meet the contractual requirements contained in affiliation agreements between the university and the various healthcare facilities.

IV. Background Check Report

- A. Obtaining a Background Check Report.

UT Southwestern will designate an approved company to conduct the background checks and issue reports directly to UT Southwestern. Results from a company other than the designated company will not be accepted. Students and applicants will submit a payment and appropriate authorization documents to UT Southwestern. UT Southwestern will initiate the background check upon receipt of the payment and authorization.

- B. Scope

To be completed after meeting with GroupOne representative.

- C. Rights

Students and applicants have the right to review the information

reported by the designated company for accuracy and completeness and to request that the designated company verify that the background information provided is correct. Prior to making a final determination that will adversely affect the applicant or student, UT Southwestern will provide applicants or students a copy of or access to the background check report issued by the designated company, inform them of their rights and how to contact the designated company to challenge the accuracy of the report.

V. Procedures

A. Timing of background checks

1. Applicants must complete the required background check screening following the offer of conditional admission but prior to enrollment.
2. Students enrolled at the time of the implementation of this policy must complete a background check as a condition to continued enrollment.
3. Students who have an interruption in enrollment must complete a background check as a condition for re-enrollment.

B. If the report contains negative findings, the applicant or student will be informed and provided with the contact information to challenge the findings or provide explanatory information.

C. The findings will be presented to a medical center committee described in Section VI. The committee may request that the applicant/student submit additional information relating to the negative finding, such as a written explanation, court documents and police reports. The committee will review all information available to it and determine if enrollment will be allowed.

D. Decisions of the committee may be appealed as follows:

1. The first appeal will be to the committee, either in person or in writing.
2. The second appeal will be to the dean of the school in which the academic program resides.
3. The final appeal will be to the president.

VI. Background Review Committee

A. The Background Review Committee will be comprised as follows:

1. Vice President for Student & Alumni Affairs, chair

2. Director of Admissions
3. Registrar
4. Associate Deans for Student Affairs (or other representative designated by the Dean)
5. Representative from each admissions committee.
6. Legal office representative *ex officio*
7. University Police representative *ex officio*

B. Committee Review Standards

In reviewing the background check reports and any information submitted, the committee may consider the following factors in making its determinations: the nature and seriousness of the offense or event, the circumstances surrounding the offense or event, the relationship between the duties to be performed as part of the educational program and the offense committed, the age of the person when the offense or event occurred, whether the offense or event was an isolated or repeated incident, the length of time that has passed since the offense or event, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, and the accuracy of the information provided by the applicant or student in the application materials, disclosure forms or other materials. The committee will bear in mind both the safety interests of the patient and the workplace, as well as the educational interest of the student. In reviewing background checks and supplementary information, advice may be obtained from university counsel, university police, or other appropriate advisors.

- C. The committee may extend an offer of admission for up to one year while the matter is resolved.

VII. Confidentiality and Record-keeping

- A. Background check reports and other submitted information are confidential and may only be reviewed by university officials and affiliated clinical facilities in accordance with the Family Educational Records and Privacy Act (FERPA).
- B. Background check reports and other submitted information will be maintained in the Registrar's office though separate from the applicant's or student's traditional file.
- C. The medical center record retention schedule will dictate how long these records are maintained.

VIII. Other Provisions

- A. Students who have negative findings in their background check report and are nonetheless permitted to enroll will be informed that the decision is not a guarantee that every clinical facility will permit the student to participate in the educational program at its facility, or that any state will accept the individual as a candidate for registration, permit or licensure.
- B. A background check will be honored for the duration of enrollment if the student is continuously enrolled. A student who has a break in enrollment is required to complete a new background check. A break in enrollment is defined as non-enrollment of at least one semester in the approved curriculum of the certificate or degree program. However, a student whose attendance has been suspended due to a licensing agency's eligibility certification process will not be considered as having a break in enrollment. An officially approved leave of absence is not considered a break in enrollment.
- C. Falsification of information, including omission of relevant information, may result in denial of admission or dismissal from the educational program.
- D. Criminal activity that occurs while a student is in attendance at the university may result in disciplinary action, including dismissal, and will be addressed through the university's academic or disciplinary policies.