

**The University of Texas Permian Basin**  
Masters of Arts in Psychology- Clinical  
Masters of Arts in Counseling- Clinical Mental Health, School Counseling  
**STUDENT BACKGROUND CHECK POLICY**  
*Approved by Counseling and Psychological Services, June 1, 2025*

Policy: Background Checks for Applicants and Students of programs practicing in the UTPB Counseling and Psychology (CAPS) clinic: Clinical Psychology, Clinical Mental Health Counseling, and Professional School Counseling-Certified School Counselor

## **I. Applicability**

This policy applies to students enrolled in an educational program that includes or may include at a future date, assignment to a clinical health care facility. Non-degree seeking students who enroll in courses with such an assignment are also subject to the policy. Presently, programs in the department that require a criminal background check include:

- A. Clinical Mental Health Counseling
- B. Professional School Counseling- Certified School Counselor
- C. Psychology- Clinical

## **II. Policy**

Effective immediately, students must submit to and satisfactorily complete a background check review during their first semester in a respective program, as a condition to continue in all graduate programs designated as requiring a background check. Continuation in the program may be delayed or denied 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 outcome will be a condition for enrollment or participation in educational experiences at affiliated internship or practicum sites, including but not limited to the UTPB CAPS clinic.

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

Applicants or students who are denied continuation 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. Pursuant to UT Systemwide policy, educational programs within the UT System must perform a criminal background check, including a sex offender registration check for students in a program that includes assignment to a clinical health care facility or whose assignment may require work with patients.
- C. Clinical practica and internships are an essential element 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 graduate program or the student.
- D. The background check policy is intended, in part, to prevent any student from completing a graduate program that may be ineligible to hold a license (LPC, LPA, etc.). 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.

#### **IV. Background Check Report**

- A. ***Obtaining a Background Check Report*** UTPB CAPS, through UTPB Human Resources, will designate approved company(ies) to conduct the background checks and issue reports directly to the CAPS and a representative with the respective 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 are 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, CAPS and/ or the

graduate program representative 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 graduate program and/ or CAPS.

## **V. Procedure**

### ***A. New Students***

1. New students must complete the required background check before the designated last day to drop or withdraw during their first semester of enrollment in the respective program.
2. The background check report will be submitted to CAPS and the respective program representative for review. If the report contains unfavorable findings, in order to move forward with possible admission, the applicant must obtain and submit a favorable licensure board preliminary evaluation letter (obtained via a Texas Behavioral Health Executive Council (BHEC) Application for Criminal History Evaluation Letter, outlined below) to a Background Review Committee established for this purpose. This committee may also request that the applicant submit additional information relating to the unfavorable finding, such as a written explanation, court documents, police reports. The committee will consider all information available to it and determine whether admission will be offered to an applicant with unfavorable findings.
3. An applicant may appeal the decision of the Background Review Committee to deny continuation in the program to the Dean of Students. Any further appeals will follow procedures outlined in the respective program handbook.

### ***B. Current Students***

1. For students who did not have a background check review at the time of entry into the educational program, students must complete the background check prior to the completion of the semester preceding the required practicum in counseling. The required background check must be satisfactorily completed to continue in the respective program.
2. For current students, the background check report will be submitted to CAPS and the respective program representative. If the report does not contain any unfavorable findings, the student will be allowed to participate in clinical classes such as practicum and internship, including placement with UTPB CAPS clinic. If the report contains unfavorable findings, the Background Review Committee will require a favorable Texas BHEC Criminal History Evaluation Letter determining a potential eligibility for licensure prior to participation in clinical classes (process outlined below). The committee may also request that the student submit additional information relating to the unfavorable findings, such as a written explanation, court documents, and police reports. The committee will consider all information available to it and determine whether the student should be permitted to participate in practicum or internship courses or be dismissed from the program. This process may include a formal hearing conducted committee. As previously noted, students who cannot obtain a favorable evaluation letter may seek admission into another educational program that does not have a clinical component requirement in its curriculum

3. If the committee 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 through the Dean of Students and/ or the respective program's handbook.

**C. *Background Review Committee Standards***

1. The Background Review Committee shall be composed of at least three current UTPB faculty and/ or staff members appointed by a CAPS designee.
2. In reviewing the background check reports and any information submitted, a Background Review 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 review committee may reference the Texas licensure criminal history eligibility rules as a guideline for review of criminal history. 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 via the UT System Office of General Counsel, university police, university human resources, or other appropriate advisors.

**D. *Deferment:***

1. The committee may extend an offer of admission for up to one semester while any parts of the process are being completed and resolved.
2. If a background check for a current student reveals a question that can be resolved by the student, including through the Texas BHEC Criminal History Evaluation Letter process, enrollment in the required practicum course may be deferred up to one year while the matter is resolved. Permission to participate in practicum via UTPB CAPS or internship course following deferment will be dependent upon available space.

**VI. Significant Findings in Background Check Report**

- A. Students who anticipate criminal histories that may prevent obtaining licensure in Texas must request a Texas BHEC Criminal History Evaluation Letter to determine if their background would prevent obtaining a license. This request will essentially require the relevant Texas licensing 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. For students with unfavorable

criminal histories, a favorable Texas BHEC Criminal History Evaluation Letter will be required for continuation in the program.

- B. Students with unfavorable criminal histories will need to obtain a Texas BHEC Criminal History Evaluation Letter determining a potential eligibility for licensure to be eligible for participation in the required practicum and internships with the UTPB CAPS clinic. Students with criminal histories who do not obtain a favorable Texas BHEC Criminal History Evaluation Letter determining a potential eligibility for licensure will be dismissed from programs requiring clinical courses but may seek admission into another educational program that does not have a clinical component requirement in its curriculum.
- C. The process for obtaining a Texas BHEC Criminal History Evaluation Letter is available on the Texas BHEC website, which also includes additional information regarding potentially disqualifying criminal history. Please note there is a fee to obtain the evaluation letter, and it takes up to 90 days after submission to obtain an evaluation letter. Questions regarding the Texas BHEC Criminal History Evaluation Letter should be directed to the Texas BHEC.

## **VII. Confidentiality and Recordkeeping**

- A. Background check reports and other submitted information for students 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 in accordance with FERPA requirements and will be maintained separate from the students' academic folder.
- C. ***Applicants Denied Admission and Applicants Who Do Not Enroll.*** Background check reports and other submitted information of students who did not complete the respective program will be maintained in accordance with the University's record retention policy.

## **VIII. Other Provisions**

- A. A program or committee's decision is not a guarantee that every offsite 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 program or UTPB. Students with potential background issues 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, including a Texas BHEC Criminal History Evaluation Letter outlined above.
- 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 one semester. 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. Current students will be required to affirm that they have no new criminal

activities that are reportable (excludes misdemeanors with only fines), and must do so in writing as often as once per semester while enrolled in practicum or internship courses.

- C. Any new criminal activity that occurs while a student is enrolled in the program is required to be reported by the student to CAPS and/or a respective program designee within 30 days of its occurrence. Failure to do so may result in disciplinary action, including dismissal, and will be addressed through the university's academic or disciplinary policies.
- D. Failure to report new criminal activity or falsification of information, including omission of relevant information, may result in denial of admission or dismissal from the educational program.