



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### **HSCEP OP: 10.20, Criminal Background Checks for Students and Trainees**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Operating Policy and Procedure (HSCEP OP) is to establish a standardized approach to student and trainee background checks for the respective schools and training programs of TTUHSC El Paso. Where Texas licensure boards have specific requirements, they will supersede this OP and will be described in the respective School student handbook.

**REVIEW:** This HSCEP OP will be reviewed by October of each odd-numbered year (ONY) by the respective deans, the registrar, general counsel, and the Office of Graduate Medical Education, Vice President of Academic Affairs, with recommendations for revision submitted to the president by December 1.

### **DEFINITIONS:**

**Admission:** Admission occurs when the university formally notifies an applicant that they have met all institutional requirements for entry and may enroll or otherwise participate in the TTUHSC El Paso sponsored educational, training, or research program(s) to which they have applied.

**Students:** Students are defined as all persons taking courses or enrolled in a degree or certificate program at TTUHSC El Paso. In addition, individuals who have been admitted are considered students under this policy.

**Trainees:** Trainees are defined as all admittees, enrollees, or appointees in TTUHSC El Paso-sponsored graduate medical education, research, and other educational programs.

**Affiliated entities:** For the purposes of this policy, affiliated entities are defined as clinical organizations and facilities, such as hospitals, surgical centers, outpatient clinics, diagnostic centers, and other entities engaged in the direct provision of healthcare and related services. This specifically includes, but is not limited to, healthcare entities sponsored and/or operated by TTUHSC El Paso, including Texas Tech Physicians El Paso and Texas Tech Dental Oral Health Clinic.

**Criminal background check (CBC):** A CBC is defined as a systematic search of public records, such as court records, police reports, and other resources, for evidence of criminal misconduct. The specifications for criminal background checks are determined by the institution, and may include fingerprints and/or other biometric-based investigations. In this regard, criminal background checks, as required by this policy, may require multiple steps and/or vendors depending upon the specific requirements of the student's/trainee's program.

**Criminal history record information (CHRI):** CHRI refers to information collected about students/trainees by a by local, state, and federal government agencies that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges, and their dispositions specifically including any terms of probation and/or deferred adjudication.

### **BACKGROUND:**

As a state-sponsored academic health sciences center, TTUHSC El Paso intends to prepare

and graduate students and trainees who may qualify for licensure, and possess the character and fitness required of professionals in the healthcare field. Therefore, TTUHSC El Paso requires that all students and trainees undergo and clear a CBC, which assists in the university's evaluation of whether a student or trainee is qualified to participate in research, educational activities, and/or clinical experiences at TTUHSC El Paso and its affiliated entities.

**POLICY:**

- I. **Requirements for undergoing a CBC:** Upon admission and in order to matriculate, students and trainees must acknowledge that they are required to undergo a CBC as set forth in Attachment A<sup>1</sup> or equivalent language. In addition, CBCs on students/trainees shall be conducted as and when otherwise deemed necessary or required. A break in enrollment, such as with an extended leave of absence or withdrawal, may require an additional CBC, unless specific circumstances indicate otherwise as determined by the dean or their designee.
  - A. Where reference is made to "student(s)," the same shall apply to any other trainee(s) who will participate in patient interactions or clinical training, including, but not limited to, persons who have been admitted to a TTUHSC El Paso school that has a clinical training program, residents in training, or persons from outside TTUHSC El Paso who participate in patient interactions or clinical training in TTUHSC El Paso facilities and its affiliating entities, if applicable. Where the term "trainees" is used, it shall encompass the term "fellows" as well. Where reference is made to "school/s," the same shall apply to graduate medical education (GME) programs. Distance education participants may also be subject to the requirement of CBCs, depending on individual school and licensure requirements.
  - B. Institutions of higher education in Texas are required, no later than one year before the date that applications for admission are first considered, to publish in their catalogs a description of the factors considered by the institution in making admission decisions, including the requirement of undergoing a CBC, and shall make the information available to the public through its handbooks and websites.
  - C. The following TTUHSC El Paso schools require a CBC after admission but prior to the first day of class:
    1. Paul L. Foster School of Medicine
    2. Gayle Greve Hunt School of Nursing
    3. Woody L. Hunt School of Dental Medicine
    4. L. Fredrick Francis Graduate School of Biomedical Sciences
  - D. An additional background check may be conducted at other times as required per section I, paragraph I, or as determined by the dean or their designee of each respective school, or as otherwise required by the president or their administrative designee.
  - E. TTUHSC El Paso students and trainees are subject to the statutory and regulatory requirements imposed by law, requirements for licensure, and the stipulations of its affiliated entities. Students and trainees must meet any and all requirements of any affiliated entities to which they may be assigned, which may be more extensive than stipulated by TTUHSC El Paso. Also, some professional licensure boards specify criminal

