

Arnold & Marie Schwartz College of Pharmacy and Health Sciences
Long Island University

Policy/Procedure on Criminal Background Checks for Doctor of Pharmacy Students

Introduction and Rationale

The Arnold & Marie Schwartz College of Pharmacy and Health Sciences at Long Island University has developed a policy on Criminal Background Checks (CBC). The rationale for required CBCs is multifaceted and includes:

- the safety and well being of patients – student pharmacists and pharmacists are responsible for the safety and welfare of patients and work 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.
- accreditation standards – many clinical sites are required by accrediting agencies such as JCAHO to undertake criminal background checks on individuals who provide services within the facility especially those who are directly involved in patient care and providing treatment. To facilitate this requirement, educational institutions have agreed to conduct these background checks for students.
- educational issues - pharmacy practice experiences are a required component of the pharmacy curriculum. Students who can not participate in these experiences due to criminal or other adverse activities that are revealed in a background check may be unable to fulfill the requirements of the Doctor of Pharmacy Program
- licensure issues- many healthcare licensing agencies require individuals to pass a criminal background check as a condition of licensure or employment. Applicants should be aware that a criminal background could restrict one's ability to obtain professional state licensure.
- contractual obligations – the College is obligated to meet the requirements contained in the affiliation agreements between the various practice sites and the College

Policy

All students accepted in the Arnold & Marie Schwartz College of Pharmacy and Health Sciences will be required to consent to and complete with satisfactory results a national level criminal background check. A prior felony conviction does not necessarily preclude an applicant from being admitted to the College, but professional licensing boards may refuse to issue a license if an individual has a felony or other conviction on his or her record.

Applicants to the College

Applicants must submit to and satisfactorily complete a CBC prior to admission; an offer of admission will not be final until the completion of the CBC with results is deemed favorable. Admission may be denied or rescinded based on a review of the check. The student must sign the consent form, indicating that he or she understands the policies and procedures involved and agrees to participate. Any individual who refuses to sign the consent form will not be allowed to enroll in the College.

Current Students

Individual clinical affiliate sites may require students to complete CBCs prior to a placement at that site; the check may be performed by a company designated by the College or by the individual site. Failure to be cleared by a CBC may exclude the student from beginning and/or completing the pharmacy practice experience.

Applicability

All accepted applicants to (or students enrolled in) the Arnold and Marie Schwartz College of Pharmacy and Health Sciences that includes as part of the Doctor of Pharmacy program assignment to a clinical site for the purposes of a pharmacy practice experiences will be required to undergo a criminal background check.

Procedures

The criminal background check will be conducted by an entity that contracts with The Long Island University Arnold & Marie Schwartz College of Pharmacy and Health Sciences. The criminal background check for applicants to and students currently enrolled in the Arnold & Marie Schwartz College of Pharmacy and Health Sciences will encompass the following:

Each applicant's (or student's) background will be checked, by social security number, for the prior seven (7) years for each state of residence showing any activity for that social security number. In addition, a search will be conducted on the Multi-State Sex Offender Registry, as well as, multiple state, county and federal criminal record repositories. The check will include criminal records, including arrests and convictions for all offenses of any type, a review of the registry of reports of child abuse and a Combined Office of Inspector General and Government Services Administration (OIG/GSA) report. The check will include records that have been expunged and judgments that have been deferred. (See contractor's website for a detailed explanation of the CBC process).

The College of Pharmacy will designate an approved company to conduct the background checks and issue reports directly to the College of Pharmacy. Results from a company other than those designated will not be accepted. Students (and applicants) must contact the designated company and comply with its instructions in authorizing and obtaining a background check. Applicants (and students) are responsible for payment of any fees charged by the designated company to provide the background check service. Fees are subject to change at the discretion of the designated company.

Review of Background Check Results

Applicants (and 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 making a final determination that will adversely affect the applicant or student, the College of Pharmacy will inform them of their rights and the procedures regarding how to challenge the accuracy of the report.

Applicants to the Doctor of Pharmacy Program

A background check report will be submitted to the Office of Student and Professional Affairs for its review. If the report contains negative findings, a representative from the Office of Student and Professional Affairs may request that the applicant submit additional information relating to the negative finding, such as a written explanation, court documents and police reports. The Office of Student and Professional Affairs will review all information available to it and determine whether the applicant should be permitted to continue the admissions process for the doctor of pharmacy program. The Office of Student and Professional Affairs will conduct its review as soon as possible after the disclosure or discovery of the information.

Current Students

Students enrolled in the Arnold and Marie Schwartz College of Pharmacy and Health Sciences are required to participate in both introductory and advanced pharmacy practice experiences, known respectively as IPPEs and APPEs conducted in clinical affiliate sites. Some clinical affiliate sites require students to complete a CBC prior to or during placement at a clinical affiliate site.

You are required to conform to the screening policy set forth by the individual clinical affiliate which can include the type of CBC performed, reporting of results, grounds for re-verification, and sanctions for positive results.

Unfavorable results may exclude you from clinical placement or completing an IPPE or APPE which you have already begun and may make it impossible for you to complete the clinical competencies required for graduation from the program. Students who have unfavorable results on a CBC required by a clinical affiliate may face additional sanctions by the College.

