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REVIEW: This HSC OP wi  
respective Dean  
recommendation

## DEFINITIONS

: For purposes of this policy, the following terms are defined as follows:

Student s may be defined as applicants, admittees, enrollees, or appointees. These individuals shall not be eligible for procedural due process under the TTUHSC Student Handbook or TTUHSC House Staff Policies and Procedures until such time as the individual has attended class or begun training.

## POLICY/PROCEDURE:

1. Rationale for Background Checks.
  - a. This policy is designed to provide a safe environment for patients and others at TTUHSC and affiliating sites. Criminal background checks (CBCs) allow the university to evaluate whether TTUHSC students are qualified, eligible, and possess the character and fitness to participate in clinical care and/or clinical rotation sites at TTUHSC or participating institutions. This policy applies only to students/residents who will participate in patient interactions or clinical training.
  - b. 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 School that has a clinical training program, residents in training, or persons from outside TTUHSC who participate in patient interactions or clinical training in TTUHSC facilities and affiliating entities, if applicable. Where the term "resident" is used, it shall encompass the term "fellow" as well. Where reference is made to "School/s," the same shall apply to Graduate Medical Education (GME) and Graduate Pharmacy Education (GPE) programs. Distance education participants may also be subject to the requirement of CBCs, depending on individual school or licensure requirements.
  - c. Institutions of higher education in Texas are required, not later than one year before the date that applications for admission are first considered, to publish in their catalogs a



- h. Students, trainees, and residents shall timely self-disclose relevant criminal history record information no later than five (5) business days following the charge of a crime. "Criminal history record information" (CHRI) means information collected about students, trainees or residents by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges, and their dispositions.<sup>2</sup> If self-disclosure reveals CHRI, the individual must then undergo a contemporaneous CBC, which may include fingerprinting. The report will be made available to the appropriate Dean or his/her designee. Failure of students, trainees or residents to disclose information which is subsequently found on a background check may result in dismissal or withdrawal of acceptance from the university.
- i. TTUHSC will designate the company (Vendor) approved to conduct the CBCs. CBCs conducted by any other company will not be accepted. Students shall order CBCs directly from the vendor selected by TTUHSC. The approved Vendor will issue reports to the School representative, GME Offices in Lubbock, Amarillo, and Odessa, or GPE Office in Amarillo. The cost of all background check(s) shall be the responsibility of

b. Resident or Fellow

1. An adverse response to self-disclosure information or the existence of CHRI will not constitute an automatic bar to appointment to a TTUHSC residency or fellowship program. However, refusal to complete the self-disclosure or to consent to a background check, or falsification of information regarding the background check will preclude the residents or fellows from appointment, continued training, or completion, if applicable.
2. Residents who self disclose CHRI will be required to provide to their respective Deans appropriate documentation identifying the CHRI, including, but not limited to, court records and other relevant documents which will be reviewed to determine educational and professional eligibility, character and fitness.
3. An applicant who has applied to a TTUHSC SOM/SOP residency or fellowship Program and refuses to submit to a CBC shall not be offered a contract. A resident or fellow who does not pass a CBC review may have his/her contract terminated.
4. None of the provisions of this policy shall be used as the basis for illegal discrimination or retaliation against any individuals or groups.
5. CHRI is confidential and shall be protected from disclosure to the greatest extent provided by law.

3. Process for:

a. Students

1. Applications to TTUHSC will be processed and reviewed pursuant to the written policies and practices of the respective Schools or programs. For those TTUHSC Schools requiring CBCs prior to matriculation, after reviewing the application for eligibility and fitness and determining whether the applicant should be accepted, the School will send the student a letter of acceptance and require that the student contact the approved Vendor to obtain a CBC.
2. Students must contact the designated Vendor directly, comply with its instructions in authorizing and obtaining a CBC, and individually pay all costs associated with the CBC.
3. If a student undergoes a CBC and CHRI is identified, the Dean, or his/her designee, will promptly notify the student of the fact that CHRI has been identified. If applicable, students may also be notified by the Vendor or affiliated training site that conducted the CBC.
4. Where CHRI exists, pending any challenge by the student against the Vendor relative to the accuracy of the report, the Dean may appoint an ad hoc committee from the School to review the CHRI. The ad hoc

has already matriculated, he/she will be entitled to appeal the decision under the academic dismissal policies of the applicable School.

