

Augusta University

Policy Library

Applicant Criminal Background Check

Policy Owner: Student Affairs

POLICY STATEMENT

Criminal background checks will be conducted on conditionally accepted applicants prior to their enrollment in the health profession programs in the Colleges of Dental Medicine, Nursing and the Medical College of Georgia, and in participating programs in the Colleges of Allied Health Sciences, Education and Graduate Studies at Augusta University (AU). All participating programs will indicate on their admissions/program web pages, application instructions and/or college/program application that the program adheres to this policy. Final admittance is conditional on a satisfactory criminal background report which must be completed and approved prior to matriculation.

The purposes of conducting criminal background checks are multiple:

- to recognize the need and to assure the public's continuing trust in the health professions regarding the safety and well-being of patients
- to ascertain the ability of students to maintain or eventually become licensed and/or certified in their professions
- to identify accepted applicants who have a criminal history that may preclude them from participating in clinical training programs, including but not limited to, care of patients in vulnerable populations
- to assure compliance with various regulatory or accrediting agencies that require or recommend such checks
- to put applicants with a criminal history on notice that there may be an issue with respective licensing and/or certification boards regarding the impact of the criminal history on their ability to obtain professional licensure
- to inform students in advance of potential problems if the student has a criminal history that appears on a criminal background check
- to support Augusta University's commitment to risk management

This policy is specific to criminal activity and not to non-criminal violations or matters of civil law.

Enrollment will not be final until the completion of the criminal background check with results deemed acceptable to the applicable college/program. In addition, students must meet the institution's and their respective college/program's academic standards, provisions of acceptance (if any) and admission requirements that are not covered in this criminal background check policy. Applicants and/or students who do not consent to the required background check, refuse to provide information necessary to conduct the background check,

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or provide false or misleading information in regard to the background check will be subject to disciplinary action up to, and including, refusal of admission or dismissal from the program.

AFFECTED STAKEHOLDERS

Indicate all entities and persons within the Enterprise that are affected by this policy:

- Alumni Faculty Graduate Students Health Professional Students
 Staff Undergraduate Students Vendors/Contractors Visitors
 Other:

DEFINITIONS

Definitions apply to these terms as they are used in this policy:

- **Consent Form** – A form authorizing the institution to conduct a background check.
- **Conditional Acceptance** – The admissions status of an applicant who is admitted to the Augusta University program subject to the successful completion and satisfactory review of a criminal background check as determined by the Criminal History Review Committee.
- **Criminal Background Check** – A review of a conditionally accepted applicant's criminal record.
- **Criminal History Review Committee (CHRC)** – The administrative committee charged with reviewing a conditionally accepted applicant's adverse criminal record and determining whether the candidate will be granted final acceptance.
- **Satisfactory Criminal Background Report** is defined as the absence of a criminal record, or satisfactory review and resolution of any criminal history based on the standards, process and criteria set forth in this policy.

PROCESS & PROCEDURES

Implementation and Enforcement

This policy will be implemented, monitored, and enforced by individual colleges at Augusta University in which the applicants program aligns. The colleges may collaborate with the Augusta University Human Resources Office, Augusta University Legal Office, Augusta University Public Safety Division, other appropriate campus resources, and/or with outside agencies to conduct background investigations of students. Background investigations for some colleges may be performed as part of the nationwide application process rather than by the individual college/program. Specific procedures for the implementation of the criminal background policy will be developed by individual colleges consistent with the criteria set forth in this policy.

Authorization Process and the Criminal Record Check

Criminal Background Check Procedure

- A criminal background check will be conducted as part of the routine admissions process for health profession students in the Colleges of Dental Medicine, Nursing and the Medical College of Georgia, and for students in designated programs in the Colleges of Allied Health Sciences, Education and Graduate Studies. College/program application materials will include inquiries about criminal convictions and pending adjudications.
- Request to conduct criminal background check requires written consent from the applicant. Instructions for ordering criminal background checks will be provided to applicants offered a conditional acceptance. A release/consent form that authorizes (or Augusta University its designated agents or vendors e.g. AMCAS) to conduct a background investigation on applicants offered a conditional acceptance will be required. In addition, the college/program may request that applicants placed on the alternate list submit a consent form for the criminal record report to be procured.
- If a criminal background history report is procured prior to conditional acceptance to the college/program at Augusta University, the report will not be made available to the admissions committee unless/until an admission decision is decided.
- Omission of required information, including the failure to provide the consent, or submitting false, misleading or incomplete information by the individual in any communication with Augusta University may result in withdrawal of conditional acceptance. Augusta University programs will respect the laws of the state of Georgia or other state laws with regard to the person having a sealed juvenile record and having no obligation to reveal the records within the juvenile court system.

