

University of Arkansas for Medical Sciences
College of Nursing
Student Criminal Background Check Policy and Procedures
Effective: August 17, 2009

A. Purpose

The College of Nursing requires students to have criminal background checks and drug screening. The rationale for performing criminal background checks on accepted nursing school students is based on a number of issues, including: but not limited to:

1. The need to enhance safety and well-being of patients/research subjects and, in so doing, to bolster the public's continuing trust in the nursing profession;
2. To ascertain the ability of students to eventually become licensed nurses or maintain current license;
3. Consideration of liability issues which may affect the College of Nursing and our affiliated clinical facilities; and
4. To comply with mandates from many clinical agencies utilized by the College of Nursing.

B. Applicability

The College of Nursing will require criminal background checks to be performed annually on each student and will utilize the services of Certified Background.com to procure the national background check report.

C. Policy Statement

All students must consent to, submit to, and fully complete a criminal background check annually through Certified Background.com as a condition of matriculation into the University of Arkansas for Medical Sciences College of Nursing and, if applicable, Graduate School. Failure to do so will constitute failure to meet the matriculation requirements established by the College of Nursing and will result in administrative withdrawal from the program.

Matriculation and continued enrollment in the College of Nursing is contingent upon a completed criminal background check and drug screening with *acceptable* results. Failure to consent to a criminal background check; refusal to provide necessary information to conduct a background check; falsifying information; failure to provide any additional information wherein an investigation is warranted; and failure to comply with the investigatory procedures when a cause for further action is warranted due to the:

- (1) Discovery of previously undisclosed information;
- (2) Discovery of more egregious information than was previously undisclosed information;
- (3) Discovery of conflicting information between or among the College of Nursing application and/or the Criminal Background Check Report (CBCR) and/or any and all documents considered part of a student's application,

will result in disciplinary action up to, and including, administrative withdrawal from the program or dismissal from the College of Nursing.

D. Procedure for Review of Criminal Background Check Findings:

1. The Preliminary Review Committee (PRC) will consist of the following:
 - a. An Associate Dean or designee
 - b. Assistant Dean for Student Services
 - c. Coordinators of BSN programs
2. Upon receipt of a CBCR from Certified Background.com, the PRC will review the report.
3. If the PRC determines that the CBCR is “Clear” (has no adverse findings), the student will be notified by the Coordinator/Director of the program, or an Associate Dean.
4. If the PRC determines that the CBCR identifies adverse findings, the report will be reviewed by the PRC to determine if the report should be referred to the Criminal Background Check Review Committee (CBCRC—defined below).

E. Criminal Background Check Review Committee (CBCRC) Purpose and Composition

1. Review CBCR results referred to committee by the PRC.
2. Review the CBCR findings, conduct an investigation, and recommend to the Dean whether or not the offer of acceptance, conditional admission, and/or progression should be rescinded.
3. Conduct individualized reviews on a case-by-case basis.
4. The CBCRC will consist of the following members:
 - a. Chair of the College of Nursing Admissions and Progressions Committee (votes only to break a tie)
 - b. Associate Dean or designee
 - c. BSN or RN Program Coordinator (one representative to attend; rotates annually)
 - d. Representative from Master’s Specialty Coordinators (one representative; rotates annually)
 - e. PhD Program Director
5. The CBCRC will also include the following non-voting members:
 - a. Assistant Dean for Student Services
 - b. Legal Counsel
6. The Chair of the College of Nursing Admission and Progression Committee will serve as the chair of the CBCRC.
7. A quorum shall consist of at least 4 of 6 voting members.
8. If a member is unable to attend, the Dean or Dean’s designee can appoint an alternate member from the faculty.

F. Criminal Background Check Review Committee (CBCRC) Process

1. The Assistant Dean for Student Services will notify the student in writing of the scheduled investigation. This notification will contain the date, time, and location of the CBCRC meeting. The student will be notified that the CBCRC will convene even in the absence of the student.
2. If the student attends the meeting, he or she may have one (1) person present during the meeting, who may be an attorney, to advise him or her. This person may not speak on behalf of the student, question CBCRC members, or otherwise actively participate in the investigation.

3. The student may appear in person, make an oral statement, and answer questions from CBCRC members. Should the student choose to remain silent, no adverse inference will be raised against him or her.
4. The student may submit additional information or clarification in writing to CBCRC within 5 working days.
5. The Assistant Dean for Student Services will facilitate the discussion regarding the CBC.
6. The Chair will provide for the student to be heard when the student has so requested an opportunity to be heard by CBCRC, and for the student to hear the evidence presented.
7. Once his or her testimony has been presented, the Chair will dismiss the student from the meeting in order to continue the remainder of the discussion, deliberation and voting regarding the final recommendation of CBCRC to the Dean.
8. CBCRC will consider cause for action to dismiss the student. Such factors involved in a final decision may include, but are not limited to:
 - a. Failure on the part of the student to fully disclose information;
 - b. The accuracy of the information provided by the student;
 - c. The relationship between the offense committed and the student's participation in the basic science or clinical education components of the nursing education program;
 - d. The nature and seriousness of the offense;
 - e. The circumstances under which the offense occurred;
 - f. The age of the person when the offense was committed;
 - g. Whether the offense was an isolated event or part of a pattern of similar offenses;
 - h. The length of time since the offense was committed;
 - i. Past employment history;
 - j. Past history of academic or non-academic misconduct at prior institutions;
 - k. Evidence of successful rehabilitation; and
 - l. Forthrightness of the information provided by the student in opportunities provided for self-report on application-related forms.
9. Upon completion of the discussion, the Chair will call for a vote to recommend to the Dean to dismiss the student, or rescind the offer of conditional admission.
10. A three-fourths vote of present CBCRC members is required to make a recommendation to the Dean to dismiss the student, or rescind the offer of conditional admission.
11. A vote of less than three-fourths of present CBCRC members will result in a recommendation to the Dean for "no cause for action."
12. The Chair will adjourn the CBCRC meeting.

G. A Committee Vote Approved by the Dean Resulting in No Cause for Action

1. The Assistant Dean for Student Services will notify the Dean of a CBCRC vote that recommends "no cause for action."
2. Upon the Dean's affirmation of CBCRC's recommendation for "no cause for action," the Dean will notify the student.
3. The Dean will advise the student of the Committee's proceedings.

4. Students will be counseled that UAMS College of Nursing has no control or jurisdiction over decisions for licensure made by the Arkansas State Board of Nursing. Activities/issues that appear on the student's CBC may jeopardize the student from either taking the NCLEX licensure exam or becoming licensed in any given state.

H. A Committee Vote Approved by the Dean to Dismiss a student or Rescind an Offer of Acceptance

1. The Assistant Dean for Student Services will notify the Dean of a CBCRC vote to recommend that the College of Nursing dismiss a student or rescind an offer of conditional admission.
2. The Assistant Dean for Student Services will advise appropriate administrators of any dismissal decision or rescinding of an admissions offer.
3. Upon the Dean's affirmation of CBCRC's recommendation to dismiss, the Associate Dean or designee will advise the student that they have been dismissed.
4. Decisions by the Dean are final and are not subject to appeal.

I. CBCRC Documentation

1. The student's file will be retained.
2. The CBC and CBCRC investigation records will be stored in a locked, limited access file cabinet in the Dean's office area.
3. The file will be shredded at the appropriate time or whenever the student has successfully completed the degree from UAMS College of Nursing.

Approved: 8-09—CON Dean's Group, UAMS Legal Counsel