

## **STUDENT CRIMINAL BACKGROUND CHECK PROCEDURE**

### **I. SCOPE & PURPOSE**

A comprehensive criminal background check will be performed on all School of Health Sciences students prior to their initial clinical rotation as required by TCC Clinical Affiliation Agreements, for the primary purpose of safeguarding the well-being of patients, and to ascertain the students' eligibility to maintain program enrollment, and to participate in clinical rotation experiences.

### **II. RATIONALE**

All School of Health Sciences students must consent, submit to, and satisfactorily complete a criminal background investigation as a condition of participation in clinical rotations in the Program. Eligibility for participation in clinical rotations will not be final until the completion of the criminal background check with results deemed acceptable to the applicable clinical affiliates of the program. Any positive findings may be subject to anonymous review by the clinical affiliates and could prevent the student from completing clinical requirements. All expenses associated with the background check are the responsibility of the student. Students who do not consent to the required background check, who refuse to provide information necessary to conduct the background check, or who provide false or misleading information regarding the background check will be subject to disciplinary action up to, and including, dismissal from the Program.

### **III. BACKGROUND CHECK PROCEDURE**

- a. Once admitted to a health sciences program, all students will be required to submit to, and satisfactorily complete, a criminal background check as a condition of participation in the clinical education experience. Failure to submit to such a check and to satisfactorily pass the same may limit the ability of the student to enter clinical rotations and complete the program. Completion of the program does not guarantee the opportunity to sit for licensure.
- b. Program materials will include instructions for completing the on-line application process and a release/consent form that authorizes the vendor, on behalf of TCC, to conduct a comprehensive criminal background investigation on all health sciences students. Students who refuse to complete these inquiries, do not answer truthfully and completely, or refuse to consent to a criminal background check may not be allowed to enter a clinical rotation of the health professions education program.
- c. The expense for the background check contained in the student's fees. An individual criminal background check may cost between \$40- \$60. Such costs are subject to change and are beyond the control of the School of Health Sciences or the College.

- d. Students who provide any false information regarding criminal offenses in any documents may be subject to immediate dismissal from the college pending confirmation via a hearing body convened as provided in student disciplinary policy due process rights. Failure to disclose correct information at any time also may be the basis for professional discipline and/or program dismissal.
- e. The criminal background check will include a record of all arrests, convictions, dismissals, diverted, or expunged charges misdemeanors or felonies. For the purposes of this policy, a conviction is a guilty plea, a guilty verdict, Alford Plea, or a Nolo Contendere (“No Contest”) plea.
  - i. It is the responsibility of the student to ensure that all maiden names and aliases are reported and to ensure that any misinformation in the initial criminal background check report is corrected, and to ensure that a written statement with supporting documentation indicating the correction is submitted to the College.
- f. The following databases are examples of information that may be examined as part of the comprehensive criminal background check.
  - i. **Residency History Check**

Provides former work, school and residential addresses. The Address History pulls data from hundreds of public and private databases, including tax, property, voting, and credit information. It verifies names, addresses, DOB and Social Security information. All maiden names and aliases will be reviewed.
  - ii. **Social Security Number Search**

Verifies that the student’s Social Security Number (SSN) is valid and is not associated with fraudulent activity. This search also identifies the state that issued the SSN and the year it was issued.
  - iii. **County Criminal Records Search**

A direct search of county courthouse records for any felony or misdemeanor criminal history. All records are researched to help ensure positive identification and complete, easy-to-read details. County criminal records are considered to be the ideal method of attaining accurate and thorough criminal background information. County criminal searches take approximately 24 – 72 hours to complete.
  - iv. **National Criminal Database Search**

The Nationwide Database is a key supplementary search which reveals multiple sources for criminal records and includes state and county criminal record repositories, Department of Corrections, parole records, federal fugitive files, and sex offender registries. It includes information from the following sources: Proprietary Offender Data, Nationwide 50 State Sex Offender Database, AppALERT Office of Foreign Assets Control (OFAC), the FBI Terrorist List and Federal/State/Local Wanted Fugitive Lists, Traffic Court, Department of Public Safety, and seven years’ worth of information from the Administrative Office of the Courts and the Department of Corrections. The age of the information and the type of information varies from state to state. While the database does not contain information from all states, it supplements county, statewide and federal criminal searches. To ensure compliance with Fair Credit Reporting Act (FCRA), all database "hits" are verified directly through the source of information to ensure that records reported are current and up-to-date.