Examination of Information Obtained through Criminal Background Investigations

The criminal background check will only report convictions, conviction equivalent adjudications, and all arrests without final adjudication (both felonies and misdemeanors). Conviction and conviction-equivalent adjudications may include, but are not limited to, the following criminal records dispositions: Alford plea, bail/bond forfeiture, default judgments fine/costs paid, guilty, no contest, plea in absentia, plea in abeyance, pled guilty, prayer for judgment, suspended execution of sentence, appealed, consolidated for judgment, covered by pled to charge, reduced, accelerated rehabilitative disposition, adjudication withheld, Article 894, conditional diversion, conditional dismissal, conditional discharge, conditional release, deferred sentence, first offender program, supervision, suspended imposition of sentence, work release program, and Sunshine Law. Arrests without Final Adjudication may include, but are not limited to, the following criminal records dispositions: dead docketed, adjourned, case is pending, continued, extradited, remanded, transferred, and dispositions that are not available.

- a) **If the criminal background check is performed as part of the nationwide application process the policies and procedures of the selected vendor will apply.**

- For example, the **Medical College of Georgia** whose applicants are processed through the AMCAS Application Service, defer to the procedures of the AMCAS selected vendor, currently Certiphi Screening Inc. Certiphi Screening, Inc will procure a background report on early decision program applicants at the point of acceptance and all other applicants at the point of acceptance after January 1st. An e-mail will be sent to applicants by Certiphi Screening, Inc., at the preferred e-mail address entered in the AMCAS application by the applicant. The accepted applicant will be provided with an opportunity to contest the contents of the report within a specified calendar day period. AMCAS and/or The Medical College of Georgia will notify the applicant of any changes in their selected vendor policy and/or procedures. For criminal background check details, please visit: https://www.aamc.org/students/applying/amcas/how_to_apply/134176/background_check_details.html

b) For colleges and programs in which the criminal background check is NOT performed as part of the nationwide application process this section “b” applies. These include programs/colleges (other than the Medical College of Georgia) that contract directly with a screening agency/service or require applicants/students to order their own criminal background check report as part of the application process. All participating programs will indicate on their admissions/program web pages and/or college/program application that the program adheres to this policy.

- The conditionally admitted applicant will receive a copy of the criminal background report from the college if the report indicates any problematic information.
- Designated individual(s) within the college/program will review the initial criminal background report for all conditionally admitted applicants.
- Conditionally admitted applicants who receive an acceptable background check (no record of criminal history or other negative information) and who have continued to meet their respective college/program’s academic standards, provisions of acceptance (if any) and admission requirements as specified in their conditional letter of acceptance will be granted final acceptance.
- If adverse information is obtained in the conditionally admitted applicant’s criminal background check report, the college will ask the conditionally admitted applicant to review the report and to provide a written response to questions/concerns raised from the background investigation.
- Conditionally admitted applicants who disagree with the accuracy of information found in the background investigation report should submit a letter of dispute, providing supporting documentation to the designated individual in their college.
- The accepted applicant will have ten calendar days from the date the background check report is emailed to them from the college, to review their report and provide comments. If the applicant does not review the report or if there is no objection to the report, the report will be forwarded to the Chairperson of the Criminal History Review Committee after this ten calendar day period elapses.
- It is the responsibility of the conditionally admitted applicant to ensure that any misinformation in the initial criminal background check report is corrected, and to

ensure that a written statement with supporting documentation indicating the correction is submitted to the College within the allotted timeframe.