unauthorized use of CHRI is punishable as a misdemeanor or felony under Texas law, depending on the use.<sup>3</sup>

- c. Criminal history record information shall be maintained by the individual School Admissions Offices, Dean or Office of Graduate Medical Education, separate from the students' or residents' regular education/training records and treated as confidential.
- d. If it has been determined that the student or resident is not eligible for enrollment or training, the student or resident shall be notified by the respective Dean, or his/her designee. At a minimum, the information will be retained until such time that an appeal, if any, has concluded. Thereafter, such information, wherever located, will be immediately destroyed three (3) years after the beginning of the semester of application or otherwise in accordance with the Fair and Accurate Credit Transaction Act.<sup>4</sup>
- e. CHRI regarding students or residents who have been admitted, or who are already enrolled, will be maintained until such time that eligibility, character and fitness for participating in clinical training have been determined. The criminal history record will be destroyed immediately upon the School's determination regarding continued participation in the various TTUHSC programs, until such time an appeal, if any, has ended the information has been used for the purpose intended, or five (5) years from the date of the CBC, whichever is the greater length of time.

## 5. Responsibilities

- a. School Admissions Office s/Office of Graduate Medical Education (GME)/Office of Graduate Pharmacy Education (GPE) is responsible for:
  - (1) Coordinating selection of Vendor with appropriate TTUHSC purchasing and/or contracting offices.
  - (2) Serving as the liaison with the Vendor conducting the CBCs.
- b. School Representatives, GME/GPE only, are responsible for:
  - (1) Coordinating background checks with the Vendor to determine whether CHRI exists regarding students or residents participating in clinical programs.
  - (2) Receiving results of criminal background checks from the Vendor, obtaining all Consents for Criminal Background Checks and Releases from the Vendor and using appropriate safeguards to ensure confidentiality.
  - (3) Placing an initial "hold" on enrollment or training for those students or residents who have not submitted to a CBC.
  - (4) Maintaining as confidential all information related to CHRI; providing certification of the CHRI to the respective Schools within five (5) days, if possible; and, disclosing specific information only to the person(s) who must act on the information.
  - (5) For those Schools requiring CBCs prior to matriculation or appointment, issuing conditional admission notices to students or residents who have been accepted when CHRI is not found. When CHRI is identified, the School Representative/ Office of GME/Office of GPE will relate the existence of CHRI to the Dean of the School, or his/her designee, who, with the assistance of an ad hoc committee, may then consider the relevance of the information as it relates to the student or resident.
  - (6) Destroying CHRI in the School Admissions Offices/Office of GME/Office of GPE

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<sup>3</sup> Tex. Gov't Code, §411.085.

<sup>4</sup> 16 CFR 682.1; 16 CFR 682.3.

in accordance with Section 4 above.

c. The Dean of each respective School or his/her designee is responsible for:

- (1) Providing notices to applicants that enrollment in courses or training involving patient interaction or clinical training is contingent on the evaluation and acceptable outcome of the criminal background screening.
- (2) Determining whether students or residents who have been accepted and who have CHRI will be enrolled in courses involving patient interaction or clinical training without conditions.
- (3) For those Schools that do not require a CBC prior to matriculation, but do require a CBC prior to the first day of class in a course involving patient interaction or clinical training, issuing notices that CHRI is not found. When CHRI is identified, the Dean of the School, or his/her designee, with the assistance of an ad hoc committee, may then consider the relevance of the information as it relates to students or residents.
- (4) Removing all records of conviction from the student's or resident's records if, on further review, notification is received that the conviction record has been expunged.
- (5) If CHRI is found, providing a student's or resident's information regarding the right to challenge the accuracy of the information provided by the CBC Vendor and notifying the students or residents that a TTUHSC ad hoc appeal procedure will be provided. The students or residents will have five (5) days from receipt of the notice to dispute, in writing, the results of the CBC with the Vendor and provide a copy of the dispute to the applicable School. If the report is not in error, but the student or resident believes an explanation is necessary, or there are extenuating circumstances, the trainee will have the opportunity to provide that information to the Dean or his designee within five (5) working days from receipt of this letter. The Dean or his designee shall then transmit his decision to the trainee regarding the review of the CHRI and the information provided by the student or resident.
- (6) Notifying students or residents of action taken regarding matriculation, withdrawal of acceptance, or dismissal where CHRI is found.

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