



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.25: Criminal Background Checks of Students

DATE: February 14, 2020

PURPOSE: The purpose of this Texas Tech University Operating Policy/Procedure (OP) is to ensure understanding and establish a standardized approach, regarding the conduct of criminal background checks for students participating in internships and/or clinical training programs requiring a background check as a condition of participation.

REVIEW: This OP will be reviewed in October of odd-numbered years by the Registrar, the Provost and Senior Vice President for Academic Affairs (PSVPAA), and the Vice Chancellor and General Counsel with comments and/or substantive revisions submitted to the President by November 15.

POLICY/PROCEDURE

1. Purpose

Participation in on-site professional experiences is an essential element in certain curricula. Students who cannot participate in on-site professional experiences due to a criminal history or other adverse activities that are revealed in a background check are unable to fulfill the requirements of the program. Additionally, many professional licensing agencies require individuals to pass a criminal background check as a condition of licensure or employment. Therefore, it is in the best interest of the student, the university, and the university's affiliated training sites to address these issues prior to a commitment of resources by all. Criminal background checks allow the university to evaluate whether students can be qualified, eligible, and in possession of the character and fitness necessary to participate in on-site professional experiences at TTU affiliated sites.

2. Applicability

This policy applies to applicants to and students enrolled in educational programs that include, or may include at a future date, assignment to a professional training site. Visiting students who enroll in courses with such an assignment are also subject to this policy. Presently, programs that may require a criminal background check include, but may not be limited to:

- a. Psychology;
- b. Social Work;
- c. Clinical lab sciences;
- d. Kinesiology and Sport Management;
- e. Human Sciences

- f. Educator certification; and
- g. Any other programs that have on-site professional experiences as a component of the curriculum.

3. Policy

- a. This policy outlines the university's use of student criminal background checks for the purpose of determining whether a student is qualified, eligible, and in possession of the character and fitness to participate in on-site professional experiences at TTU affiliated sites. This policy applies to students seeking to study in programs designated as requiring a background check and to students currently enrolled in such programs.
- b. Effective immediately, students wishing to study in a program designated as requiring a background check must submit to and satisfactorily complete a background check as a condition of participation in the on-site professional experiences portion(s) of the program, unless otherwise directed by TTU administration or the dean of an individual college or school.
- c. Background checks for students currently enrolled in covered programs will be conducted as and when needed or required as a condition to participation in the on-site professional experiences portion(s) of the program.
- d. Students will be required by their college or school to consent in writing to undergo a criminal background check; provide a self-disclosure of past criminal activity, if applicable; and authorize the disclosure of that information to TTU administration and/or the affiliating/training facility, if applicable (see attachment). Students may be required to include on the consent form 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, reason for separation, and eligibility for re-hire; and verification of academic credentials, etc.
- e. Additional background check(s) may be conducted prior to participation in additional on-site professional experiences, professional experiences at different sites and/or sites having unique requirements relating to criminal background checks, during the students' respective licensure processes, or at other times on an as-needed basis to be determined by the dean or her/his designee, or as otherwise required.
- f. A break in enrollment may require that the student undergo an additional criminal background check, unless specific facts indicate otherwise, as determined by the dean or her/his designee.
- g. A student who refuses to submit to a background check or who does not pass the background check review may be denied placement at the professional training site and/or dismissed from the academic program.
- h. Students who are denied placement at a professional training site or are dismissed from a program based on the result of the criminal background check may seek admission into another educational program that does not have an on-site professional experience component requirement in its curriculum.
- i. The cost, if any, of all background check(s) shall be the responsibility of the student.

4. Background Check Report

Background checks will have no time limit and may include, but not be limited to, the following:

- a. Criminal history search, including convictions, deferred adjudications, or judgments, and pending criminal charges involving felonies, Class A, Class B, and Class C violations;
- b. Social Security number verification;
- c. Violent sexual offender and predator registry search;
- d. Office of the Inspector General (OIG) List of Excluded Individuals and Entities;
- e. General Services Administration (GSA) list of parties excluded from federal programs;
- f. U.S. Treasury, Office of Foreign Assets Control (OFAC); and
- g. Applicable state exclusion list.

5. Procedure

- a. Obtaining a Background Check Report

TTU will designate approved company/companies to conduct the background checks and issue reports directly to the student's college or school. Results from a company other than those designated will not be accepted. Students must contact a designated company and comply with its instructions in authorizing and obtaining a background check. Students are responsible for payment of any fees charged by a designated company to provide the background check service.

- b. Review

Background check reports will be submitted to the PSVPAA for review, upon recommendation of the academic unit. If the report does not contain any negative findings as determined by the PSVPAA, the student may be cleared to participate in the on-site professional experience(s). If the report contains negative findings, the PSVPAA may request that the student submit additional information relating to the negative finding, such as a written explanation, court documents, and police reports. The PSVPAA may review all information available in determining whether the student should be permitted to participate in on-site professional experiences and/or be dismissed from the program.

