



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

OP 34.25: Criminal Background Checks of Students

DATE: December 1, 2023

PURPOSE: The purpose of this Texas Tech University Operating Policy/Procedure (OP) is to ensure understanding and establish a standardized approach regarding the conduct of criminal background checks for students participating in internships and/or clinical training programs requiring a background check as a condition of participation.

REVIEW: This OP will be reviewed in October of odd-numbered years by the Registrar, the Provost and Senior Vice President for Academic Affairs (PSVPAA), and the Vice Chancellor and General Counsel with comments and/or substantive revisions submitted to the President by November 15.

POLICY/PROCEDURE

1. Purpose

Participation in on-site professional experiences is an essential element in certain degree programs. Students who cannot participate in on-site internships, on-site clinical or field experiences, or on-site educational or professional experiences (hereinafter referred to as “professional experience”) due to a criminal history or other adverse activities that are revealed in a background check may be unable to fulfill the requirements of their degree program. As a prerequisite to participation, many affiliated organizations and training sites and facilities (hereinafter referred to as “training site”) require individuals to pass a criminal background check as a condition of participation. Additionally, many professional licensing agencies require individuals to pass a criminal background check as a condition of licensure or employment. Therefore, it is in the best interest of the student, the university, and the university’s affiliated training sites to address these issues prior to a commitment of resources by all. Criminal background checks allow the training sites offering professional experience(s) to students and/or the university to evaluate whether students can be qualified, eligible, and in possession of the character and fitness necessary for professional experience participation.

2. Applicability

This policy applies to students enrolled and to be enrolled in educational programs that include, or may include at a future date, assignment to a professional training site where the student will receive professional experience. Presently, programs that may require a criminal background check include, but may not be limited to:

- a. Psychology;
- b. Social Work;

- c. Clinical lab sciences;
- d. Kinesiology and Sport Management;
- e. Human Sciences;
- f. Educator certification;
- g. Veterinary Medicine; and
- h. Any other programs that have on-site professional experiences as a component of the curriculum.

3. Policy

- a. This policy outlines the use of student criminal background checks for the purpose of determining whether a student is qualified, eligible, and in possession of the character and fitness to participate in on-site professional experience(s) at TTU-affiliated training sites. This policy applies to students seeking to study in programs designated as requiring a background check and to students currently enrolled in such programs. This policy applies to students seeking to participate in professional experience(s) as a requirement of their educational program.
- b. Students seeking to participate in professional experience(s) as a requirement of their current or prospective educational program may be required to consent to and complete a background check as a condition of participation, unless otherwise directed by TTU administration or the dean of an individual college or school. If applicable, training site(s) and/or TTU may require written consent to undergo a criminal background check. Students may be required to authorize the disclosure of that information to the training site or TTU.
- c. Additional background check(s) may be conducted prior to participation in:
 - Additional on-site professional experiences;
 - Professional experiences at different training sites;
 - Sites having unique requirements relating to criminal background checks;
 - The students' respective licensure processes; or
 - As otherwise required.
- d. A break in enrollment may require that the student undergo an additional criminal background check, unless specific facts indicate otherwise, as determined by the training site or TTU.
- e. A student who refuses to submit to a background check or who does not pass the background check review may be denied placement at the training site offering professional experience and/or dismissed from the academic program.
- f. Students who are denied placement at a training site offering professional experience or are dismissed from a program based on the criminal background check results may seek placement at another training site offering professional experience or admission into another educational program that does not have an on-site professional experience component requirement in its curriculum.

- g. The cost, if any, of all background check(s) shall be the student's responsibility.

4. Background Check Report

Background checks will have no time limit and may include, but not be limited to, the following:

- a. Criminal history search, including convictions, deferred adjudications, or judgments, and pending criminal charges involving felonies, Class A, Class B, and Class C violations;
- b. Social Security number verification;
- c. Violent sexual offender and predator registry search;
- d. Office of the Inspector General (OIG) List of Excluded Individuals and Entities;
- e. General Services Administration (GSA) list of parties excluded from federal programs;
- f. U.S. Treasury, Office of Foreign Assets Control (OFAC); and
- g. Applicable state exclusion list.

5. Procedure

- a. Obtaining a Background Check Report

The training site or, alternatively, TTU will designate approved company/companies to conduct the background checks and issue reports directly to the training site or, alternatively, to the student's college or school. Subject to departmental policy, the training site will be expected to facilitate this background check and to promptly notify TTU if it will be unable to do so. The training site may deny placement of students with a criminal background. If a site denies a placement for this reason, the educational program may attempt to assist the student in obtaining a placement at an alternate training site. Students should be aware, however, that if they are unable to obtain a placement, they might not meet TTU's requirements for a degree. Results from a company other than those designated will not be accepted. Students must contact the respective designated company and comply with its instructions in authorizing and obtaining a background check. Students are responsible for payment of any fees charged by a designated company to provide the background check service.

- b. Review

If the background check reveals criminal history record information, background check reports will be submitted to the training site or, alternatively, the PSVPAA for review. The student may be cleared to participate in the on-site professional experience(s) if the report does not contain any negative findings. If the report contains negative findings, the training site or, alternatively, the PSVPAA may request that the student submit additional information relating to the negative finding, which may be used in making a determination regarding participation.

c. Evaluation Criteria

The training site or, alternatively, the PSVPAA may consider the following factors in making determinations:

- (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 occurred;
- (7) Past employment and history of academic or disciplinary misconduct;
- (8) Evidence of successful rehabilitation; and
- (9) The accuracy of the information provided by the student, disclosure forms, or other materials.

