

## **BACKGROUND CHECKS**

Policy Number:

Owner Department: Student Affairs

Effective Date: 8/24/2011 ~ Implemented with Winter 2012 Intake

Approved By: President's Council

### **I. POLICY STATEMENT**

All students admitted into Southwest College of Naturopathic Medicine & Health Science (SCNM) programs must meet admission and, if applicable, technical standards. All applicants must voluntarily disclose on their application if they have ever been convicted of a felony or misdemeanor and provide explanation/description of the offense committed. As part of the application process, all students admitted into the Naturopathic Medicine (ND) program and candidates admitted into the Supervised Practice Experience (SPE) program must submit to a criminal background check conducted by the SCNM-approved criminal background check provider. Admission into the ND and SPE program is conditional on a criminal background check that meets the standards set by SCNM. As part of the application process, all applicants to the Master of Science in Clinical Nutrition (MSCN) and executive Master of Science in Nutrition Business Leadership (MSNBL) programs disclosing a felony or misdemeanor on their application are subject to committee review to ensure the applicant meets the standards set by SCNM.

### **II. POLICY STATUS**

Updated

### **III. HISTORY/BACKGROUND (non-mandatory)**

### **IV. DEFINITION(S)**

"Background checks" is defined as including, but not being limited to, a combination of the following screenings for every state, county, and country of residence:

- Social Security Number Validation Report (name/address search)
- County Criminal Record History
- Statewide Criminal Records Search
- Federal Criminal Records Search
- National Criminal Database Search
- National Sexual Offender Database Search
- Search for Dishonorable Discharge from the Armed Forces (when applicable)
- U.S. Department of Health and Human Services Office of Inspector General List of Excluded Individuals/Entities Search DIG/ GSA EPLS:
  - (DIG) Office of Inspector General List of Excluded Individuals
  - (GSA) General Services Admin. Excluded Parties Listing
- Sanctions Base

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- Proprietary search covering sanctions, disciplinary and administrative actions taken by hundreds of federal/state healthcare regulatory authorities, including FDA, NIH, GSA, OFAC, terrorist watch list.
- International Screening (when applicable)
- Past Employment

### **V. PURPOSE**

In order to protect the health and safety of students, faculty, and staff in the academic environment and, as applicable, to protect the health and safety of clients and patients in the clinical environment, SCNM requires all program applicants to disclose if they have ever been convicted of a felony or misdemeanor and provide an explanation/description of the offense(s) committed for review. All incoming ND and SPE students are also required to submit to a criminal background check to protect the health and safety of patients and clients and to adhere to applicable healthcare regulations. The background check and/or review will determine whether there are incidents in an applicant's history that may pose a risk to patients, clients, or others, or may prohibit the individual from being licensed in the future.

### **VI. SCOPE/KEY STAKEHOLDERS**

This policy applies to all prospective students applying to degree programs at SCNM and to candidates applying to SCNM's SPE program.

### **VII. POLICY ITEMS**

ND and SPE background check results provided by the vendor will be available for review from the vendor's website. In cases where the ND and SPE background check results or voluntary disclosure of a felony or misdemeanor by a prospective student warrant review by The Criminal Background Committee (CBC), the Admissions Office will notify the prospective ND student or SPE candidate. The prospective student or candidate will be allowed to respond to the information contained within the report. The background check, and any student or candidate response (including letters of support sent on behalf of student or candidate) will be forwarded to the Criminal Background Committee (CBC) for consideration and action.

The CBC will render a final decision, and the Director of Admissions will communicate this decision to the applicant based upon their review.

SCNM may rescind an offer of admission or dismiss a student from the ND or SPE program for refusing to or failing to participate in the criminal background check process.

The Admissions Office will comply with all laws, including the Fair Credit Reporting Act (FCRA) and all relevant federal, state, and local laws, governmental regulations, rules, and requirements in enforcing this policy. The Admissions Office will provide training to Admissions staff to ensure that the results of the background checks are recognized and handled as sensitive, privileged, and confidential information to be used for permissible purposes only (as outlined in the procedures of this policy). Under no circumstances will SCNM resell any information provided by the background check provider to any third party.

**Confidentiality: The handling of all records and subject information will be strictly confidential and will adhere to the Family Educational Rights and Privacy Act (FERPA). Adverse findings which result in action taken by the CBC**

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will become part of the student's academic record. Absent adverse findings, background investigation records will be stored for five (5) years after the student or candidate leaves SCNM and will then be shredded.