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<sup>1</sup> TTU System Board of Regents approved the OP formulation and attachments on August 12, 2005

offenses and legal statuses that preclude licensure. As such, some criminal offenses and legal statuses preclude students and trainees from participating in educational activities that may be required to complete their degree program or to become eligible for licensure. Students and trainees thus precluded from program completion and/or licensure are not eligible for matriculation, the continuation of enrollment/training, or graduation. Felonies and misdemeanors constituting “criminal offenses” include, but are not limited to, sexual offenses (i.e., registered sex offenders must disclose this information to the university); homicide or murder; abuse of at-risk populations (e.g., children, elderly, prisoners, patients); possession of child pornography; possession of illegal substances with intent to sell; inclusion on a list of excluded individuals or specially designated nationals; and dishonorable discharge.

- F. Students and trainees are required to consent in writing to undergo a CBC, provide a self-disclosure of past criminal activity if applicable, and authorize the disclosure of that information to TTUHSC El Paso administration during the application process and through the selected CBC vendor or to relevant affiliated entities. In completing the consent and authorization, students and trainees are required to disclose information including, but not limited to, the cities, counties, and countries of all known residences; date of birth; all names and aliases ever used; verification of prior employment, the reason for separation and eligibility for re-hire; verification of academic credentials, etc. (see Attachment B).
  - G. Incomplete cooperation with the CBC process, or unsatisfactory CBC outcomes (per section I, paragraph F), may result in dismissal or withdrawal of acceptance from TTUHSC EP. It is the responsibility of the student or trainee to verifiably resolve any discrepancies in identity and/or address that may be revealed as a result of a CBC (specifically including a “notice of address discrepancy”), and failure to do so shall be considered incomplete cooperation with the CBC process.
  - H. Students and trainees shall self-disclose to their school dean, or their designee, any relevant CHRI no later than five (5) business days following the charge of a crime. If self-disclosure reveals CHRI, the individual shall undergo a contemporaneous CBC, which may include fingerprinting. The report will be made available to the appropriate dean or their designee. Failure of students and trainees to disclose information that is subsequently found on a CBC may result in dismissal or withdrawal of acceptance from the university.
  - I. TTUHSC El Paso, or the relevant school/program, will designate the vendor approved to conduct a student’s or trainee’s CBC. CBCs conducted by any other company will not be accepted unless another vendor is required due to accreditation, the stipulations of an affiliated entity, or licensure-based requirements (in which case, more than one CBC may be required at the institution’s discretion). School specific CBC may include, but are not limited to, CHRI. The Texas Board of Nursing (TXBON) requires DPS/FBI background checks on all nursing students. The designated vendor(s) will issue reports to the relevant school or GME office official, or their designee.
  - J. If a student or trainee undergoes a CBC and CHRI is identified, the dean or their designee will promptly notify the student or trainee. If applicable, students and trainees may also be notified by the vendor, or by the affiliated training site requiring the CBC.
  - K. Admission to TTUHSC El Paso or receipt of a degree from TTUHSC El Paso does not guarantee that a state licensure board will ultimately issue a license to an individual with or without a criminal record.
1. **For the Paul L. Foster School of Medicine, the L. Frederick Francis Graduate School of Biomedical Sciences and the Woody L. Hunt School of Dental Medicine:** When CHRI exists, and pending any challenge by the student relative to the accuracy of the information, the relevant dean or their designee may appoint an