Each training site or individual training program may designate its own unique evaluative criteria for criminal background checks.

d. Disqualifying Offenses, Licensure, and Site-Specific Requirements

Some criminal offenses preclude students from participating in on-site professional experience(s). In addition, some professional licensure boards include specific offenses that constitute those crimes for which licensure is prohibited. Thus, students in these situations are subject to the statutory or regulatory requirements independently imposed by law, or as required by such entities.

The following findings may constitute a disqualifying offense, including, but not limited to:

- (1) Felonies and misdemeanors involving sexual offenses (i.e., registered sex offenders must disclose this information to the university);
- (2) Homicide or murder;
- (3) Abuse of at-risk populations (e.g., children, elderly, prisoners, patients);
- (4) Possession of child pornography;
- (5) Possession of illegal substances with intent to sell;
- (6) Inclusion on a list of excluded individuals; and

(7) Dishonorable discharge.

Students must meet any and all requirements of the training site offering professional experience(s), which may be more extensive than those referenced hereinabove. Inability to participate in an on-site professional experience environment or being subject to any other exclusion prescribed by law may preclude the successful completion of the requisite degree requirements. As such, affected students may not be eligible for continuation in the educational program.

e. Rights

Students have the right to review the information reported by the designated company for accuracy and completeness and to request that the designated company verify that the background information provided is correct. Prior to a final determination by the training facility or TTU that will adversely affect the student, the student will be provided a copy of or access to the background check report issued by the designated company. The student will be informed of her/his rights and how to contact the designated company to challenge the accuracy of the report.

If the PSVPAA determines that dismissal from the educational program is warranted, the student may appeal that decision, in accordance with an appeal procedure to be administered by each academic unit in accordance with departmental policy, by providing written notice within 15 days of the date the student received notice of her/his dismissal from the program. The academic unit will consider the appeal and make a recommendation to the PSVPAA, who shall make a final determination on the appeal. The decision of the PSVPAA is final. Regarding a determination made by a training facility, such appeal rights will be governed by the internal policies and procedures of the training facility.

6. Confidentiality and Recordkeeping

- a. For criminal history record information that is submitted to the students' school or college, such information shall be maintained by the office overseeing the educational training program, separate from the students' regular education/training records, and treated as confidential.
- b. Background check reports and other submitted information are confidential and may only be reviewed by TTU officials and training sites in accordance with the [Family Educational Rights and Privacy Act \(FERPA\)](#).
- c. If given access to personally identifiable information about any student during the professional experience opportunity, training sites are expected to abide by the limitations on re-disclosure of personally identifiable information from student records as set forth under [FERPA, 34 CFR § 99.3](#). To the extent a training site has access to or creates "education records" during the professional experience as defined in FERPA, the training site will be expected to:
 - (1) Hold FERPA Records in strict confidence and not use or disclose FERPA Records except as required by law or otherwise authorized by TTU in writing; and

- (2) Safeguard FERPA Records according to commercially reasonable administrative, physical, and technical standards that are no less rigorous than the standards by which the training site protects its own confidential information.

7. Other Provisions

- a. For criminal history record information that is submitted to the students' school or college, the school or college shall inform students who have negative findings in their background check report, but are nonetheless permitted to participate in an on-site professional experience, that the PSVPAA's decision is not a guarantee that every training site will permit the student to participate in on-site professional experience(s) at its facility or that any state will accept the individual as a candidate for registration, permit, or licensure.
- b. Because background checks vary in coverage and scope and may vary by state, a finding by a training site or the PSVPAA that a student's background check report does not contain any negative findings is not a guarantee that any state will ultimately accept the individual as a candidate for registration, permit, or licensure.
- c. Falsification of information, including omission of relevant information, may result in denial/rescission of admittance to the training site and/or dismissal from the educational program and may subject the student to disciplinary action in accordance with university policies.
- d. Criminal activity that occurs while a student is enrolled in the program and/or in attendance at the training site may result in denial/rescission of admittance to the training site and/or dismissal from the educational program.

8. Teacher/Educator Certification

Many Texas school districts require applicants for student teaching or field experiences to undergo a criminal history background check prior to placement in the school district. School districts may deny placement of students with a criminal background. If a school district denies a placement for this reason, the college may attempt to assist the student in obtaining a placement in an alternate district. Students should be aware, however, that if they are unable to obtain a placement, they will not meet TTU's requirements for a teaching degree or educator certification. Additionally, the Texas State Board for Educator Certification (SBEC) regulates the certification of educators to teach Texas public school children. Before an individual can be certified, SBEC will conduct a criminal history background check to ensure an applicant's suitability to interact with children. Working with the FBI, the agency conducts a national criminal history background check on all applicants for educator certification. Students pursuing educator preparation should be aware that some criminal histories might lead to the denial of certification as a teacher. Students may obtain additional information from SBEC.

9. Right to Amend Policy

TTU reserves the right to interpret, change, modify, amend, or rescind any policy in whole or in part.