


<p><b>Name of Policy:</b> <u>Criminal Records Checks</u></p> <p><b>Policy Number:</b> 3364-82-07</p> <p><b>Approving Officer:</b> President</p> <p><b>Responsible Agent:</b> Dean of the College of Nursing</p> <p><b>Scope:</b> Applicants of The University of Toledo College of Nursing.</p>	 <p><b>Effective date:</b> May 5, 2014</p>								
<table> <tr> <td><input checked="" type="checkbox"/></td> <td>New policy proposal</td> <td><input type="checkbox"/></td> <td>Minor/technical revision of existing policy</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Major revision of existing policy</td> <td><input type="checkbox"/></td> <td>Reaffirmation of existing policy</td> </tr> </table>		<input checked="" type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy	<input type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy
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A) Policy Statement

A criminal record check will be conducted on applicants that wish to enter the College Nursing at The University of Toledo in the Upper Division B.S.N. and all of the graduate nursing programs.

B) Purpose of Policy

To assure that students in the College of Nursing at the University do not have a criminal history that may preclude the student from participating in various aspects of a program.

C) Scope

This policy applies to all applicants to the College Nursing wish to enter the College Nursing at The University of Toledo in the Upper Division B.S.N. and all of the graduate nursing programs.

D) Procedure

- 1) The College of Nursing will conditionally accept students into the College of Nursing in the Upper Division B.S.N. and all of the graduate nursing programs subject to completion of the Criminal Record Check.
- 2) Authorization Process and the Criminal Record Check
  - a) All incoming applicants wishing to be students of the College of Nursing in the Upper Division B.S.N. and all of the graduate nursing programs will be fingerprinted through the Health Science Campus Police Department at the University. Applicants undergoing a criminal record check must complete the appropriate Authorization to Release Information (*Appendix A*). Fingerprint checks will be conducted under Senate Bill 38 (care of children) and Senate Bill 160 (care of the elderly) where necessary.
  - b) The Bureau of Criminal Identification & Investigation will conduct an Ohio and Federal record check. If residence of the applicant is a state outside of the state of Ohio, the background check will be conducted for that state. The cost of the criminal record check will be paid by the

applicant. The criminal history or records check will only report convictions, conviction-equivalent adjudications<sup>1</sup>, and all arrests without final adjudication<sup>2</sup> (both felonies and misdemeanors).

- c) Acceptance into the University's College of Nursing in the Upper Division B.S.N. and all of the graduate nursing programs are conditional upon completion and approval of the information received regarding the criminal record check.

### 3) Handling Adverse Reports

- a) In the result of an adverse report, the report will first be submitted to the applicant along with a copy of the Fair Credit Reporting Act Notification attached as *Appendix B*. Upon receiving this Report, the applicant will have ten (10) calendar days from the date the Report is sent to review their Report. The accepted applicant will be provided with an opportunity to contest the contents of the Report within the specified ten-calendar day period.
- b) After the ten (10) day period has lapsed, the Report will be submitted to the Dean of the College. The Dean, or the Dean's designee, will review the report and if necessary, ask the applicant to provide a detailed, written description and explanation of the information contained in the criminal records report along with appropriate documentation, such as police reports, certificated court records and any institutional correspondence and orders. This information must be returned to the Office of the Dean of the College of Nursing within ten (10) working days of the date the communication is sent to the applicant. Any extension of this ten day period must be set forth in writing signed by an authorized College representative. The College 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.
- c) The criminal record report and the applicant's explanation (if requested) will be reviewed. No provided information may result in revocation of acceptance to the program. A final decision for continuation in the educational program will be made only after careful review of factors including, but not limited to:
  - (i) the nature and seriousness of the offense;
  - (ii) the circumstances under which the offense occurred;
  - (iii) the relationship between the duties to be performed as part of the educational program and the offense committed;
  - (iv) the age of the person when the offense was committed;
  - (v) whether the offense was an isolated or repeated incident;
  - (vi) the length of time that has passed since the offense;
  - (vii) past employment and history of academic or disciplinary misconduct;
  - (viii) evidence of successful rehabilitation;
  - (ix) safety of patient care;
  - (x) safety of fellow students or applicants or staff;

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<sup>1</sup> Conviction and Conviction-Equivalent Adjudications may include, but are not limited to, the following criminal records dispositions: Alford plea, bail/bond forfeiture, default judgment, fine/costs paid, guilty, no contest, plea in absentia, plea in abeyance, pled guilty, prayer for judgment, suspended execution of sentence, appealed, consolidated for judgment, covered by pled to charge, reduced, accelerated rehabilitative disposition, adjudication withheld, Article 894, conditional diversion, conditional dismissal, conditional discharge, conditional release, deferred sentence, first offender program, supervision, suspended imposition of sentence, work release program, and Sunshine Law.

<sup>3</sup> Arrests without Final Adjudication may include, but are not limited to, the following criminal records dispositions: adjourned, case is pending, continued, extradited, remanded, transferred, and dispositions that are not available.

