

## **C.4 CRIMINAL BACKGROUND CHECKS POLICY FOR CURRENT STUDENTS AND CONDITIONALLY ACCEPTED APPLICANTS – HEALTH SCIENCES CENTER**

---

### **I. SCOPE/DESIGNATED PROGRAM**

This policy is intended for all University of Oklahoma Health Sciences Center ("University or "OUHSC") conditionally accepted applicants and enrolled HSC students. A national Criminal Background Check ("CBC") is required of each conditionally accepted applicant prior to full admission and at least annually thereafter by national CBC or written attestation, as specified pursuant to the provisions of this policy for every continuing student. Applicants waiting for confirmation of conditional acceptance should check with the college/program to which they are applying for specific CBC requirements and timelines. Enrolled students should check with their college/program for specific CBC requirements.

### **II. POLICY**

Conditionally accepted applicants and enrolled students must undergo a national Criminal Background Check ("CBC") prior to the first day of class and at least annually thereafter. Conditionally accepted applicants who have an adverse finding on a CBC report may be denied full admission/matriculation, and current students may be disciplined in accordance with established University policy.

### **III. DEFINITIONS**

Adverse Finding. A term describing a Criminal Background Check ("CBC") report of anything other than "clear" or "no findings" or other similar language used by the approved vendor that issued the CBC report.

Break in Enrollment. A term describing non-attendance of one full semester (Fall, Spring, Summer) or more.

Conditional Acceptance. A term describing an applicant's status when basic review criteria have been met at the time an admission offer is extended but prior to full admission to an academic program.

Full Admission. A term indicating that a student has met all program admission requirements and has been cleared of any Adverse Findings that would prevent eligibility for enrollment.

Full Standing. A term describing a student's eligibility to enroll in and to attend classes for at least one academic semester and indicating the student meets academic standards to remain enrolled and attend classes during that semester.

Matriculated. A term describing students enrolled in a University program as degree candidates.

### **IV. RATIONALE**

The University is committed to accepting and educating students who meet established standards for professionalism, are of high moral character, and are suitable candidates for professional certification or licensure. The purposes of conducting a Criminal Background Check ("CBC") are multiple:

1. Health care providers and health research scientists are entrusted with the health, safety, and welfare of patients, research participants, and health services and scientific resources; have access to confidential and sensitive information; and operate in settings that require the exercise of good judgment and ethical behavior. Thus, an assessment of a student's or conditionally accepted applicant's suitability to function in clinical and research settings is imperative to ensure the highest level of integrity in students in the college/program.
2. Clinical facilities are increasingly required by their accreditation agencies to obtain a CBC for security purposes on individuals who supervise care, render treatment, and provide services within the facility.
3. Clinical rotations are an essential element in certain degree program curricula. Students who cannot participate in clinical rotations because of criminal or other adverse activities reported in CBCs are unable

to fulfill the requirements of a degree program. Therefore, these issues must be resolved prior to a commitment of resources by the University, student, or conditionally accepted applicant.

4. Scientists are entrusted with the oversight and the safety of laboratory materials, research animals and human research participants, and the welfare of laboratory and other research personnel. They have access to chemicals, devices, and other materials in settings that require the exercise of good judgment and ethical behavior. Thus, an assessment of suitability to function in a research setting, whether laboratory, clinical, or community based, is imperative to ensure the highest level of integrity in biomedical and population health sciences academic programs.
5. Health professionals and biomedical and population health scientists are increasingly invited to engage in inter-professional and translational work through team science projects. Thus, it is imperative to promote and underscore a shared expectation for demonstration of the highest level of integrity, good judgment, and ethical behavior.

#### **V. TIMING AND PROCEDURES FOR THE CRIMINAL BACKGROUND CHECK ("CBC")**

##### **A. Conditionally Accepted Applicants: (as defined in Scope/Designated Programs)**

1. The CBC may not be used as a component of the application, interview, or decision-making process regarding conditional acceptance to a designated program. It is a mandatory component of the post-conditional acceptance matriculation process.
2. Conditionally accepted applicants will be provided with the necessary procedures for completing the CBC by the college/program designee.
3. Conditionally accepted applicants must do the following prior to the first day of classes (or sooner if so specified by the college/program) to be eligible for full admission
  - a) Complete and authorize the release of the CBC Consent and Release Form; and
  - b) Complete the CBC with sufficient time for the documentation to be evaluated by the respective college/program designee prior to the first day of classes.
4. Any conditionally accepted applicant who fails to complete the above will not be allowed to begin classes and may jeopardize full admission status to his/her respective college/program.
5. Procedures for reviewing CBC results are outlined in Section XI.