- c. Evaluation Criteria

The PSVPAA may consider the following factors in making determinations:

- (1) The nature and seriousness of the offense or event;
- (2) The circumstances surrounding the offense or event;
- (3) The relationship between the duties to be performed as part of the educational program and the offense committed;
- (4) The age of the person when the offense or event occurred;

- (5) Whether the offense or event was an isolated or repeated incident;
- (6) The length of time that has passed since the offense or event occurred;
- (7) Past employment and history of academic or disciplinary misconduct;
- (8) Evidence of successful rehabilitation; and
- (9) The accuracy of the information provided by the student, disclosure forms, or other materials.

The PSVPAA should bear in mind both safety interests 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.

d. Disqualifying Offenses, Licensure, and Site-specific Requirements

Some criminal offenses preclude students from participating in on-site professional experiences. In addition, some professional licensure boards include specific offenses that constitute those crimes for which licensure is prohibited. Thus, students in these situations are subject to the statutory or regulatory requirements independently imposed by law, or as required by affiliating entities.

The following findings may constitute a disqualifying offense, including, but not limited to:

- (1) Felonies and misdemeanors involving sexual offenses (i.e., registered sex offenders must disclose this information to the university);
- (2) Homicide or murder;
- (3) Abuse of at-risk populations (e.g., children, elderly, prisoners, patients);
- (4) Possession of child pornography;
- (5) Possession of illegal substances with intent to sell;
- (6) Inclusion on a list of excluded individuals; and
- (7) Dishonorable discharge.

Students must meet any and all requirements of the professional training site, which may be more extensive than referenced hereinabove. It is the student's or prospective student's responsibility to determine what program requirements exist. Inability to participate in an on-site professional experience environment or being subject to any other exclusion prescribed by law may preclude the successful completion of the requisite curriculum. As such, affected students may not be eligible for continuation in the program.

e. Rights

Students 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 a final determination that will adversely affect the applicant or student, the college or school will provide the student a copy of or

access to the background check report issued by the designated company. The student will be informed of her/his 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 PSVPAA. If the PSVPAA determines that dismissal from the program is warranted, the student may appeal that decision, in accordance with an appeal procedure to be administered by each academic unit in accordance with departmental policy, by providing written notice within 15 days of the date the student received notice of her/his dismissal from the program. The academic unit will consider the appeal and make a recommendation to the PSVPAA, who shall make a final determination on the appeal. The decision of the PSVPAA is final.

6. Confidentiality and Recordkeeping

- a. Criminal history record information shall be maintained by the office overseeing the educational training program, separate from the students' regular education/training records, and treated as confidential.
- b. Criminal history record information regarding students 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 upon the PSVPAA's determination regarding continued participation in the on-site professional experiences and/or program or until such time an appeal, if any, has ended, whichever is the greater length of time; or until the information has been used for the purpose intended.

7. Other Provisions

- a. The college shall inform students who have negative findings in their background check report, but are nonetheless permitted to participate in an on-site professional experience, that the PSVPAA's decision is not a guarantee that every professional training facility will permit the student to participate in on-site professional experiences at its facility or that any state will accept the individual as a candidate for registration, permit, or licensure.
- b. Because background checks vary in coverage and scope and may vary by state, a finding by the PSVPAA that a student's background check report does not contain any negative findings is not a guarantee that any state will ultimately accept the individual as a candidate for registration, permit, or licensure.
- c. Falsification of information, including omission of relevant information, may result in denial/rescission of admittance to the professional training site and/or dismissal from the educational program and may subject the student to disciplinary action in accordance with university policies.
- d. Criminal activity that occurs while a student is enrolled in the program and/or in attendance at the professional training site may result in denial/rescission of admittance to the professional training site and/or dismissal from the educational program.

8. Teacher Certification, Social Work, and Other Site-Specific Requirements

- a. Educator Certification

Many Texas school districts require applicants for student teaching or field experiences to undergo a criminal history background check prior to placement in the school district. School districts may deny placement of students with a criminal background. If a school district denies a placement for this reason, the college may attempt to assist the student in obtaining a

placement in an alternate district. Students should be aware, however, that if they are unable to obtain a placement, they will not meet TTU's requirements for a teaching degree or educator certification. Additionally, the Texas State Board for Educator Certification (SBEC) regulates the certification of educators to teach Texas public school children. Before an individual can be certified, SBEC will conduct a criminal history background check to ensure an applicant's suitability to interact with children. Working with the FBI, the agency conducts a national criminal history background check on all applicants for educator certification. Students pursuing educator preparation should be aware that some criminal histories might lead to the denial of certification as a teacher. Students may obtain additional information from SBEC.

b. Social Work Programs and Other Site-Specific Requirements

Some TTU affiliated professional training sites require applicants for field experiences to undergo a criminal history background check prior to placement at the site. The site may deny placement of students with a criminal background. If a site denies a placement for this reason, the college may attempt to assist the student in obtaining a placement in an alternate site. Students should be aware, however, that if they are unable to obtain a placement, they might not meet TTU's requirements for a degree.

9. Right to Amend Policy

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

[*Attachment: Consent for Release of Information/Hold Harmless Agreement—Criminal History Record Information*](#)