Criminal History Review Committee

Each college will have a Criminal History Review Committee that will be responsible for reviewing the criminal background report and any other information provided that may be relevant to the final admission decision of the conditionally admitted applicant. The Criminal History Review Committee will decide whether the results of the background investigation disqualify the conditionally admitted applicant from final admission and matriculation into the program and University.

- Each college will create and maintain a Criminal History Review Committee (CHRC). The CHRC will be a standing committee established by the Dean of each College, and may include faculty/personnel and leadership involved in program admission/enrollment, student affairs, student advocacy, multi-cultural affairs, program oversight, faculty members and legal counsel. Additional, program or profession specific deans or faculty members may be included on a case-by-case basis. Each CHRC will have a Chairperson. It is recommended that the committee consist of a minimum of five (5) members.
- The CHRC shall meet on an as-needed basis to review applications referred to it by the College designee. As necessary and with prior approval of the CHRC chair, members may participate in committee meetings by telephone. Each member shall have one vote, and all decisions will be made by majority vote of the CHRC members present at the meeting at which an applicant is discussed. In the event of a tie vote, the matter will be referred to the Dean of College for final decision.
- Each CHRC members will act in the best interest of the profession of the program the individual is applying to, potential patients of the applicant (as applicable), and the Augusta University community when serving on the CHRC, and shall abstain from acting or voting in instances where there is a real or perceived conflict of interest with regard to an applicant before the CHRC.
- The CHRC will provide its decision in writing to the College Dean or designee.

Handling Adverse Reports

- a) Each conditionally accepted applicant case would be reviewed by the CHRC, focusing primarily on suitability for their profession, threats to individual patients, and risks to Augusta University and the community.
- b) The CHRC may require the individual to meet with the committee or committee representative and/or provide a detailed, written description and explanation of the information contained in the criminal records report along with appropriate documentation, such as police reports, certified court records and any institutional correspondence and orders. This information (or request for an extension) must be returned to CHRC within ten working days of the date the communication is sent to the individual. Any extension of this ten-day period must be set forth in writing –and approved by an authorized CHRC

- representative. The College/University may also independently seek to obtain additional information, such as a copy of the original criminal charge, in order to corroborate the individual's explanation.
- c) The CHRC specifically certifies that before taking any adverse action against an applicant based on the Criminal Background Check report, the CHRC will verify in writing that the applicant/student has been provided with or shall provide the following to the applicant:
- a copy of his/her Criminal Background Check Report
 - a description in writing of the rights of the Consumer as prescribed by the Federal Trade Commission under 15 U.S.C. § 1681 (g) (c)(3) a link which is provided at the end of this document hereto (the "Rights of Consumers"). The CHRC has a continuing obligation to deliver a copy of the Rights of Consumers to each applicant receiving a Criminal Background Check report.
- d) The CHRC will review the criminal record report and the applicant's explanation (if requested). No information that is provided will automatically result in the revocation of acceptance. A final decision with regard to matriculation will be made only after careful review of factors including but not limited to:
- the nature and seriousness of the offense
 - the circumstances under which the offense occurred
 - 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 was committed
 - whether the offense was an isolated or repeated incident
 - the length of time that has passed since the offense
 - employment history
 - the history of academic or disciplinary misconduct
 - any evidence of successful rehabilitation
 - the accuracy of any information provided by the applicant
 - if the criminal convictions prohibit the individual from obtaining licensing and/or certification in his/her program of study/profession
- e) When the CHRC considers information on an accepted applicant, the focus of this consideration would be on whether to finalize the conditional offer of acceptance tendered by the Admissions Committee. The CHRC may also ask the applicant to provide additional information, appear in person, have a personal review conducted, or other measures determined necessary by the CHRC. All decisions will be made by majority vote of committee members present at the meeting. CHRC members who are not present will not be eligible to vote. In the event of a tie vote, the matter will be referred to the Dean of the program's college for a final decision.

- f) Conditionally accepted applicants will be informed that acceptance into their program/college at Augusta University does not guarantee the ability to complete all aspects of the program including clinical clerkships, obtain proper licensing, or meet other rehabilitation requirements under particular state laws.
- g) If a decision is reached to withdraw a conditional acceptance, the conditionally accepted applicant will be notified in writing within 10 days of the decision.
- h) If the applicant's conditional acceptance is withdrawn, the College/University must notify the applicant that the Criminal Background Check Report was used in deciding the outcome, under the Fair Credit Reporting Act (FCRA).