##### **B. Enrolled Students: (as defined in Scope/ Designated Programs)**

1. Enrolled students will, at minimum, complete CBCs each year at a time designated by their respective college/program or more frequently if required by clinical rotation sites or by the University.
2. The respective college/program will provide students with the necessary procedures and consent forms to complete a CBC.
3. Any student who fails to adhere to the CBC deadline set by his/her college/program will be suspended from all classes, rotations, or practicums until clearance documentation is provided in accordance with the respective college/program procedures. Due to the pace and rigor of these programs, to remove the suspension, an enrolled student must complete the CBC and provide clearance documentation within five (5) University business days of the date of suspension or his/her enrollment may be terminated.



**VI. IDENTIFICATION OF VENDORS**

The University will designate approved vendors to perform the Criminal Background Checks ("CBCs") and will recognize CBCs from vendors that are approved by the centralized application services with which it participates. Results from any entity other than those designated by the University or a participating centralized application service will not be accepted. The list of approved vendors will be maintained by the Office of Academic Affairs/Admissions and Records.

**VII. ALLOCATION OF COST**

Conditionally accepted applicants and enrolled students must pay the costs associated with procuring a Criminal Background Check ("CBC").

**VIII. PERIOD OF VALIDITY**

The University will generally honor criminal background checks for a period of one year, but a CBC may be necessary more frequently, depending on class, rotation, or practicum site requirements. Any student who has a break in enrollment may be required to complete a CBC before he/she is permitted to re-enroll in any courses. The University considers a student on Leave of Absence to be in continuous enrollment.

**IX. SCOPE OF CRIMINAL BACKGROUND CHECKS ("CBC")**

A. The CBC may include but is not limited to the following:

- Social Security Number Verification
- County Criminal Records Searches
- Statewide Criminal Records Search
- Federal Criminal Records Search
- National Criminal Database Search
- National Sexual Offender Database Search
- U.S. Department of Health and Human Services/Office of Inspector General List of Excluded Individuals/Entities Search
- Search for Dishonorable Discharge from the Armed Forces
- General Services Administration List of Parties Excluded from Federal Programs
- US Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nations (SDN)
- State Exclusion List

B. The CBC for students who are licensed or certified caregivers may include the above and may also include the following:

- Education Verification (highest level)
- Professional License Verification
- Certifications & Designations Check
- Professional Disciplinary Action Search

**X. REPORTING FINDINGS AND ENROLLED STUDENT/CONDITIONALLY ACCEPTED APPLICANT ACCESS TO CRIMINAL BACKGROUND CHECK ("CBC")**

The vendor will provide the conditionally accepted applicant or enrolled student with the CBC results. The vendor will also provide the respective college/program with the CBC results for conditionally accepted applicants and enrolled students.

**XI. WRITTEN ATTESTATION IN LIEU OF AN ANNUAL CRIMINAL BACKGROUND CHECK ("CBC")**

A college dean may request approval from the Vice Provost for Academic Affairs (VPAA) for an enrolled student or group of students to be permitted to complete and sign an individual, written attestation to affirm that there has been no change in a student's CBC status during the period between the date of a CBC conducted following conditional admission and the attestation date, in lieu of completing an annual CBC. Such request must be submitted

at least 45 days prior to the enrollment deadline for the next academic year. Attestation documents will be maintained and reported to the VPAA by the college in the same manner as specified for CBC reports and review procedures. The VPAA reserves the right to require completion of a CBC subsequent to approving a written attestation in lieu of a CBC.

