



## **Criminal History Background Check for all SMHS Health Professions Students**

Section: 3  
Policy number: 3.4  
Responsible Office: Student Affairs and Admissions  
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### **POLICY STATEMENT**

Criminal background checks (CBCs) are required for all School of Medicine and Health Sciences (SMHS) medicine and health professions students prior to matriculation, clinical assignment and/or returning from a leave of absence (LOA).

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### **REASON for POLICY**

The SMHS requires a CBC of students in all health-related programs prior to matriculation and/or clinical assignment. It is essential that the professional programs at the SMHS be able to document a CBC for students when requested by a hospital, clinic, and other non-UND training site. It is important to identify potential problems as early as possible as various criminal convictions may not allow healthcare students to sit for national board exams or obtain licensure to practice within certain states. CBCs are also completed to ensure the safety of vulnerable populations such as patients. This policy provides procedures for a criminal background check for medical students and health sciences students.

### **SCOPE of POLICY**

This policy applies to:

√ Deans, Directors, and Department Heads	√ Faculty
√ Managers and supervisors	√ Staff
√ Students Others: Athletic Training, Medical Laboratory Science, Indigenous Health, Medical Education, Occupational Therapy, Physical Therapy, Physician Assistant Studies, and Public Health	

This policy does not apply to:

Biomedical Sciences and Clinical & Translational Sciences, residents, or fellows

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### **WEB SITE REFERENCES**

Policy Office: <http://www.med.und.edu/policies/index.cfm>

Responsible Office: <https://med.und.edu/student-affairs-admissions/index.html>

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## DEFINITIONS

Background Review Committee (BRC)	An ad hoc programmatic committee that is chaired by the associate dean for student affairs and admissions and comprised of one voting faculty member from each of the departments and programs affected by the policy. This ad hoc committee is advisory to health professions and medical programs that reviews CHI from the CBC and provides recommendations moving forward.
Criminal Background Check (CBC)	An inquiry about an individual conducted by or on behalf of the University of North Dakota, using generally reliable resources and methodologies, and performed consistent with policies and procedures of the North Dakota State Board of Higher Education and North Dakota University System, that may utilize any combination or all of the following databases: FBI, fraud & abuse control information systems (FACIS), national criminal databases, national sex offender public registry, national ID Trace, and state specific databases.
Criminal History Information (CHI)	Information collected by criminal justice agencies on individuals and revealed in the course of a Criminal Background Check, consisting of identifiable descriptions and notations of arrests, detentions, indictments, — criminal charges, any dispositions arising therefrom, sentencing, correctional supervision, and release.
Students	Any student offered acceptance for admission, matriculated, and/or enrolled in any SMHS program.
Family Educational Rights and Privacy Act (FERPA)	Federal law designed to protect the privacy of education records, establish the right of students to inspect and review their education records and provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings.
Leave of absence (LOA)	An approved temporary break from taking classes within a specific program. Specific criteria shall be determined by each department/program
Interruption in enrollment	Temporary period of leave or enrollment in or completion of less than the required number of credits for a definitive length of time. Specific criteria shall be determined by each department/program

## RELATED INFORMATION

NDUS policy	<a href="#">511 Student Criminal History Background Checks</a>
SMHS Retention Policy	<a href="https://med.und.edu/about/administration-finance/records-and-information-management/policies.html">https://med.und.edu/about/administration-finance/records-and-information-management/policies.html</a>

## CONTACTS

General questions about this policy can be answered by your department's administrative office. Specific questions should be directed to the following:

Subject	Contact	Telephone/FAX	Email contact
Policy clarification	Student Affairs	777.4221/777.4942	<a href="mailto:saa@und.edu">saa@und.edu</a>
Policy format	Dean's Office	777.2514/777.3527	<a href="mailto:judy.solberg@und.edu">judy.solberg@und.edu</a>

## PROCEDURES

Professional programs that require a CBC prior to matriculation and/or clinical assignment include: Athletic Training; Medical Laboratory Science; Medical Education; Occupational Therapy; Physical Therapy; Physician Assistant Studies; and Public Health. This policy does not apply to SMHS students in the biomedical sciences, clinical & translational sciences, and indigenous health programs. The biomedical sciences and clinical & translational sciences and Indigenous Health students will follow the UND School of Graduate Studies requirements for a CBC if needed.