- v. **National Wants and Warrants Search**  
This search is a Nationwide search for any outstanding Extraditable Warrants in any state. This could include Misdemeanors or Felonies from all 50 states.
- vi. **National Sexual Offender Database Search**  
A search of a national private database which contains sex offender data collected from across the country. All records are researched to help ensure positive identification.
- vii. **Healthcare Fraud and Abuse (FACIS III)**  
The Fraud and Abuse Control Information System (FACIS) Level 3 Search combines the FACIS Level 1 Search of the federal agencies with disciplinary action information from multiple agencies. This search also contains information from all 50 states on individuals who have been the subject of state licensing board sanctions, including Medicare and Medicaid Sanctions. This includes OIG, GSA and other federal sources as well as state agencies. An individual may be the subject of adverse action by more than one agency for the same or different events.
- viii. **International Screening** - (when applicable, for example, if the student has been a citizen or resident of the U.S. for less than one year.) International criminal records searches are generally performed by facilitating the applicant in obtaining an official Police Clearance or Police Certificate from the desired country. The TCC vendor for international background checks is Accufax, with the cost ranging from \$35 to \$500, payable by the student (which are not covered by student fees)
- ix. **U.S. Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nationals (SDN)** As part of its enforcement efforts, OFAC publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Collectively, such individuals and companies are called "Specially Designated Nationals" or "SDNs." Their assets are blocked and U.S. persons are generally prohibited from dealing with them.

#### **IV. BACKGROUND CHECK REVIEW PROCESS**

- a. The Dean of Health Sciences will be responsible for reviewing all relevant materials related to any adverse background check report containing information that pertains to the student's suitability for participation in clinical rotations. No health sciences faculty will have access to students' individual background records, nor will they be part of the individual background check review and decision process.
- b. All positive findings will be reported anonymously, as required by clinical affiliation agreements, to each major local hospital whose Human Resources department will review the initial criminal background check report results for all conditionally admitted students.
- c. A positive report may affect Students' progression in the program. Any student who disagrees with the accuracy of information found in the background investigation process should seek independent legal counsel in their efforts to obtain a clear report.

## V. POSITIVE BACKGROUND CHECK

- a. All positive findings will be reported anonymously by the Dean, as required by clinical affiliation agreements, to each major local hospital clinical affiliate. The affiliate's Human Resources Department will determine on a case-by-case basis, the student's eligibility for onsite clinical rotations at that site. If the Dean receives a denial of entrance into clinical rotations based upon the student's background check records and is unable to successfully place the student in required clinical rotations, the Dean will notify the student in writing that their enrollment in the program will not continue because of ineligibility for completion of clinical requirements of the program.
- b. It is NOT the responsibility of the College or any member of the College to actively resolve any issue for the student.
- c. If the student has questions about the report, feels the report contains inaccurate information, or includes other factors such as a guilty plea or conviction that has been expunged, the burden is on the student to resolve the issue(s). There is an appeal process available through the background check vendor. The student may wish to contact a personal attorney to address the issues with the appropriate legal authorities. If a resolution is reached, the student may provide the College with an updated report following the procedures outlined previously.
- d. The existence of a felony conviction, alone, does not automatically disqualify a student from entering clinical rotation experiences within the TCC School of Health Sciences. Relevant considerations may include, but are not limited to: the date, nature, number of convictions, the relationship the conviction bears to the duties and responsibilities of the position, and successful efforts toward rehabilitation. Any decision to allow an applicant to enter the TCC School of Health Sciences clinical rotation with a conviction is solely at the discretion of the clinical affiliate.
- e. A student with a positive background check may be asked to write a letter of explanation that may be sent to the human resources departments of the clinical affiliates along with the background check findings to assist in their fair review of the student's screening results. Factors involved in the individual case review by the clinical affiliate may include, but not be limited to the: nature, circumstances, and frequency of any reported offense(s); length of time since the offense(s); available information that addresses efforts at rehabilitation; accuracy of the information provided by the applicant in their application materials; and the relationship between the duties to be performed as part of the educational program and the offense committed.
- f. **If a student fails to pass a criminal background check and is allowed to complete clinical rotation, they may be ineligible for licensure/certification. Students should verify with the respective licensing/certifying body.**

## VI. MAINTENANCE OF RECORDS AND CONFIDENTIALITY

Information obtained for and during the criminal background check will be retained by the individual School of Health Sciences separate from other student educational and academic records. Confidentiality will be maintained consistent with FERPA guidelines.