

Student Criminal Background Check Policy
University of Kentucky Chandler Medical Center
University of Kentucky College of Medicine
Adopted: February 21, 2008

A. Introduction

Recognizing the need to enhance the safety and well-being of patients, and in so doing, to bolster the public's continuing trust in health professions, and to ascertain the ability of students to maintain or eventually become licensed and/or certified in their professions, criminal background checks will be performed on conditionally admitted applicants to participating programs prior to their enrollment in the health professions colleges at the University of Kentucky, *excluding the College of Public Health*.

B. Applicability

Conditionally admitted applicants must consent to, and satisfactorily complete, a criminal background check prior to final acceptance and matriculation into UK health professions programs in the *Colleges of Medicine, Dentistry, Pharmacy, and participating programs in Health Sciences and Nursing*.

C. Policy Statement

All conditionally admitted applicants must consent, submit to, and satisfactorily complete a criminal background investigation as a condition of matriculation into UK health professions programs in the *Colleges of Medicine, Dentistry, Pharmacy, and participating programs in Health Sciences and Nursing*. Enrollment will not be final until the completion of the criminal background check with results deemed acceptable to the applicable college/program. All expenses associated with the CBC are the responsibility of the applicant/student, either directly or through arrangements with an appropriate centralized application service. Students who do not consent to the required background check, refuse to provide information necessary to conduct the background check, or provide false or misleading information in regard to the background check will be subject to disciplinary action up to, and including, refusal of admission or dismissal from the program.

D. Implementation and Enforcement

This policy will be implemented, monitored, and enforced by the individual health professions colleges/training programs at the University of Kentucky. The health professions college/training programs may collaborate with the UK Human Resources Office, UK Legal Office, Institutional Equity Office, Dean of Students Office, and University Police, and/or with outside agencies in the conduct of background investigations of students. Background investigations for some colleges may be performed as part of the nationwide application process rather than by the individual college/program. Specific procedures for the implementation of the criminal background check procedures will be developed by individual health professions colleges and programs.

E. Procedures for Background Investigation of Students

1. Application. Background investigations will be conducted for applicants who are offered conditional admission to UK health professions programs in medicine, dentistry, pharmacy, and participating programs in health sciences and nursing and may be conducted on other applicants, if necessary. A statement such as the following shall be included on admission materials for all participating UK health professions programs:

“ I understand that, as a condition of admission, I will be required to authorize UK to obtain criminal background check(s); or I may be required to authorize my college’s nationwide application service to conduct a criminal background check. Further, I may be required to authorize clinical training facilities to conduct this check, and to permit the results to be provided by the reporting agency to UK and/or to clinical facilities. For the 2008-2009 application cycle, costs of the check will be incorporated into the AMCAS fee for College of Medicine applicants. In all other cases, all expenses associated with the CBC are to be the responsibility of the applicant/student. If I am offered conditional admission, the offer will not be considered final, and I will not be permitted to enroll until completion of my background check, with results deemed acceptable by UK. If the results of the background check(s) are not deemed acceptable by UK, or if information received indicates that I have provided false or misleading statements, have omitted required information, or in any way am unable to meet the requirements for completion of the program, the conditional admission may be denied or rescinded, and/or I may be disciplined or dismissed.”

2. Advising applicants that final acceptance is dependent on successful background investigation. Applicants will be informed in written admissions materials including bulletins, web pages, and other promotional materials as well as on the health professions college/program applications that final acceptance into a UK health professions program in medicine, dentistry, pharmacy, and participating programs in health sciences and nursing is contingent upon successfully passing a criminal background check.

3. Criminal Background Check Procedure

a. Request to conduct criminal background check. A criminal background check will be conducted as part of the routine admissions process for health professions students in the *Colleges of Medicine, Dentistry, Pharmacy, and participating programs in Health Sciences and Nursing*. UK health professions college/program application materials will include inquiries about criminal convictions and pending adjudications, and a release/consent form that authorizes UK (or its designated agents) to conduct a background investigation on applicants offered a conditional acceptance. Accepted applicants 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 UK health professions educational program.

b. Information available/sought through background investigation process. The following databases are examples of those that may be examined as part of the criminal background check.