ad hoc committee to review the CHRI. The ad hoc committee may then make a recommendation to the dean or their designee regarding matriculation or continued enrollment/training. Consideration shall be given to the relevance of the conviction or charge; the nature of the educational or training program; documentation of successful rehabilitation as may be required by professional or state licensure boards; and the length of time that has elapsed since the conviction occurred. Any felony or misdemeanor conviction will be noted for the purpose of evaluating student eligibility, character, or fitness for education/training. The dean will make the final decisions regarding the continuation of enrollment/training or revocation of acceptance/admission. Such decisions will be communicated by the dean to the designated senior administrator for student affairs (for enrolled students), the designated senior administrator for admissions (for accepted/admitted students not yet enrolled), or the associate dean for GME (for residents and fellows). For students, the designated senior administrator shall notify the student and the registrar's office of any changes in the student's enrollment status as soon as possible. For residents and fellows, the designated senior administrator shall notify the trainee and the Office of Human Resources of any changes in the trainee's employment status as soon as possible.

2. **For the Gayle Greve Hunt School of Nursing:** Accepted students must undergo a CBC. Clearance decisions are made exclusively by the Texas Board of Nursing (TXBON). Students must receive a "blue card" (indicating clearance) in order to be allowed into a clinical setting. For students who do not receive clearance, the TXBON informs them of the procedures that must be followed in order to receive clearance. Students who do not receive TXBON clearance will be removed from their degree program. The designated senior administrator for admissions (for accepted/admitted students not yet enrolled), or the designated senior administrator student affairs (for enrolled students) shall notify the registrar (or their designee) of any changes in the student's enrollment eligibility as soon as possible.
3. If, based on the outcomes of a CBC, it is determined that the student or trainee is not eligible for enrollment or employment (new or continuing, as relevant), the student or trainee shall be notified promptly by the respective dean, or their designee. If the student or trainee has already matriculated (for students) or been employed (for residents or fellows), they will be entitled to appeal the decision under the applicable academic or employment policies.

## II. Management of Student and Trainee CBC data

- A. All CBC reports shall be retained in a secure system by the requesting office. CBC reports will be retained until any appeals are concluded, and subsequently for up to five years from the date of the CBC, or otherwise as legally required (see HSCEP OP 10.09).
- B. CBC findings, specifically including CHRI, shall be managed as privileged and confidential information, and shall be disclosed only to: (1) individuals involved in TTUHSC El Paso admissions decisions; (2) other TTUHSC El Paso personnel who have a legitimate business-related need to know as determined by the dean; (3) as specified in a court order; (4) the designated official(s) of TTUHSC El Paso affiliated entities that require such information as a condition of clinical or educational credentialing; or, (5) as may be specified in written requests by the subject student or trainee.
- C. Release of privileged and confidential information by TTUHSC El Paso personnel, other than described above, may result in disciplinary action as defined in HSCEP OP 70.31 ("Standards of Conduct, Discipline and Separation of Employees"), HSCEP OP 52.09 ("Confidential Information", and the TTUHSC El Paso House Staff Policies and Procedures. The unauthorized use of CHRI is punishable as a misdemeanor or felony

under Texas law, depending on the use.<sup>2</sup>

### **III. Amending Policy**

TTUHSC El Paso reserves the right to interpret, change, modify, amend or rescind any policy in whole or in part.

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<sup>2</sup> Tex. Gov't Code, §411.085.