### General Procedures

- CBCs are required for all students prior to acceptance into the medicine and health professions programs. The CBC is a condition of the student's admission, clinical assignment, and/or continued enrollment in the professional program. Departments/programs are responsible for initiating the process. A third-party vendor manages the process for the medical program. A separate third-party vendor (<https://www.verifiedcredentials.com/>) manages the process for the other health professions programs.
- Medical student CBCs are kept in the Office of Student Affairs and Admissions (SAA) and are viewable by the student or school official with a legitimate educational interest.
- Health professions student CBCs are kept by the third-party vendor and may be accessible by the department chairperson/program director and the clinical placement teams. Documentation related to follow up questions regarding CBCs are retained in the department.
- It is the responsibility of all students to inform the associated dean for student affairs & admissions and/or the student's respective department chairperson/program director of any disciplinary or criminal activity that occurs during the student's enrollment in the professional program, regardless of whether a previous CBC has been performed or whether a future CBC is anticipated.
- In addition, students are required to respond to SMHS department requests for a supplemental questionnaire documenting behavior prior to enrollment, or re-enrollment, in a SMHS health professions program.
- Students on a leave of absence (LOA) are subject to the same rules of self-reporting any disciplinary or criminal activity as an enrolled student.
- Students who have an interruption in enrollment must undergo a CBC prior to re-enrollment as determined by the department/program.  
Failure of a student to submit a CBC or requested supplemental documentation will suspend the process of matriculation, assignment to a clinical or fieldwork experience, and/or returning from a leave of absence (LOA).
- Final acceptance into the program may be contingent upon the outcome of the CBC. In addition, an updated CBC may be required by a clinical site prior to the start of a clinical assignment.
- If a CBC reveals CHI, matriculation into the professional program will only be granted after review and a recommendation from the BRC. The final matriculation decision resides with the appropriate department/program committee and/or department chairperson/program director. Self-reported information not corroborated by CHI shall be evaluated on a case-by-case basis and may be referred to the BRC.
- Upon the request of a department/program, a CBC revealing CHI may be referred to the BRC for a recommendation prior to the student's clinical site placement and/or return from a LOA.

## Medical Program

Pre-acceptance (during application and interview process):

- Results of the applications are reviewed by the Admissions Committee before students are offered an interview.
- The Admissions Committee does not see the American Medical College Application Service (AMCAS) CBC and only sees what the applicant has self-reported in their application.

Pre-matriculation

- CBCs are done after acceptance and prior to matriculation, the results are reviewed by the associate dean for student affairs and admissions who then places in the student's education file if clean or redacts and sends to the Background Review Committee (BRC) when a problem has been identified using established BRC procedures found in SMHS Policy 3.4.
- When cases are brought to the BRC from the medical program, the recommendations of the BRC are considered by the associate dean for student affairs and admissions who has the authority to determine the educational outcome of the case. This is not brought to the Medical Student Academic Performance Committee (MSAPC) for consideration and is not appealable to the dean.
- Students receive a pre-acceptance letter from the admissions committee explaining the potential adverse consequences of the findings of the CBC when there is a discrepancy with the application information.  
The recommendation of the BRC and the educational outcome determination are kept in the medical student's educational files.

Pre-clinical Phases of the curriculum

- CBCs are required prior to starting clinical educational experiences.
- A third-party vendor manages the process.
- When problematic CBCs are identified, the associate dean for students' affairs and the assistant dean for phases 2 and 3 are notified. In this situation the cases are referred to MSAPC for hearing as described in Policy 4.20.
- When a CBC is brought to MSAPC, MSAPC has final authority to make the decision on the educational outcome. The student may appeal the decision through the grievance process and finally appeal to the dean. (Policy 3.9 Student Academic Grievance and Appeal Policy)

## Other Health Professions Programs

- These programs are specifically the following: Occupational Therapy, Physical Therapy, Athletic Training, Physician Assistant, Medical Lab Sciences, and Public Health.
- CBCs are required prior to acceptance into the program and may be required again (requirement is program specific) prior to starting clinical (patient care) experiences.
- It is the student's responsibility to complete the CBC.
- Each health professions program initiates their own CBC processes.
- When problematic CBCs are identified prior to accepting a student into the program, it is the responsibility of program's admission committee to determine if the applicant will be considered for acceptance upon consideration of the recommendations from the BRC.
- When a problematic CBC is identified after acceptance into the program, the department chairperson/program director will bring the case to the BRC for consideration and advice.
- It is the department chairperson/program director who has final authority to decide the educational outcome for the student in question. This authority is granted to the department chairperson/program director by the dean and codified in school policy.
- Students in the health professions programs found to have CHI are informed in writing that admission to the professional program does not guarantee that clinical facilities will allow them to begin a clinical assignment. The inability of a student with CHI to obtain a clinical assignment may prohibit the student from completing the program. Inability to complete the program will result in dismissal from the program. Additionally, students with CHI admitted to a health professional program are informed that CHI may impact their opportunity for

professional licensure and employment.