- **Social Security Number Search**

A search of credit report header data to help confirm the applicant's identifying information such as name, aliases, address(es), Social Security Number and to determine areas of prior residence.

- **County Criminal Records Searches**

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.

- **Statewide Criminal Records Search**

A search conducted through statewide criminal records repositories or court systems for any felony or misdemeanor criminal history.

- **Federal Criminal Records Search**

A direct search of federal courthouse records for any felony or misdemeanor criminal history. All records are researched to help ensure positive identification and complete, easy-to-read details.

- **National Criminal Database Search**

A multi-jurisdiction private database search covering more than 194 million criminal records collected from across the country. 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.

- **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.

- **U.S. Department of Health and Human Services Office of Inspector General List of Excluded Individuals/Entities Search**

A search of the U.S. Department of Health and Human Services Office of Inspector General List of Excluded Individuals/Entities (LEIE), a database which provides information to the public, health care providers, patients, and others relating to parties excluded from participation in the Medicare, Medicaid, and all Federal health care programs.

- **Search for Dishonorable Discharge from the Armed Forces**

Military records are verified through either telephone interviews with the subject's former commander or by obtaining the applicant's DD-214 form. Verification generally includes subject's name, Service Number, rank, dates of service, awards and decorations, and place of entrance and separation.

- **International Screening**

International criminal records searches are generally performed by facilitating the applicant in obtaining an official Police Clearance or Police Certificate from the desired country. In those countries that have established third-party criminal records search facilities—including Canada and Great Britain—searches will be obtained directly through those channels.

c. Consideration of criminal background activities.

- i. The existence of a conviction does not automatically disqualify an applicant from entering a UK health professions college/program. Relevant considerations may include, but are not limited to: the date, nature, and 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 a UK health professions college/program with a conviction is solely at the discretion of the college/training program.
- ii. If an applicant truthfully discloses convictions on the college/program application, an evaluation of each conviction will be made by the Admissions Committee prior to the conditional acceptance decision and/or by the Review Committee.
- iii. Failure to disclose ***all previous convictions***, other than minor traffic convictions, will be considered falsification of records, and will be grounds for discipline up to and including withdrawal of conditional acceptance into UK health professions college/programs, and if discovered post-matriculation, termination of enrollment for the student.

d. Examination of information obtained through criminal background investigations.

- i.. The criminal background check will include a record of all convictions. For the purposes of this policy, a conviction is considered to be a guilty plea, a guilty verdict, Alford Plea, or a Nolo Contendere (“No Contest”) plea.
- ii. If the criminal background check is performed as part of the nationwide application process (as in the case of the College of Medicine), the conditionally admitted applicant will receive a copy of the background check for review from the screening agency prior to its distribution to the medical school. For the other participating UK health professions colleges who contract directly with a screening agency, the conditionally admitted applicant will receive a copy of the report from the screening agency or from the college if the report indicates any problematic information.
- iii. The conditionally admitted applicant may also ask to review the criminal background check report by contacting the designated individual within the health professions college/program in writing. It is the responsibility of the conditionally admitted applicant 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.
- iv. A designated individual or committee within the college/training program will review the initial criminal background check report results for all conditionally admitted applicants.
- v. Conditionally admitted applicants who receive an acceptable background check (with no “findings”), and who have continued to meet their respective college/training program’s academic standards as specified in their conditional letter of acceptance will receive a letter of final admission.
- vi. If adverse information is obtained in the conditionally admitted applicant’s criminal background check report, the college/program will ask the applicant to provide a written response to questions/concerns raised from the background investigation. Conditionally admitted applicants who disagree with the accuracy of information found in the

background investigation process may submit a letter of dispute, providing supporting documentation to the Admissions Office of their college/program.

