

Policy Name: Criminal Background Checks for Accepted Applicants and Currently Enrolled Students in RBHS

Approval Authority: RBHS Chancellor

Originally Issued: 2/2/2005

Revisions: 5/17/2012, 4/3/2013

1. **Who Should Read This Policy**

All Rutgers students and faculty in Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, Graduate School of Biomedical Sciences, School of Public Health, and School of Nursing (former UMDNJ School of Nursing).

2. **Related Documents**

3. **The Policy**

- A. Individuals to whom this policy applies will be required to have a criminal background check performed with results deemed favorable by the University as a condition of their admission or initial enrollment and/or continued enrollment. An offer of admission will not be final and enrollment not permitted until the completion of the background check with results deemed favorable by the University. Admission may be denied or rescinded, or enrollment terminated, or a visiting student refused based upon the results of the criminal background check.
- B. Individuals to whom this policy applies must sign a form authorizing the University to have a criminal background check performed on them by a consumer reporting agency engaged by the University to conduct such checks (EXHIBIT A), and complete an Accepted Applicant/Enrolled Student Disclosure Form requiring information about previous convictions and/or guilty or no contest pleas to crimes, misdemeanors or other offenses (EXHIBIT B).
- C. The background check shall include a Social Security Number trace to confirm past residences, a search of the U.S. Department of Health and Human Services Office of Inspector General List of Excluded Individuals/Entities (LEIE), and a criminal background search. The criminal background search shall involve all levels of criminal offense, all types of adjudications, all legal processes not yet resolved, and all types of offenses, extending as far back as possible.
- D. Omission of required information, or false or misleading information provided by the individual on the Accepted Applicant/Enrolled Student Disclosure Form (EXHIBIT B) or in

any other communication with the University or its Schools may result in denial or rescission of admission, disciplinary action or dismissal.

- E. The following statement shall be included on admissions application forms for all pertinent RBHS Schools and educational programs:

“I understand that, as a condition of admission, I may be required to authorize Rutgers to obtain criminal background check(s). I may also be required to obtain a background check myself or authorize clinical training facilities to conduct this check, and to permit the results to be provided by the reporting agency to Rutgers and/or to clinical facilities. If I am offered 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 favorable by Rutgers. If the results of the background check(s) are not deemed favorable by Rutgers, 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 admission may be denied or rescinded, or I may be disciplined or dismissed.”

- F. Each pertinent School will inform potential applicants, enrolled students and visiting students that criminal background checks may be performed by means of an announcement in the catalog, student handbook, bulletin or any other pertinent informational materials, stating that:

“As a condition of admission and continued enrollment, students may be required to authorize Rutgers to obtain criminal background check(s). Students may also be required to obtain a background check themselves or authorize clinical training facilities to conduct this check, and to permit the results to be provided by the reporting agency to Rutgers and/or to clinical facilities. Offers of admission will not be considered final and enrollment will not be permitted until completion of the background check, with results deemed favorable by Rutgers. If the results of the background check(s) are not deemed favorable by Rutgers, or if information received indicates that the student has provided false or misleading statements, has omitted required information, or in any way is unable to meet the requirements for completion of the program, the admission may be denied or rescinded, or the student may be disciplined or dismissed. Students must also agree to notify the School of any convictions, guilty pleas or no contest pleas to any crime, misdemeanor or other offense and of any arrests, charges or investigations by any law enforcement authorities or professional licensing authority, which occur subsequent to the applicant's/student's submission of the Accepted Applicant/Enrolled Student Disclosure Form. Notification is required the next business day following the reportable event. If next day reporting is not feasible, the student must notify the School as soon as possible, and in no event later than ten working days following the event.”

- G. The University will consider criminal background check reports that were originally performed for educational or employment purposes at another institution or agency in lieu of checks performed by Rutgers if these checks were performed within one year of enrollment for applicants for admission, or within one year of the current academic term for enrolled or visiting students, and if these checks were as comprehensive as those performed by the agency engaged by the University. These reports must be sent directly from the agency or institution for which the criminal background check was performed to the accepted applicant's/enrolled student's RBHS School. The University reserves the right to require an additional criminal background check performed by a consumer reporting agency approved by the University.
- H. RBHS students who have had a break in enrollment (e.g., withdrawal, leave of absence, suspension) of more than twelve months may, at the discretion of the school, be required to have a criminal background check performed with results deemed favorable by the University as a condition of their return.