- (xi) the applicant's violation of University policies and procedures;
  - (xii) state and federal regulations regarding consideration of an individual with a past misdemeanor, felony or similar offense; and
  - (xiii) the accuracy of any information provided by the applicant.
- d) Upon consideration of the information provided a decision will be rendered by the Dean of the College, or the Dean's designee, permit the applicant to join the College of Nursing Upper Division B.S.N. or any of the graduate nursing programs or whether the conditional acceptance will be revoked. The applicant will be notified in writing within ten (10) days of the final decision. A second Adverse Action Notice letter will be sent out if the final decision is to withdraw the conditional offer of acceptance along with a second copy of the Summary of Your Rights Under the Fair Credit Reporting Act. Applicants who are denied final admission to the College of Nursing will have no rights to due process for dismissal from either the University or College of Nursing. If the applicant is admitted into the College of Nursing and the College learns that the applicant was not truthful or honest with regard to the information provided as a conditionally accepted applicant, the College of Nursing may immediately revoke the status of the individual as a student in the Upper Division B.S.N. or graduate nursing programs.
- e) Once a person matriculates into the College of Nursing that person as a student of the University has a continuing obligation to immediately notify the University, through the Associate Dean of Academic Affairs in the College, with regard to any information that has changed as was contained in the initial Report provided to the University, including the reporting of any arrests, misdemeanor, felony charges or convictions. The College of Nursing reserves the right to conduct any additional record checks while the student is enrolled in any nursing program of the College.
- f) The College of Nursing will respect the laws of the state of Ohio or other state laws with regard to the person having a sealed juvenile record and having no obligation to reveal the records within the juvenile court system.

<p>Approved by:</p> <p><u>/s/</u> Lloyd A. Jacobs, M.D. President</p> <p><u>June 26, 2014</u> Date</p> <p><u>/s/</u> Timothy M. Gaspar, PhD, RN Dean, College of Nursing</p> <p><u>June 24, 2014</u> Date</p> <p><i>Review/Revision Completed by:</i></p>	<p><b>Policies Superseded by This Policy:</b> None</p> <p>Initial effective date: May 5, 2014</p> <p>Review/Revision Date: May 5, 2014</p> <p>Next review date: May 5, 2017</p>
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<i>Office of the Dean of the College of Nursing CON Student Admission, Retention, and Progression Committee CON Faculty Assembly 5/5/14 Office of Legal Affairs</i>	
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**Note: The printed copy of this policy may not be the most current version; therefore, please refer to the policy website (<http://utoledo.edu/policies>) for the most current copy.**

Appendix A



AUTHORIZATION TO RELEASE INFORMATION

I have accepted a conditional offer of acceptance with The University of Toledo (UT) College of Nursing and hereby specifically authorize and permit The University of Toledo and its principals, employees, agents, servants, and contractors to contact my character references, former schools, colleges or universities, employers, law enforcement agencies, courts of law, federal, state and local regulatory agencies to obtain information from such sources about me. I understand that any investigation into my background may include reference to any information which is a matter of public record (for example, criminal convictions, traffic offenses and lawsuits). I hereby waive any rights of action I may have against The University of Toledo and its trustees, employees, agents, servants and contractors in connection with the obtaining or reporting of such information for purposes of determining my eligibility for entrance into the College.

This release is executed with full knowledge and understanding that the information is for the official use of The University of Toledo. I understand that this form may be photocopied and sent to Police Departments, employers, etc., as deemed necessary by the University.

Consent is also hereby granted to release requested information to the UT Campus Police Department. I hereby release you as the custodian of such records, both individually and collectively, from any and all responsibility or liability for damages of whatever kind, which at any time may result to me, my heirs, family, or associates, because of compliance with this authorization and request to release information or any attempt to comply with it. I understand and agree that this information is obtained by the University prior to my full acceptance as a student and therefore is not subject to the Family Education and Right to Privacy Act, even if I am or was previously enrolled in any capacity at The University of Toledo.

I understand that in signing this release I will be authorizing The University of Toledo to make inquiries into my personal, educational and work history. I also understand that a conditional offer of acceptance may be withdrawn based on the information obtained in such inquiries and tests, and also based upon the results of a pre-employment drug screen, physical examination and/or psychological examination as applicable.

Printed Name: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Date of Birth (*month/day/year*): \_\_\_\_\_

College Program: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Appendix B****A Summary of Your Rights Under the Fair Credit Reporting Act***

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you -- such as if you pay your bills on time or have filed bankruptcy -- to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA 15 U.S.C. 1681-1681u, at the Federal Trade Commission's web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you -- such as denying an application for credit, insurance, or employment -- must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs -- to which it has provided the data -- of any error) The CRA must give you a written report of the investigation and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- **You can dispute inaccurate items with the source of the information.** If you tell anyone -- such as a creditor who reports to a CRA -- that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.

- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA -- usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA:

FOR QUESTIONS OR CONCERNS REGARDING:	PLEASE CONTACT:
CRAs, creditors and others not listed below	Federal Trade Commission Consumer Response Center - FCRA Washington, DC 20580 202-326-3761
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 703-518-6360
State chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 800-934-FDIC
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