e. Review Committee process

i. A Review Committee, appointed by the Dean of the respective college/program and standing separate from the college/programs' Admissions Committees, will be responsible for reviewing all relevant materials related to any adverse background check report containing information that could be relevant to the conditionally admitted applicant's suitability for enrollment.

ii. Members of the Review Committee may include health professions college admissions, student affairs, academic affairs, and minority affairs officers, and health professions college faculty in consultation with the Dean of Students Office, Office of Legal Counsel, and the Office of Institutional Equity and Equal Opportunity.

iii. Based on institutional policies and procedures, a careful review of the self-reported information in the conditionally admitted applicant's file including criminal convictions and pending adjudications, the information in the criminal background check report, and relevant supplementary materials obtained from the applicant and from other sources including court documents will ensue. Factors involved in the individual case review may include, but not be limited to:

- the nature, circumstances, and frequency of any reported offense(s)
- the length of time since the offense(s)
- available information that addresses efforts at rehabilitation
- the accuracy of the information provided by the applicant in their application materials
- the relationship between the duties to be performed as part of the educational program and the offense committed

iv. Any applicant receiving a conditional admission whose acceptance is referred to the Review Committee has the right to appear before that committee to contest or explain the findings from the criminal background check.

v. Conditionally admitted applicants who do not pass the criminal background check, and who believe that there are extenuating circumstances to be taken into account, may submit a written request for consideration to the health care college/training program.

vi. When appropriate and necessary, the conditionally admitted applicant may be asked to meet with the Review Committee.

vii. The Review Committee will be responsible for deciding whether the results of the background investigation disqualify the conditionally admitted applicant from entrance into the college/training program. They will forward their decision in writing to the applicant, to the Admissions Office, and to the Dean of the college/ program.

f. Appeals process.

i. The applicant may appeal any decision to deny admission to him or her based on the decision of the Review Committee. The appeal must be made in writing within seven days of notification of refusal for final admission, and sent to the Dean's Office of his or her health professions program.

ii. The College Dean will consider the request for appeal.

iii. The applicant may request a meeting with the Dean. The Dean will determine whether such a meeting is necessary, and will determine any terms of the meeting. The

Dean will render a decision on the matter within seven days of the receipt of all relevant materials. The applicant and the Admissions Office will be informed of this decision.
iv. The decision of the Dean regarding the termination of the offer of admission is final, and cannot be appealed.

g.. *Maintenance of Records and Confidentiality.*

Information obtained for the purpose of and during the criminal background check, will be retained by the individual college/program separate from other student educational and academic records. Confidentiality will be maintained consistent with FERPA guidelines.

Other Considerations Related to the Criminal Background Check Policy

Applicants and/or admitted students, as well as currently enrolled health professions students, must be aware that:

1. If a criminal background check is required for enrollment and/or participation in any course, or for the granting of any permit or license required for participation in a course, the expense for the check must be borne by the student. An individual criminal background check may cost between \$40- \$75. Such costs are subject to change, and beyond the control of the University or the health professions college.
2. Once enrolled, students may be required to submit to, and satisfactorily complete, a criminal background check as a condition of continued participation in the education experience. Failure to submit to such a check and satisfactorily pass the same may limit the ability of the student to complete the program. Completion of the program does not guarantee the opportunity to sit for licensure
3. If a student fails to pass a criminal background check, he or she may be ineligible for enrollment in experiential courses, ineligible for graduation, and therefore ineligible to continue in the health care college. Additionally, he or she may be ineligible for licensure as a health care professional.
4. The health care college does not accept responsibility for any student being ineligible for coursework, continued enrollment in the college, or subsequent licensure for any reason, including failure to pass a criminal background check.
5. Students who provide any false information regarding criminal offenses in any documents relating to their attendance at the University of Kentucky are 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 denial of licensure.
6. Any student convicted of a felony of any type while a student in a health care college must report that offense to the college Dean of Academic Affairs in writing within 30 days of conviction. Conviction includes plea agreements, guilty pleas etc.