- I. If the background check report reveals information of concern which the University may deem unfavorable, the School will provide the accepted applicant or enrolled or visiting student a copy of the report and the document "A Summary of Your Rights Under the Fair Credit Reporting Act" (EXHIBIT C), and require the individual to provide a detailed written description and explanation of the information contained in the report along with appropriate documentation, specifically police reports. (EXHIBITS D and E are sample letters for this purpose.) This information must be returned to the School within 10 working days of the date the communication is sent to the individual, or another date specified by the School in its communication with the individual. The 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.
- J. The University, as represented by the University Office of Academic Affairs, the Office of General Counsel, The RBHS Chancellors' Office, and a School official, will review the report, the accepted applicant's/enrolled student's explanation and any supplementary information, and will consider factors such as: the nature and seriousness of the offense, the circumstances under which the offense occurred, 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, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, and the accuracy of the information provided by the accepted applicant in the application materials, Disclosure Form or other materials. If the University deems the background check information unfavorable, or if the information received indicates that the accepted applicant/enrolled student is in any way unable to meet the requirements for completion of the program, or if the individual fails to provide additional documentation as required, an offer of admission may be denied or rescinded, or an enrolled student may be disciplined or dismissed, or a visiting student refused. (See Section K below.) Unresolved criminal charges in the background check or delay by the individual in providing additional documentation as required may necessitate postponement of the University's final decision pending the outcome of the matter.
- K. Some University-affiliated clinical facilities may require disclosure of a student's criminal background check report prior to permitting the student to participate in the educational program at the facility. When a student's educational program includes participation at such clinical facilities, the University will disclose to the facility any items reported on the student's background check report, without identifying the student. If the facility then agrees to accept the student and requires disclosure of the student's name, or if disclosure of criminal background information would likely identify the student, the University will advise the student of the need to disclose the student's identity and the contents of the background report with supplementary materials, and will seek the student's written authorization to do so. (See EXHIBIT F, sample letter to obtain student consent to disclose to clinical facilities.) If the student refuses to consent to disclosure to the facility, the School may permit the student to participate at an alternate clinical site, if available and appropriate to the program. If no such site is available and appropriate, the student will be advised that he/she may not be able to fulfill the essential functions of the program and is at risk for dismissal.
- L. If an accepted applicant's admission is denied or rescinded, or an enrolled student is subject to an adverse action, or a visiting student refused based on information obtained from a criminal background report, the accepted applicant or enrolled student will be advised of the name and address of the consumer reporting agency that furnished the report, and of the right to dispute the accuracy or completeness of any information contained in the report by contacting the consumer reporting agency directly. (See EXHIBIT H for a sample letter withdrawing an offer of admission, EXHIBIT I for a sample letter withdrawing an offer of admission when applicant has not provided required documents about information of concern, and EXHIBIT C for a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act.")

- M. If the University decides, based upon the individual's written description, explanation and documentation about information contained in a criminal background check, that the results of the check are deemed favorable, the individual shall be informed that the University's positive decision is not a guarantee that every clinical facility will permit the student to participate in its portion of the educational program in the future, or that any state will accept the individual as a candidate for registration, permit or licensure. (See EXHIBIT J, sample letter advising accepted applicant or enrolled student of positive decision after review of items of concern.)
- N. Criminal background check reports will be maintained securely, confidentially and separately from an admission file or a student's academic file. Criminal background check reports must be maintained for a period of at least five years after graduation or separation from the University for enrolled students, and for at least five years after last activity involving applicants.
- O. The following language should ordinarily be included in Memoranda of Understanding with clinical facilities:

"If the Facility requires evidence of criminal background checks for students engaged in training at the Facility, the Facility agrees that it will either permit University students to participate in training pursuant to this Agreement based on the University's statement that a criminal background check with outcome deemed acceptable by the University was completed either at the time of admission or prior to the student's enrollment in clinical coursework, or conduct its own criminal background check on each student at its sole expense."
- P. If required by a clinical facility, the following language may be included in Memoranda of Understanding, if given prior approval by the University Office of Academic Affairs:

"The Facility requires evidence of criminal background checks for students engaged in training at the Facility. Students with criminal background checks deemed favorable by the University will be recommended for placement at Facility. Upon request, Facility may review any findings of concern that were deemed favorable by the University without identification of the student. If such findings of concern are acceptable to Facility and Facility agrees to accept student for clinical placement, University will identify the student if specifically requested by the Facility, after student consent is obtained."

V. EXHIBITS

- A. Accepted Applicant/Enrolled Student Authorization for Criminal Background Check
- B. Accepted Applicant/Enrolled Student Disclosure Form
- C. "A Summary of Your Rights Under the Fair Credit Reporting Act"
- D. Sample letter from a School to an accepted applicant for admission accompanying a criminal background check report containing information of concern and requesting additional information
- E. Sample letter from a School to an enrolled student accompanying a criminal background check report containing information of concern and requesting additional information
- F. Sample letter from a School to an accepted applicant or enrolled student in which consent is sought to disclose criminal background check reports to clinical facilities
- G. Sample letter from a School to an enrolled student dismissing the student after review of items of concern from a criminal background check

