

## **Graduate Student Background Check Policy**

University of Texas at Tyler Department of Psychology and Counseling  
Voted and Approved by Faculty on 11 November, 2020

### **I. Applicability**

This policy applies to applicants to, or students enrolled in, an educational program that includes, or may include at a future date, assignment to a clinical health care facility. Visiting students who enroll in courses with such an assignment are also subject to the policy.

Presently, programs that require a background check include:

- a. Clinical Mental Health Counseling MA (general, couple and family)
- b. School Counseling MA
- c. Clinical Psychology MA (general, neuropsychology)
- d. Clinical Psychology (Ph.D.)\*

*\*background check is not required until after admission, prior to enrollment*

### **II. Policy**

Effective immediately, applicants must submit to and satisfactorily complete a background check review as a condition to Graduate Full admission into all programs designated as requiring a background check. An offer of Graduate Full admission will not be made until the background check results are deemed favorable by departmental review. Admission may be delayed, denied or rescinded based on a review of the background check results.

Additionally, students who are currently enrolled and who do not have a valid background check must submit to a background check review. A favorable department review outcome will be a condition for enrollment or participation in educational experiences at affiliated internship or practicum sites.

Students who refuse to submit to a background check or do not receive a favorable departmental review/outcome may be dismissed from the program.

Applicants or students who are denied admission to or are dismissed may seek admission into another educational program that does not have a clinical component requirement in its curriculum.

### **III. Rationale**

- A. Mental Health care providers are entrusted with the health, safety and welfare of patients/clients, have access to 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.
- B. Educational programs within the UT System may conduct background checks for security purposes on individuals who provide services within the facility and especially those who supervise care and render treatment.
- C. Clinical practica and internships are essential elements in certain educational programs. Students who cannot participate in practica and internships 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, the student, or applicant.
- D. The Department is obligated to meet the contractual requirements contained in affiliation agreements between the University and the various mental health care facilities.

#### IV. Background Check Report

- A. *Obtaining a Background Check Report.* The Department will designate approved company(ies) to conduct the background checks and issue reports directly to the Department. Results from a company other than those designated may be accepted on a case by case basis. Students and applicants must contact a designated company and comply with its instructions in authorizing and obtaining a background check. Students and applicants are responsible for payment of any fees charged by a designated company to provide the background check service.
- B. *Scope.* Background checks may include the following and is subject to the procedures and information obtained from the organization/company conducting the background check:
- Criminal history search, including convictions, deferred adjudications or judgments, expunged criminal records, and pending criminal charges involving felonies, Class A, Class B, and Class C violations, and/or misdemeanors, excluding misdemeanors punishable only by fines.
  - Social Security Number verification
  - Sexual Offender and Predator Registry search
  - Office of the Inspector General (OIG) List of Excluded Individuals/Entities
  - Applicable State Exclusion List
  - Residency History
  - The Texas Department of Public Safety (DPS) Crime Records Service – Public Site.
  - Other public state, national, and international sites.
- C. *Rights.* Students and applicants 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 making a final determination that will adversely affect the applicant or student, the Department will provide applicants or students, a copy of, or access to the background check report issued by the designated company, and inform them of their rights, how to contact the designated company to challenge the accuracy of the report, and that the designated company was not involved in any decisions made by the Department.

#### V. Procedure

- A. Applicants
1. Masters-level applicants must complete the required background check prior to consideration for admission.
  2. The background check report will be submitted to the admissions committee for its review. If the report contains unfavorable findings, the admission committee may request that the applicant submit additional information relating to the unfavorable finding, such as a written explanation, court documents, police reports, or licensure board eligibility disposition. The admission committee will review all information available to it and determine whether the offer of admission should be withdrawn.
  3. An applicant may appeal the decision of the admissions committee to deny admission to the College Dean. Any further appeals will follow the Graduate College policy for admissions decision appeals (see: <https://catalogs.uttyler.edu/en/2018-2019/Catalog/Graduate-Policies-and-Programs/Graduate-Policies/Admission-Denial-Appeal-Process>).
- B. COMMITTEE REVIEW STANDARDS. In reviewing the background check reports and any information submitted, a committee may consider the following factors in making its determinations: the nature and seriousness of the offense or event, the circumstances surrounding the offense or event, the 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 or event occurred, whether the offense or event was an isolated or repeated incident, the length of time that has passed since the offense or event, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, and the accuracy of the information provided by the applicant or student in the application materials, disclosure forms, licensure eligibility disposition results, or other materials. The committee should bear in mind both the safety interests of the client and the workplace, as well as the educational interest of the student. In reviewing background checks and supplementary information, advice may be obtained from university counsel, university police, or other appropriate advisors.

- C. DEFERMENT. A reviewing committee may extend an offer of admission for up to one semester while any parts of the processes above are completed and resolved.

#### **VI. Confidentiality and Recordkeeping**

- A. 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 (FERPA).
- B. Students. Background check reports and other submitted information of students will be securely maintained via ImageNow, the University's electronic document imaging system, and separate from the students' academic folder.
- C. Applicants Denied Admission. 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 (found here: <https://www.utt Tyler.edu/facilities/records-policy/>).

#### **VII. Other Provisions**

- A. the Department's decision is not a guarantee that every internship/practicum facility will permit the student to participate in the educational program at its facility, or that any state will accept the individual as a candidate for registration, certification, or licensure. Clinical practica or internship sites may require additional background checks not conducted by the Department. Students are encouraged to seek a licensure eligibility disposition early in their program from any licensing boards (e.g. Texas LPC, LPA) from which they plan to seek licensure.
- B. A background check will be honored for the duration of enrollment if the student is continuously enrolled. A student who has a break in enrollment is required to complete a new background check. A break in enrollment is defined as non-enrollment of three consecutive semesters or a calendar year in the approved curriculum of the certificate or degree program. However, a student whose attendance has been suspended due to a pending licensing agency's eligibility disposition review will not be considered as having a break in enrollment.
- C. Falsification of information, including omission of relevant information, may result in denial of admission or dismissal from the educational program.
- D. Any new criminal activity that occurs while a student is in attendance at the university is required to be reported by the student to the Department Chair within 30 days of its occurrence, may result in disciplinary action, including dismissal, and will be addressed through the university's academic or disciplinary policies. Annually, current students will be required to affirm that they have no new criminal activities that are reportable (excludes misdemeanors with only fines).

The main purpose for the background check policy instated by the Department of Psychology and Counseling is to prevent any student from entering a graduate program that may be ineligible to hold a license (LPC, LPA, Licensed Psychologist). This helps to prevent the individual from incurring any unnecessary cost and time wasted by completing an educational preparatory program that is intended to lead to licensure. Students may submit an application

for a Criminal History Evaluation Letter

(<http://www.tsbep.texas.gov/files/forms/Application%20for%20Criminal%20History%20Evaluation%20Letter%202017June.pdf> ). This request will essentially require the Board to evaluate the nature and seriousness of the crime; the relationship of the crime to the purposes for requiring a license to engage in the occupation; the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation. There is a fee associated with this letter.

All questions regarding this evaluation should be directed to the Texas State Board of Examiners of Psychologists at (512) 305-7700. Texas State Legislature links -

<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.51.htm#51.4012> ,

<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.53.htm#53.101>