### VIII. RESPONSIBILITY FOR IMPLEMENTATION

The Admissions Office in conjunction with the Academic Department will develop administrative regulations and procedures as necessary to implement this policy, including provisions for notification, administration, disciplinary consequences, and enforcement.

### IX. APPROVAL BODY

President's Council

### X. DATE POLICY APPROVED

8/24/2011

### XI. RELATED POLICIES (non-mandatory)

This policy does not supersede the ND student requirement to obtain a criminal background check for a certificate to engage in a clinical training program.

### XII. RELATED DOCUMENTS (non-mandatory)

SCNM will contract with a background check provider to administer the portion of this policy that relates to ND students and SPE candidates. As part of this contract, SCNM will adhere to the requirements outlined in the services agreement.

### XIII. DATE EFFECTIVE

### XIV. NEXT REVIEW DATE

March 2022

### XV. VERSION CONTROL AND CHANGE HISTORY

Version Control	Approved By/Date	Date Effective	Amendment
1	President's Council 8/24/11	Winter 2012	
2	President's Council 3/24/21	March 2021	Updates and inclusion of MS programs
3	President's Council 2/23/22	February 2022	

### XVI. POLICY AUTHOR/CONTACT

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Author – Office of the Vice President of Student Affairs  
Contact -Director of Admissions

### **ND and SPE Program**

I. During the Application Process: SCNM must ensure that clear and conspicuous disclosure has been made in writing to the prospective ND student or SPE candidate before the CBC is procured. A statement such as the following shall be included on admission materials for the ND and SPE programs:

"I understand that, as a condition of admission, I will be required to undergo a criminal background check(s) and to permit the results to be provided by the reporting agency to SCNM. Further, as an enrolled student (or SPE candidate) I may be required to authorize clinical training facilities to conduct this check, and to permit the results to be provided by the reporting agency to SCNM and/or to clinical facilities. All expenses associated with the CBC are the responsibility of the applicant. If I am offered conditional admission, the offer will not be considered final, and I will not be permitted to enroll until completion of my background check, with results deemed acceptable by SCNM. If the results of the background check(s) are not deemed acceptable by SCNM, or if information received indicates that I have provided false or misleading statements, have omitted required information, or in any way am unable to meet the requirements for completion of the program, the conditional admission may be denied or rescinded, and/or I may be disciplined or dismissed."

Advising applicants that final admission is dependent on successful background investigation. Applicants will be informed in written admissions materials including web pages, MySCNM, and other promotional materials as well as on the application and SCNM enrollment agreement that final admission into SCNM's ND and SPE program is contingent upon successfully passing a criminal background check.

### **A. Permission to Conduct the Investigation**

Permission to conduct this required background investigation will be obtained for accepted students upon admission into the ND or SPE program and prior to matriculation. Accepted students or candidates must access the vendor's website and complete the appropriate release of information form that allows a background investigation to be conducted via an arrangement with the outside vendor. A copy of "Your Rights under the Fair Credit Reporting Act" will be provided for each student or candidate by the vendor. Within the jurisdictions noted by the student, criminal records will be checked, and the report may include arrests and convictions for all offenses of any type, including deferred judgments, and records that have been expunged. Appropriate authorization, with pertinent identifying information necessary to initiate the check, will be received from each accepted applicant prior to initiating a criminal background check. This authorization will inform the accepted applicant that he/she/they will have access to criminal background check data about himself/herself/themself to ensure the accuracy of the criminal background check report.

### **B. Admission Procedures – Post Admittance**

The criminal background check is not a component of the application, interview, or decision-making process of the school. It is a mandatory component of the post-admission matriculation process. The letter sent by the school to each admitted applicant will include information about this requirement, with the contingency that the final decision about medical school matriculation or SPE program admittance will be made after institutional review of the admitted applicant's criminal background check report.

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All students admitted into the ND program and candidates accepted into the SPE program will be required to submit to a background check through our vendor, Certiphi Screening Inc., a professional background check service. Admitted students or candidates will have ten (10) business days following notification to access the vendor website and to submit to the background check. Information obtained will only be used in accord with state and federal laws.