Appeal Process

An applicant may appeal a decision by the CHRC to withdraw offer of admission. Within ten days from the date of receipt of the CHRC's decision to deny admission, the denied applicant must submit his/her appeal to the Office of the President. The appeal must be in writing and must set forth the basis for the appeal. The Office of the President will coordinate the assembly an Appeal Committee to review the information considered by the CHRC, any information provided by the denied applicant as part of his/her appeal, and any other information the Appeal Committee deems relevant. The Appeal Committee will make a recommendation to the President. The President's decision is a final decision.

Subsequent Criminal Record Checks

A criminal background check may be repeated after the initial check covered by this policy in accordance with applicable policies, procedures or practices of Augusta University, the health professions programs in the Colleges of Dental Medicine, Nursing and the Medical College of Georgia, and in participating programs in the Colleges of Allied Health Sciences, Education and Graduate Studies at Augusta University and/or the Augusta University's clinical educational sites.

Entities Not Affected By This Policy but Requiring Criminal Background Checks Student Employees

A criminal background check is also required for applicants and/or students as a condition of employment in the process of being appointed as a Graduate Research Assistant, Graduate Teaching Assistant or Graduate Assistant. The Background Investigation Policy for Employees can be found at <http://policy.georgiahealth.edu/2010/09/22/background-investigation-policy/>

Reporting of New Criminal Convictions

Per Augusta University Student Handbook, applicants and students are required, on a continuing basis, to disclose in writing to their Dean and/or the Director of Campus Life, any criminal convictions that occur since the disclosure they completed with their application for admission. Disclosures must include the date and nature of the conviction and the court location. Criminal convictions include adjudication of guilt by a jury or judge for any crime. Minor traffic offenses are not included, but "no contest" pleas, first offender treatment, convictions under appeal, and convictions that have been pardoned are included. Minor traffic offenses are those which do not involve driving while under the influence of alcohol and other

drugs, which did not result in imprisonment and for which a fine of less than \$250 was imposed. Disclosures should be made within 30 days of conviction.

For new Criminal Convictions prior to enrollment, the Dean and/or Director of Campus Life Services will review the information and refer to the CHRC to determine whether any disciplinary action is warranted. Applicants who fail to report a new criminal conviction may have their offer of acceptance rescinded.

For new Criminal Convictions reported by enrolled students, the Dean and/or Director of Campus Life Services will review the information and refer to the college's committee on academic and professional progress and/or CHRC to determine whether any disciplinary action is warranted. As deemed necessary, students will be advised of the ramifications for professional licensure/certification, the possibility of a further investigation and/or hearing and whether disciplinary action is warranted. Students who fail to report a new criminal conviction may be dismissed.

Record Keeping Of Reports

- a) All criminal history information that is maintained by each College will be kept in a locked file that is located separately from the records in the accepted applicant's admission file.

Criminal record reports will be maintained for a period of time consistent with the Board of Regents' retention schedule.

Fees and Responsibility for Payment

All expenses associated with the criminal background checks are the responsibility of the applicant/student, either directly or through arrangements with an appropriate centralized application service (e.g., incorporated into the AMCAS fee for Medical School applicants).

Final Notes:

- *Nothing in these policies and procedures shall be interpreted in such a way as to prevent the Dean from exercising discretion to grant extensions of time or exceptions to these policies and procedures on a case by case basis in situations when to do so would serve the best interests of the applicant or the institution.*
- ***For programs that do not require a criminal background check on all accepted applicants, the college/program may follow this policy, as appropriate, when an applicant self-discloses a conviction of a crime on his/her application and/or during the application process.***

REFERENCES & SUPPORTING DOCUMENTS

Appendix

Summary of Your Rights Under the Fair Credit Reporting Act
<http://www.ftc.gov/os/statutes/031224fcra.pdf>

RELATED POLICIES

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APPROVED BY:

President, Augusta University and CEO, AU Health System Date: 06/20/2017