### **Background Review Committee (BRC)**

- The BRC is an ad hoc programmatic committee and is advisory to health professions and medical programs.
- The BRC does not have policy-making or final decision-making authority.
- The BRC meets at the request of any its members to offer recommendations related to CHI and whether a student should continue in the professional program.
- The BRC is chaired by the associate dean for student affairs and admissions as previously requested by the dean.
- BRC members include a representative from each of the health professions programs (usually the department chairperson/program director) and may seek guidance from UND legal counsel.
- When a BRC member has a conflict of interest, the individual will recuse themselves from the discussion and decision-making process.
- When a designated chair has a conflict of interest, the Dean of SMHS shall appoint a substitute. Students may be asked to submit additional information regarding the results of the CBC or any self-reported information (see form at end of this document).
- The BRC, department, program, or associate dean of student affairs and admissions may ask for additional information, including release of information regarding sanctions from previous educational settings.
- The CBC, self-report(s), and supplemental materials from the student, if any, will be presented to the BRC by the faculty representative from the impacted department or program. The representative will provide the application and admission data for each prospective student with CHI or self-reported information for discussion and recommendation of admission status or enrollment in the program. The BRC will make recommendations to the appropriate department/program committee and/or department chairperson/program director.
- The final decision to rescind admission, deny matriculation, terminate continuation in the professional program, and/or deny placement in a clinical experience/fieldwork resides with the appropriate department/program committee and/or department chairperson/program director.
- The associate dean of student affairs and admissions, department chair, or program director of the student's educational program will notify the student in writing of the BRC recommendation and the program or department's decision. The written decision may be delivered by electronic means.
- The results of the CBC and any self-reports will become part of the student's record and are protected by the Family Educational Rights and Privacy Act (FERPA).
- For those that are not admitted, the CBC results and any self-reports will be retained according to the SMHS records retention procedures and schedule.
- An enrolled student may petition the decision of the program/department by following the procedures outlined in the SMHS Grievance Policy.

RESPONSIBILITIES

Student	<p>Initiate, and provide reasonable cooperation with, the CBC process and check with the program for any additional or different procedures or timing commitments.</p> <p>Inform the associate dean for student affairs and admissions and/or respective department chairperson/program director of any disciplinary or criminal history information that occurs after notification of acceptance, or during enrollment into the professional program or during a student LOA if applicable, regardless of whether a previous CBC has been performed or whether a future CBC is anticipated.</p>
SMHS Background Review Committee (BRC)	Review CBC results and self-reports and make recommendations to the respective department/program committee, chairperson, or director for a final decision.
Associate Dean for Student Affairs and Admissions	Chairs the SMHS Background Review Committee (BRC). Provides the recommendation from the BRC to the respective department/program committee, chairperson, or director for a final decision.
Department Chairperson/Program Director	Informs students of the academic, financial and licensure risks for those who are found to have CHI on a CBC.

FORMS

CBC Additional Information Request	See page 7
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## Criminal Background Check – Additional Information Request

Name(Print) \_\_\_\_\_

Last 4 digits of SSN \_\_\_\_\_

Description of Offense/Incident \_\_\_\_\_

### Please provide the following information regarding the incident listed above:

1. Please verify that you were the person involved in the incident identified:
2. Date(s) (approximate, if necessary) the incident occurred:
3. Your age at the time of the initial incident/offense:
4. What was the charge(s) filed against you? (e.g., misdemeanor, felony etc.)
5. What was the sentence you received? (e.g., fine, probation, deferred imposition, diversion, etc.)
6. What was the final outcome of the incident and legal proceedings?
7. Have you had any additional charges filed against you related to this incident or any other actions?
8. Have you had any institutional (e.g., university or college) action taken against you related to this incident or any other actions?
9. Please explain any circumstances giving rise to the incident; the personal impact from the incident or outcome; and any steps you have taken to remedy this situation.

After completing the above information, you may email the form to [james.porter@und.edu](mailto:james.porter@und.edu)