1. The Admissions Office will notify the vendor (Certiphi) of admitted students or candidates eligible for the background check. This will be done by the Director of Admissions or the Admissions Representatives. An email will be sent to each admitted student or candidate directing them to the vendor's website.
2. The vendor (Certiphi) will then conduct the background investigation.
3. The vendor (Certiphi) will return results to the student and the SCNM Admissions Office.
4. In cases where no criminal records appear, the admitted student's or candidate's record will reflect that the investigation was completed and satisfactory. The admitted student or candidate will be notified by Admissions that the background check report has been received. In the interest of maintaining confidentiality, The Director of Admissions and the V.P. of Student Affairs will have exclusive access to the specific findings and results. Admissions Representatives will be able to view the student's progress and completion of a CBC, but not specific findings or results.
5. In cases where a criminal record appears in the results of the background check, the student or candidate will be contacted by email and certified mail.
  - a. The admitted student must submit a Letter of Explanation (a formal written response) to the Director of Admissions within fifteen (15) business days of the notification from SCNM. Such written response should be sent to SCNM CBC, in care of the Director of Admissions. Any student or candidate who fails to provide a response prior to matriculation may have their admission rescinded by SCNM. Ultimate decisions about the matriculation of an admitted applicant whose criminal background check reveals information of concern will be made by the CBC.
  - b. The admitted student or candidate may contest the results directly with the vendor, but this must be completed within 15 business days of receipt of their Notification from SCNM.
  - c. The Director of Admissions shall submit the background report, the submitted written student response and character references, if submitted, and any vendor response to the CBC within twenty (25) business days of the student's or candidate's original notification.
    1. A Criminal Background Committee (hereafter referred to as CBC) will be comprised of the Dean of Students, the Associate Dean of Clinical Education, the Dean of the School of Naturopathic Medicine, Dean of the School of Nutrition, the Director of Admissions, and the Director of Human Resources.
    2. The Task Force shall establish criteria to help standardize the background check review process. The committee shall receive specialized training for evaluating criminal records to help them better interpret the results and pose appropriate questions. The committee may also consult with counselors, psychiatrists, attorneys, and other experts for guidance. The evaluation criteria will reflect the experiential site requirements, licensure restrictions, and an attempt to ensure campus, patient, and client safety. The evaluation criteria will be consistent to ensure that any institutional actions made on the basis of a criminal offense are not unreasonable, arbitrary, or capricious.

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3. The committee will conduct a confidential (identity-hidden) review of the information and then will make a recommendation to the Admissions Committee to allow matriculation or rescind admission to a student or candidate based on the timing, severity, number, and nature of any findings. **NOTE:** Any identified misrepresentation, falsification, or material omission of information from the application for admission to SCNM discovered during the criminal background review process may result in a recommendation to rescind the offer of admission of the student or candidate.
4. The following actions on the part of the applicant or findings derived from a criminal background check will automatically disqualify any applicant or accepted applicant from matriculation in the ND or SPE program:
  - Refusal to participate in the background check. SCNM may rescind an offer of admission or dismiss a student from the ND or SPE program for refusing or failing to participate in the criminal background check process
  - Conviction of Serious Offenses: Serious Violent Felony as defined in the U.S. Code, Title 18 chapter 1, part 16 and as classified in the U.S. Code, Title 18, chapter 227, part 3559). including, but not limited to a federal or state offense, by whatever designation, consisting of murder; manslaughter (other than involuntary manslaughter); assault with intent to commit murder; assault with intent to commit rape; aggravated sexual abuse and sexual abuse; abusive sexual contact; kidnapping; aircraft piracy; robbery; carjacking; extortion; arson; firearms use; firearms possession; or attempt, conspiracy, or solicitation to commit any of the above offenses.
  - Conviction of crimes against children.
5. The following findings derived from a criminal background check will not warrant a review by the CBC.
  - Traffic Violations. Traffic violations involving drugs or alcohol are not generally considered minor offenses.
  - Singular conviction of a Minor in Possession.
6. The CBC shall make a final decision about matriculation after careful review of factors including, but not limited to:
  - Number of convictions;
  - Nature, seriousness, and date(s) of occurrence of the violation(s)
  - Circumstances under which the offense occurred
  - Age of the person when the offense was committed
  - Documented successful rehabilitation;
  - Relevance of the crime committed relative to medical profession standards;
  - State or federal requirements relative to the medical profession;
  - Disclosure and accuracy of the information provided by the applicant in his/her application materials.
  - All known information regarding the applicant, including the written explanation, which may include character references;
  - Any other evidence demonstrating an ability to perform academic and clinical expectations competently and free from posing a threat to the health and safety of others.
7. The Director of Admissions will notify the student or candidate in writing of the CBC decision within 10 days of its decision.