## **XII. PROCEDURES FOR REVIEWING CRIMINAL BACKGROUND CHECK ("CBC")**

### **A. Conditionally Accepted Applicants: (as defined in Scope/ Designated Programs)**

1. Each college/program shall establish a Criminal Background Review Committee (CBRC)\*. The respective college/program will review those CBC reports that identify an adverse finding and refer those to its CBRC. \*The Graduate College will not establish its own CBRC, however, in any CBC matter that involves a conditionally accepted Graduate College applicant, the Graduate College Dean shall designate a faculty member, such as the Graduate Liaison, to serve on that specific CBRC.
2. The CBRC must consist of at least the following University employees:
  - a) Assistant/Associate Academic Dean
  - b) Assistant/Associate Student Dean
  - c) One member from the College/Program Admissions Committee
3. The CBRC will review each referred CBC to determine the potential impact that any adverse findings might have on the conditionally accepted applicant's ability to be fully admitted into the college/program or to complete the program, if admitted.
4. If the CBRC determines a CBC includes an adverse finding that:
  - a) was previously undisclosed,
  - b) is more egregious than was disclosed,
  - c) may preclude the acceptance or participation in educational, practicum or rotation activities, or
  - d) conflicts with what was reported by the applicant on application materials,

then the CBRC may, by majority vote, recommend that the respective college/program rescind the conditional offer of admission. Such recommendation must be made in writing to the University designee with authority to rescind admission on behalf of the respective college/program.

5. If the conditional offer of admission is rescinded, the University designee making that decision must notify the applicant in writing. The notice must include the reason for rescission and inform the applicant that he/she has five (5) University business days to submit a written response to the University designee describing any mitigating factors he/she would like the respective college/program to consider.
6. The University designee will consider timely submitted responses and notify the applicant in writing whether the rescission decision stands or is reversed. If the rescission stands, that decision is not appealable. If the rescission is reversed, the University designee must inform the applicant in writing of his/her current admission status.

### **B. Enrolled Students: (as defined in Scope/Designated Programs)**

1. Each College shall establish a Criminal Background Review Committee (CBRC)\*. The CBRC will consist of at least three members designated by the Dean of the College, one of whom will be the Assistant/Associate Dean to serve as chair, plus two other full-time faculty from the College. \*The Graduate College will not establish its own CBRC, however, in any CBC matter that involves a

currently enrolled Graduate College student, the Graduate College Dean shall designate a faculty member, such as the Graduate Liaison, to serve on that specific CBRC.

2. The respective college's CBRC will receive all CBC reports that are referred for review.
3. The CBRC will determine the potential impact that any adverse findings might have on an enrolled student's ability to complete or remain in the program.
4. If the CBRC determines a CBC includes an adverse finding that:
  - a) violates University policy,
  - b) was not self-disclosed as required by University policy,
  - c) may preclude acceptance or participation in classes, rotations or practicum activities, or
  - d) will impede the student's ability to become licensed or certified in his/her profession,

Then the CBRC Chair will present the CBRC findings to the Dean of the College who will confer with the Vice Provost for Academic Affairs (VPAA) and Legal Counsel on the appropriate action and applicable University policy.

5. The Dean will notify the student of any proposed disciplinary action in accordance with procedures under the applicable University policy. Actions may include probation, suspension, dismissal or expulsion.
6. A student's right to appeal the decision is governed by the applicable University policy.

### **XIII. FALSIFICATION OF INFORMATION**

Falsification of information submitted as part of the application process or a Criminal Background Check or written attestation can result in immediate removal of the applicant from the conditionally accepted applicant list or dismissal of an enrolled student from the degree program.

### **XIV. CONFIDENTIALITY OF RECORDS**

The University maintains Criminal Background Check ("CBC") reports and all records pertaining to the results in confidence, unless release is otherwise required by law. Information about the Family Educational Rights and Privacy Act (FERPA) is available at: <http://www.ed.gov/policy/gen/guide/fpco/ferpa/index.html>.

### **XV. RECORDKEEPING**

Criminal Background Check reports and all records pertaining to the results will be maintained in the conditionally accepted applicant's file or enrolled student's academic file and are retained in the respective college/program for the minimum timeframe listed below, unless otherwise required by law:

- Enrolled Students – Five (5) years after graduation
- Conditionally Accepted Applicants – Two (2) years from date of application (provided no anticipated legal action).

### **XVI. PERIODIC REVIEW**

The CBRC review process, procedures, and outcomes are subject to periodic review. Each college/program will submit an annual report to the Vice Provost for Academic Affairs (VPAA) describing the adjudication of conditionally accepted applicants and enrolled students who were subject to a CBRC review. The VPAA will review the report and notify the college/program of suggested or required procedural improvements. Required procedural improvements must be addressed in writing to the VPAA within ten (10) University business days.

(Regents, 6-25-14, 5-7-15, 9-14-17)