- H. Sample letter from a School to an accepted applicant for admission withdrawing an initial offer of admission
- I. Sample letter from a School to an applicant accepted for admission withdrawing an offer of admission when applicant has not provided required documents about information of concern from a criminal background check
- J. Sample letter advising accepted applicant or enrolled student of positive decision after review of items of concern from a criminal background check

EXHIBIT A

(Print on School's stationery)

Accepted Applicant/Enrolled Student Authorization for Criminal Background Check

In order to complete your educational program at Rutgers Biomedical and Health Sciences (RBHS) , the performance of a completed criminal background check is required. Some University-affiliated clinical facilities may require disclosure of a student's criminal background check report prior to permitting the student to participate in the educational program at the facility. Rutgers engages the services of a consumer reporting agency to conduct this background check. Authorization to conduct this background check and results deemed favorable by Rutgers are conditions for admission and continued enrollment. Please complete the following authorization:

I hereby authorize Rutgers to obtain consumer reports (criminal background check) in order to satisfy the requirements of my educational program. I will be informed if my offer of admission is denied or rescinded or if my enrollment is terminated because of information obtained from the consumer reporting agency; in that event, upon my written request, the consumer reporting agency will provide me with a copy of the report and a "Summary of Your Rights Under the Fair Credit Reporting Act." (FCRA 15 U.S.C. 1681 et seq.)

Name (please print): _____ SS#: _____

Other name(s) used (please print): _____ Date of birth: _____

Current address and former addresses for the past 10 years. Include address, town, state and zip code.
Please print:

Current:

Previous:

Previous:

Previous:

Attach additional pages if needed.

Signature: _____ Date: _____

EXHIBIT B

(Print on School's stationery)

Accepted Applicant/Enrolled Student Disclosure Form

Please answer the following questions and return this form with the Accepted Applicant/Enrolled Student Authorization for Criminal Background Check:

Have you ever been convicted of, or pleaded guilty or no contest to a crime, misdemeanor or other offense? (All convictions, guilty or no contest pleas must be disclosed unless you have a court order [written document] expunging the incident from your records.)

____ Yes

____ No

If yes, please describe the specific nature, year, location and disposition to date of the charge:

I hereby release Rutgers, its affiliated entities, employees and agents from all liability for requesting the above information and/or criminal background check reports and for acting based on such information and/or reports.

I certify that the information above is true, accurate and complete. Any omission, or false or misleading information may result in actions including, but not limited to, denial or rescission of an offer of admission, disciplinary action or dismissal. I also agree to notify the School of any future convictions, guilty pleas or no contest pleas to any crime, misdemeanor or other offense; and of any future arrests, charges or investigations by any law enforcement authorities or professional licensing authorities by the next business day following the reportable event. If next day reporting is not feasible, I will notify the School as soon as possible, and in no event later than ten working days following the event.

Name: _____
(Please print)

Signature: _____

Date: _____

EXHIBIT C

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identify theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;you are unemployed but expect to apply for employment within 60 days. In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.
- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus by calling them directly.
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission Consumer Response Center – FCRA Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word “National” or initials “N.A.” appear in or after bank’s name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word “Federal” or initials “F.S.B.” appear in federal institution’s name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552 800-842-6929
Federal credit unions (words “Federal Credit Union” appear in institution’s name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600
State chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342

Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 202-720-7051

EXHIBIT D

**SAMPLE LETTER FROM A SCHOOL TO AN ACCEPTED APPLICANT FOR ADMISSION
ACCOMPANYING A CRIMINAL BACKGROUND CHECK REPORT CONTAINING INFORMATION OF
CONCERN AND REQUESTING ADDITIONAL INFORMATION**

Dear _____:

Pursuant to the authorization and information you provided, a criminal background check has been completed. A copy of the report produced by the consumer reporting agency is enclosed for your review. You have the right to dispute the accuracy or completeness of any information contained in the report by contacting the consumer reporting agency directly:

(type name, address and phone number of consumer reporting agency)

A copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" is enclosed with this letter.

Please review carefully each item in the report and provide a detailed, written description and explanation, along with appropriate documentation, including police reports. Pending the resolution of this issue to the satisfaction of Rutgers , your pre-enrollment requirements have not been met and your offer of admission is not final.

Please return your response to _____ within ten working days of the date of this letter. As noted in your application and in your authorization to conduct the background check, your admission may be denied or rescinded, unless the results of your background check are deemed favorable by Rutgers .

Yours truly,

EXHIBIT E

SAMPLE LETTER FROM A SCHOOL TO AN ENROLLED STUDENT ACCOMPANYING A CRIMINAL BACKGROUND CHECK REPORT CONTAINING INFORMATION OF CONCERN AND REQUESTING ADDITIONAL INFORMATION

Dear _____:

Pursuant to the authorization and information you provided, a criminal background check has been completed. A copy of the report produced by the consumer reporting agency is enclosed for your review. You have the right to dispute the accuracy or completeness of any information contained in the report by contacting the consumer reporting agency directly:

(type name, address and phone number of consumer reporting agency)

A copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" is enclosed with this letter.

