Policy: Background Checks for Applicants and Students in the Department of Nursing

A. Applicability

This policy applies to all UND nursing students.

B. Policy

Applicants must submit to and satisfactorily complete the approved Department of Nursing background check as a condition of admission. An offer of admission is contingent upon the successful completion of the background check(s) with results deemed favorable. Admission may be denied or rescinded based on the outcome of the background check. **Background checks must be completed annually prior to starting classes and may not expire during the semester.**

Students who are currently enrolled must submit to and satisfactorily complete an annual background check as a condition of continuing enrollment in the Department of Nursing.

Clinical agencies may have requirements which include verifications other than those required by Nursing. In those situations, students will be required to meet those individual agency standards prior to clinical placement, which may result in additional costs to students.

Students who refuse to submit to the background check or do not pass the background check as defined by the Department of Nursing will be dismissed from the program. It is expected that all students will self-disclose any occurrences which could result in a discrepancy (criminal charge or conviction) on a background check to the Director of the Office of Student Services at the time of the occurrence. Occurrences resulting in a discrepancy (criminal charge or conviction may be considered grounds for dismissal.

Falsification of information, including omission of relevant information, will result in denial of admission or dismissal from the educational program.

Criminal activity may result in disciplinary action, including dismissal and will be addressed through the CNPD and UND’s academic and/or disciplinary policies.

It is a requirement of the Minnesota Department of Human Services (DHS) that any student placed in Minnesota for a clinical/practicum experience and who has direct contact with vulnerable persons (children, elderly, those with mental health issues, disabled, homeless etc.) complete an additional background check. DHS considers any hospitalized patient a vulnerable person and in essence, any client under the care of a health care provider to be vulnerable. Based on the aforementioned information, all undergraduate students are required to complete the additional Minnesota background check otherwise known as a MN NET Study. Graduate students with placements in Minnesota are also required to complete the MN NET Study. Students are responsible for the costs associated with the MN NET Study.

Clinical placement and experiences are a prerequisite for graduation from the nursing program. The Department of Nursing makes no guarantee that a student who has a findings of concern in their background check report, and is nonetheless permitted to enroll in the program will be able to be placed at a clinical facility. Graduation from the nursing program does not guarantee that the student can be registered, permitted or licensed under state law.
C.  Rationale

I. Health care providers are entrusted with the health, safety and welfare of clients, 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.

II. Clinical facilities are increasingly required by accreditation agencies, such as Joint Commission of Healthcare Organization (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 require these background checks for students and faculty.

III. Clinical experiences are an essential element in certain professional programs. Students who cannot participate in clinical experiences 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 or employment. Therefore, it is in everyone's interest to resolve these issues prior to a commitment of resources by the Department of Nursing/UND, the student or applicant.

IV. The Department of Nursing is obligated to meet the contractual requirements contained in affiliation agreements with the various community facilities.

V. The North Dakota State Board of Higher Education requires student criminal history background checks and requires each institution to adopt policy and procedures for implementation for admission decisions.

D.  Background Check Report

I. Obtaining a Background Check Report. The Department of Nursing will designate an approved vendor to conduct the background checks and issue reports directly to Nursing. Results from a vendor other than that designated will not be accepted. Students must complete the background check through the approved vendor in order to assure consistency of collected data. The student is responsible for payment of any fees incurred in obtaining the required background check. If a clinical agency requires an additional background check, students are responsible for any cost involved.

II. Scope. Background checks will include such things as the following:

a. Social Security Report (address locator)
b. County Criminal Record History (unlimited jurisdictions)
c. National Sex Offender Public Registry Search
d. National Criminal Database Search, includes but not limited to:
   i. Multiple AOC/DOC/DPS criminal data sources
   ii. Federal Bureau of Investigation Terrorist List
   iii. Federal/State/Local Wanted Fugitive Lists
   iv. Sexual/Violent Offender Registries
e. FACIS® Level 1 includes, but not limited to:
   i. (OIG) Office of Inspector General List of Excluded Individuals
   ii. (GSA) General Services Admin. Excluded Parties Listing
   iii. (OFAC) Office of Foreign Assets Control SDN Search
   iv. (ORA/FDA) Office of Regulatory Affairs/Food & Drug Administration Debarment List
   v. (ORI) Office of Research Integrity Administration Action List
III. *Rights.* Students and applicants have the right to review the information reported by the designated vendor for accuracy and completeness and to request that the designated vendor verify that the background information provided is correct. Prior to making a final determination that will adversely affect the applicant or student, the Department of Nursing will inform them of their rights and how to contact the designated company to challenge the accuracy of the report. The process and timeline are delineated in Procedure 207a.

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A. Procedure

I. Applicants who receive a letter offering admission will be notified that admission is contingent upon the successful completion of a criminal background check. The letter offering admission will specify a date by which the background check must be submitted and results deemed favorable in order to secure an admission spot.

II. Current students must complete a background check on an annual basis.

III. If the report contains findings of concern, a committee comprised of the Undergraduate or Graduate Department Chair, the Undergraduate Council Chair or Graduate Council Chair, and Director of the Office of Student Services will convene to review the results of the background check. The applicant may be required to submit additional information relating to the findings, such as a written explanation, court documents and police reports. The student will have 10 working days from notification in which to provide this information.

IV. The committee will review all information available and determine whether the offer of admission to the program should be withdrawn, the student should be dismissed from the program (for current students), or placed on probation.

V. Decisions made by the committee related to the criminal background review of applicants are final. Should an applicant choose to appeal the committee's ruling, an appeal may be made to the Dean. Time required to initiate and complete an appeal may result in loss of admission or progression for that particular semester. If that is the case, the student may reapply for a subsequent semester pending a favorable outcome from the appeal.

If a decision of dismissal or admission offer revocation is made, the student is not eligible to reapply to the program until able to provide proof of resolution to the finding of concern. The committee will review all proof provided by the student to determine eligibility for admission or readmission.

B. Committee Review Standards

Factors the committee may consider when reviewing a background check and any other information submitted by the applicant/student include, but are not limited to:

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
7. past employment and history of academic or disciplinary misconduct
8. evidence of successful rehabilitation
9. accuracy of the information provided by the applicant or student in the application material
10. disclosure forms

The committee will take into consideration both the safety interests of the client and the workplace, as well as the educational interest of the student.
C. Confidentiality and Recordkeeping

I. 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.

II. Background check reports and other submitted information by students will be maintained in the Office of Student Services in accordance with the University’s record retention policy for student records.

III. Applicants Denied Admission and Dismissed Students: 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. Only the letter of dismissal will be kept in the academic file; supporting documents and other information will be maintained in a separate file in the Office of Student Services.

D. Other Provisions

I. Clinical placement is a prerequisite for graduation from the nursing program.

II. The Department of Nursing makes no guarantee that the student who has a finding of concern in their background check report and is nonetheless permitted to enroll in the program will be able to be placed at a clinical facility. Further, graduation from the Department of Nursing does not guarantee that the student can be registered, permitted or licensed under state law.

III. Falsification of information, including omission of relevant information, will result in denial of admission or dismissal from the educational program.

IV. 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 College’s and University’s academic or disciplinary policies.

V. The Department of Nursing will use appropriate means to convey this information to potential applicants and students such as; inclusion in the catalog, student handbooks, admission pamphlets, advisement, and/or correspondence

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