



UCDHSC Administrative Policy

Title: Background Investigation Policy for Residents and Students in Health Science Programs

Source: Legal Office

Prepared by: University Counsel

Approved by: M. Roy Wilson
Chancellor

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Replaces: HSC Background Investigation Policy, 2004

Applies: All campuses

A. Introduction

UCDHSC operates a number of educational programs in the health disciplines that require residents and students (collectively referred to as "Trainees," as defined in Section V below) to complete clinical rotations at UCDHSC's affiliated health institutions. These affiliated institutions are subject to the Joint Accreditation Commission for Health Care Organizations ("JCAHO") Standard 1.20, which addresses background investigations for Trainees who will have access to the affiliated institution's patients. Therefore, Trainees applying for or enrolled in health science programs must consent to and pass a background investigation prior to final acceptance into a UCDHSC health education program (including Graduate Medical Education).

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C. Policy Statement

Because the inability to successfully complete a background investigation would render a Trainee unable to complete educational experiences at UCDHSC affiliates, all Trainees must consent to a criminal background investigation as a condition of being considered for acceptance into a UCDHSC health science program. Trainees who refuse to consent to the required background investigation, refuse to provide information necessary to conduct the background investigation or provide false or misleading information in regard to the background investigation will no longer be considered for admission into the training program for which they have applied. Trainees currently

enrolled in a UCDHSC School/Program will be required to complete a background investigation prior to participating in programs required by the School/Program. Further, any Trainee who has been admitted into a UCDHSC educational program and is found to have falsified information related to the background investigation will be subject to disciplinary action, up to and including dismissal from the program.

1. Enforcement

This policy is enforced and monitored through the individual Schools/Training Programs within UCDHSC. The Schools/Training Programs may coordinate with the UCDHSC Human Resources Office, University Police and/or with outside agencies for background investigations of Trainees. Background investigations for some disciplines may be performed as part of the nationwide application process rather than by the individual School/Program. In those circumstances an additional background investigation by UCDHSC is not required by this policy and is instead left to the discretion of the particular School/Program.

D. Procedures for Background Investigations of Trainees

1. Application. Background investigations will be conducted for all Trainee Applicants entering a UCDHSC health science program. A Trainee who has passed a background investigation prior to beginning a UCDHSC health science program will not be re-investigated unless the Trainee has not participated in a UCDHSC health science program for more than one year or unless the School/Program makes the determination that another background investigation is warranted. Repeat background investigations will require a new consent/release form signed by the Trainee prior to conducting the background investigation. Trainees who refuse to consent to additional background investigations will be subject to discipline, up to and including dismissal from the School/Training Program.
2. Final Acceptance Dependent on Successful Background Investigation. Prior to admission, Trainees will be informed that *final acceptance* into a UCDHSC health science program is contingent upon successfully passing a criminal background investigation.
3. Background Investigation Procedure.
 - a. Request to Conduct Background Investigation. A background investigation will be conducted as part of the routine admissions process of all Trainees. UCDHSC enrollment materials will include an inquiry about criminal convictions and a release/consent form that authorizes UCDHSC to conduct a background investigation on the Trainee. Trainees who refuse to complete these inquiries or do not answer truthfully and completely may not be allowed to enter a UCDHSC health science program. Trainees who refuse to sign the “Consent to Conduct a Background Investigation” form or provide inadequate/incorrect information on this form will not be allowed to enter a UCDHSC health science program.
 - b. Information Available Through Background Investigations. The criminal background investigation will include a record of all convictions. Only

conviction information will be considered. For purposes of this policy, a “conviction” is considered to be a verdict, a guilty plea or a Nolo Contendere (“No Contest”) plea. If the investigation reveals information that could be relevant to the Trainee’s suitability for enrollment, the designated individual or committee within the School/Training Program may request additional information from the Trainee. If the investigation reveals anything more than minor traffic convictions, it shall be forwarded to the designated committee within the School/Training Program.

