

Institutional Handbook of Operating Procedures Policy 07.01.27	
Section: Student Policies	Responsible Vice President: Executive Vice President and Provost
Subject: Students	Responsible Entity: Student Affairs

## I. Title

*Student and Applicant Criminal Background Checks Policy*

## II. Applicability

This policy applies to all applicants to and all students enrolled in an educational program at UTMB. Visiting students who enroll in courses are also subject to the policy.

## III. Rationale

- A. Health care providers are entrusted with the health, safety, and welfare of patients, have access to controlled substances and confidential information, and operate in settings that require the exercise of good judgment and ethical behavior. Thus, an assessment of a student or applicant's suitability to function in such a setting is imperative to promote the highest level of integrity in health care services.
- B. Clinical facilities are increasingly required by accreditation agencies, such as Joint Commission of Healthcare Organizations (JCAHO), to conduct background checks for security purposes on individuals who provide services within the facility and especially those who supervise care and render treatment. To facilitate this requirement, educational institutions have agreed to conduct these background checks for students and faculty.
- C. Clinical rotations are an essential element in certain curriculum programs. Students who cannot participate in clinical rotations due to criminal or other adverse activities that are revealed in a background check are unable to fulfill the requirements of the program. Additionally, many healthcare licensing agencies require individuals to pass a criminal background check as a condition of licensure. Therefore, it is in everyone's interest to resolve these issues prior to a commitment of resources by the Institution, the student, or applicant.
- D. The University is obligated to meet the contractual requirements contained in affiliation agreements between the university and the various healthcare facilities.

## IV. Policy

All applicants must submit to and satisfactorily complete a background check review as a condition to admission into all programs. An offer of admission will not be final until the completion of the background check(s) with results is deemed favorable. An offer of admission may be denied or rescinded based on a review of the background check.

If necessary, subsequent background checks may be required for enrolled students. Current students may be assigned to clinical facilities that require more recent criminal background screenings prior to starting the clinical experience. Background check results may be provided to affiliated healthcare facilities that

the student will be attending as part of their required course of study. Students will need to consult their specific school bulletin for complete information and requirements that pertain to their program and school.

Students rotating through the TDCJ Hospital Galveston will be required to undergo a background check performed by the Texas Department of Criminal Justice.

Enrolled students are required to disclose to their Student Affairs Dean any arrest(s) for and/or any criminal charges of any misdemeanor or felony offenses and/or any misdemeanor or felony convictions and/or deferrals of adjudication, “pre-trial diversion”, or probation or other referral to community supervision (other than minor (Class C) traffic violations) within 5 calendar days of occurrence. Enrollment may be negatively impacted by arrest or convictions and nondisclosure or falsification of this required information may be grounds for dismissal from the School.

Criminal activity that occurs while a student is enrolled at the university may result in disciplinary action, including dismissal, and will be addressed through the university’s academic or disciplinary policies.

In addition, if a student applies for on-campus housing, the University is entitled to check the student’s criminal history record and will notify the student if this information is used to deny housing, as stated in Texas Government Code, Section 411.094.

Students who refuse to submit to a background check or do not pass the background check review may be dismissed from the program. Falsification of information, including omission of relevant information, may result in denial of admission or dismissal from the educational program.

## **V. Background Check Report**

### **A. *Obtaining a Background Check Report***

UTMB will designate an approved company to conduct the background checks and issue reports directly to the University. Results from a company other than those designated will not be accepted. Prior to matriculation, each student admitted to any UTMB school is required to submit a criminal background check at his/her expense. Upon initial acceptance, students will receive instructions for contacting an approved provider online. Final acceptance is conditioned on a successful review of the criminal background check.

If required by an affiliated healthcare facility where a student rotates, a current student will be required to submit an additional criminal background check at his/her expense.

### **B. *Scope***

Background checks include the following and cover the past seven years:

- Social Security Trace
- Residency History
- Tx Statewide Criminal Records
- County Criminal Records (Outside of TX, past 7 yrs., includes Maiden/Alias)
- National Record Indicator + Sex Offender
- FACIS III (OIG, GSA, OFAC)

- International Students or students who have not resided in the United States for the last seven years may be subject to an international background check at an additional cost.

### C. *Rights*

Students and applicants have the right to review the information reported by the designated company for accuracy and completeness and to request that the designated company verify that the background information provided is correct. Prior to making a final determination that will adversely affect the applicant or student, the Institution shall inform the applicant or student of their rights, how to contact the designated company to challenge the accuracy of the report, and that the designated company was not involved in any decisions made by the Institution. Additionally, upon request of the applicant or student, the Institution will provide a copy of or access to the background check report issued by the designated company.

## VI. **Procedure**

### A. *Applicants*

1. Applicants must complete the required background check screening following the offer of admission but prior to enrollment.
2. The report from the background check will be submitted to the student's academic school for review. If the report contains findings, the academic school/program may request that the applicant submit additional information such as a written explanation, court documents, and/or police reports. The academic school/program will review all information available to it and determine whether the offer of admission should be withdrawn.
3. A reviewing committee may extend an offer of admission for up to one year while the matter is resolved.
4. Admissions decisions are final and may not be appealed.