If the report contains positive findings, a representative from the Office of Student and Professional Affairs may request that the student submit additional information relating to the finding, such as a written explanation, court documents and police reports. The Office of Student and Professional Affairs will review all information available to it and determine whether the student should be permitted to participate in clinical rotations or be dismissed from the program. The Office of Student and Professional Affairs will conduct its review as soon as possible after the disclosure or discovery of the information.

If the Office of Student and Professional Affairs determines that dismissal from the program is warranted, a student may appeal that decision in accordance with the university's grievance procedure for academic matters found in the College of Pharmacy Bulletin and on the Long Island University website at http://www.brooklyn.liu.edu/course/pharmacy_bulletin_06.pdf.

Administrative Review of Background Check Results

In reviewing the background check reports and any information submitted, the College of Pharmacy 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 or other materials. The College of Pharmacy will bear in mind both the safety interests of the patient 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, or other appropriate advisors.

The College of Pharmacy will use the Standards of Professional and Ethical Behavior of the Doctor of Pharmacy program, the Long Island University Student Code of Conduct and other University and Collegiate policies to inform its decision. If a student failed to inform the College about past criminal activity on their application, they will also be reviewed for unprofessional conduct / unethical behavior. Criminal activity that occurs while a student is in attendance at the College of Pharmacy may result in disciplinary action, including dismissal, and will be addressed through the College and University's academic or disciplinary policies.

The Criminal Background Check Review Committee will review disputed background checks. After review of all relevant and supporting information, the Committee will provide a formal, written recommendation to the Dean of Academic and Student Affairs. The content of the recommendation will include information on the criminal behavior, the process undertaken by the Committee, the basis upon which the Committee came to a recommendation and the recommendation itself.

Recommendations from the Criminal Background Check Review Committee may be any of the following:

- allow the student to proceed in the academic program without restriction;
- allow the student to proceed in the academic program with specified terms and conditions (i.e., mandated meetings with probation officer, etc.);
- discontinue the student's academic program; or
- discontinue application process.

CHALLENGED RESULTS:

Student Initiated Response

All disputes pertaining to the criminal background check findings must be communicated in writing directly to the contracted company that conducted the check. In addition, the student/applicant must inform the College of Pharmacy by sending a copy of the complaint statement to the Office of Student and Professional Affairs.

Re-verification will be made if the company determines that reasonable grounds exist. If parts of the report are deleted or changed because of re-verification, the College of Pharmacy and the student will receive a corrected report.

College Initiated Response

The College of Pharmacy will notify the applicant or student if there is a need to review the results of the criminal background check. Notification from the College of Pharmacy that a prospective student is denied enrollment will be done via letter from the Office of Admissions. Notification from the College of Pharmacy that a currently enrolled student is denied participation in clinical rotations

due to criminal background check findings will be done via certified letter from the Office of Student and Professional Affairs explaining why the student cannot continue in the program.

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. Current Students. Background check reports and other submitted information of students will be maintained in the Office of Student and Professional Affairs in accordance with the university's record retention policy for student records.

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.

School Disclaimer

The Long Island University Arnold & Marie Schwartz College of Pharmacy Criminal Background Check process does not guarantee the safety of students, patients, faculty, or staff. In addition, an acceptable criminal background check, as defined by the school, state, or experiential site; does not guarantee the student will be eligible to complete the program or obtain a license to practice pharmacy upon graduation.

Fair Credit Reporting Act

If an employer hires an outside individual or firm to conduct a criminal background check, the employer is subject to the Fair Credit Reporting Act (FCRA). Although FCRA does not explicitly include educational institutions, the applicability to colleges and schools of pharmacy may depend on legal interpretation and circumstances. A link to an individual's rights under the federal Fair Credit Report Act (FCRA) 15 U.S.C. § 1681 et seq. A copy of the FCRA is available online at <http://www.ftc.gov/bcp/online/pubs/credit/fcrasummary.pdf>

Participation and Consent Form

Arnold and Marie Schwartz College of Pharmacy
and Health Sciences

Long Island University

Criminal Background Check Program

I have read and understand the Arnold and Marie Schwartz College of Pharmacy and Health Sciences ("The College") policy regarding the initial criminal background checks (CBC) for admission and subsequent checks for participation in educational activities at designated sites. I agree to participate in the CBC program in exchange for the opportunity to participate. I understand that the College will have an authorized agency perform the criminal background check. I also understand that I will be responsible for disclosing any information required by the agency as necessary for the CBC. I understand that my signature below authorizes the College to obtain the results of my CBC prior to me entering the program and/or beginning the designated off-campus activities. I understand that should the CBC reveal prior criminal activity I may not be allowed to participate in the off-campus educational experiences which means as a student, I will not be able to continue in the educational program. I also understand that should I refuse to submit to the CBC in accordance with the above policy or if I interfere with the CBC, I will be deemed to have failed the CBC.

I also consent to the release of the screening results to a designated College official, and agree to hold the College harmless from any such releases provided for by this policy. Finally, I also understand that CBCs are not 100% reliable, and that false-positives may result. I agree to hold the College harmless for any such result.

Signed: _____

Printed Name: _____

Dated: _____