

Title/Subject: **CRIMINAL BACKGROUND CHECKS FOR STUDENTS**

Applies to: faculty staff students student employees visitors contractors

Effective Date of This Revision: April 20, 2012

Contact for More Information: Program Director; Vice Provost

Board Policy Administrative Policy Procedure Guideline

Policy Statement

Several Michigan Public Acts, as well as federal laws, now require that any individual who regularly provides services to certain segments of the population (generally, those deemed “vulnerable” or “special,” including but not limited to children and the sick) must submit to a criminal background check in order to obtain and maintain privileges in clinical and/or educational settings. Additionally, many sites affiliated with the Central Michigan University (CMU) for educational purposes have adopted this requirement.

The educational and clinical sites of many CMU Programs (a full list may be found on the Academic Affairs website <http://www.academicaffairs.cmich.edu/agreements/>) require CMU students to participate in the care of clients, patients, and children in various clinical or educational settings. CMU students are, therefore, subject to this legislation. Students accepted into these programs are therefore accepted contingent on passing a criminal background check.

Policy

All students assigned to the sites for clinical and/or educational experiences listed in on the Academic Affairs Agreements website (www.academicaffairs.cmich.edu/agreements) are required to complete, and pass, a criminal background check prior to beginning their first field experience and thereafter as required by the program. This is a dynamic list. The Affiliation Coordinator is responsible for maintaining and posting daily an accurate and current list of affiliates requiring a criminal background check.

Cost: The student shall be responsible for paying any costs associated with any fingerprinting and/or completion of the background check that is required.

Review: The criminal background check results will be subject to administrative review by the relevant program and in some cases the affiliated site. Certain convictions may be considered a disqualifying factor for enrollment or continuation in CMU’s programs.

Use and Care of Information Contained in a Criminal Background Check Report: CMU will only use the information contained in the criminal background check report to evaluate a student’s qualifications for enrollment or continued participation in a particular clinical or educational program.

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CMU may furnish the information to third parties in the course of fulfilling its official responsibilities that are required as part of CMU's affiliation agreements with clinical or educational sites where students will be placed, or the relevant program's professional or technical standards. Reports will be kept in locked, confidential files separate from the student's academic file and destroyed once the student is no longer enrolled in the program at CMU, or when the results are no longer relevant.

Guidelines

CMU Oversight: The program director may delegate tasks described in these guidelines to an internship coordinator, student teaching coordinator, placement site coordinator and/or other designee. However, the program director remains the responsible party for purposes of this Policy.

Student's responsibilities: Each student required to provide a criminal background check must provide documentation that they have completed the fingerprinting and criminal background check as required by their program. Students may need to provide this information at the time of admission to the program and/or prior to beginning a clinical or educational internship. Students need to be aware of the requirements of their program and provide this information in compliance with the stated due date.

Students will complete the Informed Consent for Criminal Background Investigation form (Attachment A) and return it to their program director on or before the due date. This form authorizes Central Michigan University to release the information to clinical or educational sites requiring this information.

Students will receive instructions from the program director regarding how to complete the criminal background check, approved vendors, CMU identification numbers, and other procedures. Students will receive a copy of the Prescribed Summary of Consumer Rights (Attachment B) explaining the student's rights under this act. Students must have the results of the criminal background check sent to their program director prior to beginning their clinical or educational experience and in time for clearance to participate at the clinical or educational site. Each program will communicate a recommended timeline to its students.

False or misleading statements: Any false information communicated during this process may be grounds for the immediate rejection of the student or immediate dismissal of a current student.

Results of the criminal background check: Results of the criminal background check will be sent to the relevant program director directly by the vendor. The program director will use this information to evaluate a student's qualification for enrollment or continued participation in the program. CMU may furnish such information to third parties in the course of fulfilling its official responsibilities that are required as part of CMU's affiliation agreements with clinical or educational sites or the relevant program's professional or technical standards. The results of the criminal background check will be maintained in a secure file with access limited to the program director and/or designee. The results will be maintained separate from the student's academic file and will be destroyed once the individual is no longer a student in the program, is rejected as a student due to the results of the criminal background check, or when the results are no longer relevant.

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Decision, hearing, and appeals: In the event that the student does not receive clearance, a meeting will be scheduled with the program director and the student to discuss the information received. The student will be given an opportunity to respond to the information. Based upon the outcome of this meeting, a decision will then be made by the program director, or if necessary, a designated committee, regarding the student's admission to or continuance in the clinical or educational program.

Obligation of students admitted to the clinical or educational programs: The student has an ongoing obligation to report any criminal charges or conviction to the program director within 2 business days of its occurrence. Failure to do so, or to comply with any other aspect of this policy, may result in immediate dismissal from the program.

Central Michigan University reserves the right to make exceptions to, modify or eliminate this policy and or its content. This document supersedes all previous policies, procedures or guidelines relative to this subject.

Attachment A
AUTHORITY TO RELEASE INFORMATION

Central Michigan University
Informed Consent for Criminal Background Investigation

In connection with my educational program, I understand that investigative background inquiries are to be made on myself including criminal background reports. I understand that the program director will be requesting information from various federal, state and possibly other agencies which maintain records concerning my past activities relating to my criminal experiences. I understand that any and all costs associated with the aforementioned criminal background check will be my responsibility.

The results of the aforementioned criminal background check will only be released by the relevant consumer background check reporting agency to the program director at CMU. This information will be maintained in a separate file from my academic record. Access to this file will be governed by the Family Educational Rights and Privacy Act (FERPA).

I acknowledge that I have received a separate document entitled Prescribed Summary of Consumer Rights (Appendix A to Part 601) which is a summary of my rights under the Fair Credit Reporting Act and that this request for an investigative report meets the requirements of permissible purpose.

Furthermore, I have received all the information necessary to make an informed decision regarding this release. I fully understand the terms and consequences of agreeing to this release, and acknowledge that I voluntarily and of my own free will am waiving my right to assert any action against Central Michigan University and all current and former employees, agents and attorneys performing services on behalf of the University, for any and all claims, causes of action, liabilities, expenses and for damages which I may assert against any of them as a result of my undergoing a criminal background check as required for application to and enrollment in the applicable program and/or academic experience.

I authorize, without reservation, any party or agency authorized or contracted by Central Michigan University or the Michigan State Police to furnish the above mentioned information to my internship placement site.

Print full name: _____

Student Number: _____ Aliases: _____

Sex: _____ Race: _____ Date of birth: _____

Driver License #: _____ State of issuance: _____

Current address: _____

City/County/State/Zip: _____

Previous address: _____

Student's signature: _____ Date: _____

Attachment B

Note to the student: This Summary of Your Rights is provided to you because your social security number will be used to conduct your criminal background check. Your credit rating will not be checked.

Appendix A to Part 601

Prescribed Summary of Consumer Rights

The prescribed form for this summary is as a separate document, on paper no smaller than 8x11 inches in size, with text no less than 12-point type (8-point for the chart of federal agencies), in bold or capital letters as indicated. The form in this appendix prescribes both the content and the sequence of items in the required summary. A summary may accurately reflect changes in numerical items that change over time (e.g., dollar amounts, or phone numbers and addresses of federal agencies), and remain in compliance.

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 phone 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 1-877-382-4367 (Toll-Free)
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