### B. *Current Applicants and Students*

1. For student who are required to submit subsequent background checks, students must complete the background check review prior to commencement of an assignment at a health care facility.
2. Background check reports will be submitted to the academic school for review. If the report does not contain any findings, the student will be allowed to participate in clinical rotations. If the report contains findings, the school may request that the student submit additional information relating to the finding, such as a written explanation, court documents, and/or police reports. The school will review all information available to it and determine whether the student should be permitted to participate in clinical rotations or be dismissed from the program. If allowed to continue a student may be granted permission to re-enroll in clinical lab(s) section(s) only if space is available.
3. If the school determines that dismissal from the program is warranted, a student may appeal that decision in accordance with IHOP Policy 07.01.13.

### C. *Nursing Applicants and Students*

1. Applicants to the School of Nursing must complete the required background check screening following the offer of admission but prior to enrollment. Current students may be required to submit subsequent background checks prior to commencement of an assignment at a health care facility.

2. The report from the background check will be submitted to the School of Nursing for review. If the report contains findings, the admission committee may request that the applicant submit additional information such as a written explanation, court documents, and/or police reports. The School of Nursing will review all information available to it and determine whether the offer of admission should be withdrawn or be referred to the Texas Board of Nursing Examiners (BNE) to obtain a Declaratory Order.
3. Applicants who are referred to the BNE to obtain such a Declaratory Order may not enroll in the nursing degree program pending the BNE's review. Current students who are referred to the BNE may not enroll or participate in clinical rotations pending the BNE's review; however, students may enroll in non-clinical courses.
4. If the Declaratory Order issued by the BNE determines the individual eligible to sit for the licensure exam, the individual will be allowed to enroll in the School of Nursing and to participate in clinical rotations. If the Declaratory Order issued by the BNE determines the individual is ineligible to sit for the licensure exam, the individual will not be allowed to enroll in the School of Nursing and will be dismissed from the program. The decision of the BNE is final.

#### D. Review Standards

In reviewing the background check reports and any information submitted, the University may consider the following factors in making its determinations: the nature and seriousness of the offense or event, the circumstances surrounding the offense or event, the relationship between the duties to be performed as part of the educational program and the offense committed, the age of the person when the offense or event occurred, whether the offense or event was an isolated or repeated incident, the length of time that has passed since the offense or event, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, and the accuracy of the information provided by the applicant or student in the application materials, disclosure forms, or other materials. The University will bear in mind both the safety interests of the patient and the workplace, as well as the educational interest of the student. In reviewing background checks and supplementary information, advice may be obtained from university counsel, university police, or other appropriate advisors.

### VII. Confidentiality and Recordkeeping

- A. Background check reports and other submitted information are confidential and may only be reviewed by university officials and affiliated clinical facilities in accordance with the Family Educational Records and Privacy Act (FERPA).
- B. Student background check reports and other submitted information of students will be maintained in an electronic format by their Academic School. The office of Academic and/or Student Affairs will maintain this information in accordance with the university's record retention policy for student records. *Given the sensitivity of this information, there will be appropriate electronic safeguards.*
- C. Applicants Denied Admission. Background check reports and other submitted information of applicants denied admission into the program will be maintained in accordance with the university's record retention policy.

### VIII. Other Provisions

- A. The Institution shall inform students who have negative findings in their background check report and are nonetheless permitted to enroll that the Institution's decision is not a guarantee that every clinical facility will permit the student to participate in the educational program at its facility, or that

any state will accept the individual as a candidate for registration, permit, or licensure. A background check will be honored for the duration of enrollment if the student is continuously enrolled. However, some students may have to submit subsequent background checks for review if required as a condition for a clinical assignment at an affiliated health care facility.

- B. A student who has a break in enrollment is required to complete a new background check. A break in enrollment is defined as non-enrollment of at least one semester in the approved curriculum of the certificate or degree program. However, a student whose attendance has been suspended due to a licensing agency's eligibility certification process will not be considered as having a break in enrollment. An officially approved leave of absence is not considered a break in enrollment.
- C. Criminal activity that occurs while a student is in attendance at the university may result in disciplinary action, including dismissal, and will be addressed through the university's academic or disciplinary policies. Enrolled students are required to disclose to their Student Affairs Dean any arrest(s) for and/or any criminal charges of any misdemeanor or felony offenses and/or any misdemeanor or felony convictions and/or deferrals of adjudication, "pre-trial diversion", or probation or other referral to community supervision (other than minor (Class C) traffic violations) within 5 business days of occurrence. Enrollment may be negatively impacted by arrest or convictions and nondisclosure or falsification of this required information may be grounds for dismissal from the School.
- D. Falsification of information, including omission of relevant information, may result in denial of admission or dismissal from the educational program.

**IX. Relevant Federal and State Statutes**

[Texas Government Code, Section 411.094](#)

**X. Related UTMB Policies and Procedures**

[IHOP – 03.02.06 – Criminal History Background Checks for Employees](#)

[IHOP – 07.01.13 - Student General Grievance Procedures](#)

**XI. Dates Approved or Amended**

<i>Originated: 05/13/2025</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>

**XII. Contact Information**

Graduate School of Biomedical Sciences – (409) 266-6504

School of Health Professions – (409) 772-3004

School of Medicine – (409) 772-6026

School of Nursing – (409) 772-8205