- c. Notice of Completion of Background Investigation. The designated individual within the School/Training Program will review all criminal background investigation results. A Background Investigation Notification Letter will be sent to all Trainees who have failed the background investigation. If adverse information deemed to be relevant to the Trainee’s suitability for enrollment is contained in the background investigation, the designated individual within the School/Training Program will notify the Trainee in writing and will refer the investigation report to the designated committee within the School/Training Program. The designated committee will be responsible for making the final decision regarding whether the results of a background investigation disqualifies the Trainee from the training program.
- d. Disagreement with Information. Trainees who disagree with the accuracy of information found in the background investigation process may submit a written request to the designated individual within the School/Training Program, that the accuracy of the information the Trainee disputes be re-verified. The enrollment process will continue while the designated committee within the School/Training Program considers the Trainee’s request.

Trainees who do not pass the background investigation and who believe that there are extenuating circumstances to be taken into account may submit a written request for reconsideration to the designated individual within the School/Training Program. The designated committee may make exceptions where it is deemed to be in the best interests of UCDHSC.

4. Ability of Trainee to Review Information. The Trainee may review the criminal background investigation information received by the UCDHSC by contacting the designated individual within the School/program in writing.
5. Right to Respond to Adverse Report. The Trainee will be asked to review adverse information found in the background investigation report, and to provide a written response to the designated committee within the School/Training Program. When appropriate, the Trainee may be asked to meet with the designated committee in person.
6. Types of Investigations. Only criminal background investigations will be required before a Trainee will be allowed to start a UCDHSC program.

7. Pass/Fail Criteria for Criminal Background Investigations.

- a. Criminal Records. A Trainee will be considered to have “passed” the criminal background investigation if s/he meets all of the criteria listed below:
 - i. No convictions (felony or misdemeanor) for drug use or distribution.
 - ii. No convictions (felony or misdemeanor) for serious or violent crimes including, but not limited to, homicide or sexual assault.
 - iii. No convictions (felony) for nonviolent offenses.
 - iv. No convictions (felony or misdemeanor), related to moral turpitude, that indicate a potential threat to patient safety/patient care.
 - v. Not a registered sex offender.

- b. Convictions.
 - i. The existence of a conviction does not automatically disqualify a Trainee from entering a UCDHSC health science program. Relevant considerations may include, but are not limited to: the date, nature and number of convictions; the relationship the conviction bears to the duties and responsibilities of the position; and successful efforts toward rehabilitation. Any decision to allow a Trainee to enter a UCDHSC health science program with a conviction is solely at the discretion of the designated committee within the individual School/Training Program.
 - ii. If a Trainee truthfully discloses conviction(s) on the Background Investigation Consent form, an evaluation of each conviction will be made by the designated committee within the School/program before the Trainee is allowed to enter a UCDHSC health science program.
 - iii. Failure to disclose all previous convictions other than minor traffic convictions will be considered falsification of records and will be grounds for discipline up to and including withdrawal of acceptance into the UCDHSC health science program and, if discovered post-acceptance, termination for Trainees.

8. Confidentiality. Information obtained for the purpose of and during the background investigation, will be retained by the individual School/Training Program separate from other student/personnel records. Reasonable efforts will be made to ensure that results of criminal background investigations are kept as confidential as possible with a limited number of persons authorized to review results.

E. Definitions

1. *Applicants* are individuals who are not currently Students or Residents, but who have applied to be Students or Residents and are subject to the background investigation requirement prior to final acceptance into the School/Training Program for which they have applied.

2. *Background Investigation Notification Letter* is the form letter sent to individuals notifying them of the pass or fail status of their background investigation.
3. *Criminal Records* include in-state, out-of-state and international criminal history, including misdemeanor and felony convictions. Every effort will be made to verify convictions rather than relying on criminal arrest records. A “conviction” is generally defined as a verdict, a guilty plea or a Nolo Contendere (“No Contest”) plea.
4. *Required Information* for most background investigations includes name (including any former names), address (including address history), date of birth and social security number. Information will be obtained by a Consent to Conduct a Background Investigation form filled out by Trainees as part of the admissions process. The Trainee’s signature on the form is required as authorization for UCDHSC or its agents to conduct a background investigation.
5. *Resident* includes interns, residents and fellows (as those terms are defined by the American College of Graduate Medical Education) participating in a UCDHSC Graduate Medical Education training program.
6. *School/Training Programs* are the individual UCDHSC schools, departments, and programs that have clinical rotation requirements for their Trainees.
7. *Students* are individuals who are not Residents (defined above) who are enrolled in a UCDHSC health sciences program.
8. *Trainees* are Resident/Resident Applicants and Students/Student Applicants who are applying for or enrolled in any UCDHSC health science program.