Please review carefully each item in the report and provide a detailed, written description and explanation, along with appropriate documentation, **including police reports**. Pending the resolution of this issue to the satisfaction of Rutgers , your ability to participate in training at clinical facilities and your continued enrollment are at risk.

Please return your response to _____ within ten working days of the date of this letter. As indicated in your authorization to conduct the background check, you may be subject to dismissal from the program, unless the results of your background check are deemed favorable by Rutgers .

Yours truly,

EXHIBIT G

**SAMPLE LETTER FROM A SCHOOL TO AN ENROLLED STUDENT DISMISSING THE STUDENT
AFTER REVIEW OF ITEMS OF CONCERN FROM A CRIMINAL BACKGROUND CHECK**

Dear _____:

This is to inform you that the review of the results of your criminal background check and the explanation and information you provided has been completed. I regret to inform you that the results are not deemed favorable by Rutgers. Your enrollment, which was conditioned on results deemed favorable by , is terminated effective immediately and you are dismissed from (*school*).

This decision is based, in whole or in part, on information provided in a consumer report furnished by:

(type name, address and phone number of consumer reporting agency)

Please be advised that the consumer reporting agency did not make the decision to take this action and will be unable to provide you with the specific reasons why you have been dismissed. You have a right to obtain a free copy of the consumer report which the consumer reporting agency prepared on you by writing to the consumer reporting agency. You also have the right to dispute the accuracy or completeness of any information contained in the report by contacting the consumer reporting agency directly. A copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" is enclosed with this letter.

Yours truly,

EXHIBIT H

SAMPLE LETTER FROM A SCHOOL TO AN ACCEPTED APPLICANT FOR ADMISSION WHO IS NOT YET ENROLLED WITHDRAWING AN OFFER OF ADMISSION

Dear _____:

This is to inform you that the review of the results of your criminal background check and the explanation and information you provided has been completed. I regret to inform you that the results are not deemed favorable by Rutgers. Your offer of admission for the (Fall/Spring 200X) semester, which was conditioned on results deemed favorable by Rutgers, is therefore withdrawn.

This decision is based, in whole or in part, on information provided in a consumer report furnished by:

(type name, address and phone number of consumer reporting agency)

Please be advised that the consumer reporting agency did not make the decision to take this action and will be unable to provide you with the specific reasons why you were not offered final admission. You have a right to obtain a free copy of the consumer report which the consumer reporting agency prepared on you by writing to the consumer reporting agency. You also have the right to dispute the accuracy or completeness of any information contained in the report by contacting the consumer reporting agency directly. A copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" is enclosed with this letter.

Yours truly,

EXHIBIT I

**SAMPLE LETTER FROM A SCHOOL TO AN APPLICANT ACCEPTED FOR ADMISSION
WITHDRAWING AN OFFER OF ADMISSION WHEN APPLICANT HAS NOT PROVIDED REQUIRED
DOCUMENTS ABOUT INFORMATION OF CONCERN FROM A CRIMINAL BACKGROUND CHECK**

Dear _____:

This is to inform you that the review of the results of your criminal background check has been completed. Because you failed to provide the explanation and/or other documents requested, your results were reviewed without them. I regret to inform you that the results are not deemed favorable by Rutgers. Your offer of admission for the (Fall/Spring 200X) semester, which was conditioned on results deemed favorable by Rutgers, is therefore withdrawn.

This decision is based, in whole or in part, on information provided in a consumer report furnished by the following consumer reporting agency:

(type name, address and phone number of consumer reporting agency)

Please be advised that the consumer reporting agency did not make the decision to take this action and will be unable to provide you with the specific reasons why you were not offered final admission. You have a right to obtain a free copy of the consumer report which the consumer reporting agency prepared on you by writing to the consumer reporting agency. You also have the right to dispute the accuracy or completeness of any information contained in the report by contacting the consumer reporting agency directly. A copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" is enclosed with this letter.

Yours truly,

EXHIBIT J

**SAMPLE LETTER ADVISING ACCEPTED APPLICANT OR ENROLLED STUDENT OF POSITIVE
DECISION AFTER REVIEW OF ITEMS OF CONCERN FROM A CRIMINAL BACKGROUND CHECK**

Dear _____:

I am pleased to inform you that Rutgers has completed the review of your criminal background check report and supplementary materials and has deemed the results to be favorable.

Please be advised that this decision does not guarantee that you will be permitted by every clinical affiliate to participate in its portion of the Rutgers educational program in the future. It also does not guarantee that you will be granted privileges at any facility or that any state will accept your application for registration, permit or licensure.

Yours truly.