

## **Criminal Background Check**

<b>Authorizing Body:</b>	Committee on Admissions
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### **Rationale:**

The Oakland University William Beaumont School of Medicine (SOM) has determined that criminal background check[s] (CBC[s]) will be completed for all conditionally admitted applicants. In addition, enrolled SOM medical students may also be required to update their CBCs, periodically, at the request and discretion of the SOM. The SOM's decision to utilize CBCs is consistent with the recommendations of the National Committee on Admissions of the Association of American Medical Colleges (AAMC) Group on Student Affairs (GSA) as approved by the GSA Steering Committee, the AAMC, and the AAMC Executive Council.

It is expected that the use of CBCs will bolster the public's continuing trust in the medical profession; enhance the safety and wellbeing of other SOM students, faculty and staff, and physicians and patients; ascertain the ability of admitted applicants and enrolled SOM medical students to eventually become licensed as physicians; and to minimize the liability of Oakland University (University) and Beaumont Health System (Beaumont).

### **Scope and Applicability:**

All applicants admitted to the School of Medicine

### **Standard Practice Guideline:**

### **Procedures:**

The SOM will administer the following SOM CBC policies and procedures for all SOM conditionally admitted applicants and enrolled SOM medical students:

#### 1. Initiation

- a. Applicants. If an applicant has not reported any criminal history data on his/her application, or if an applicant has reported criminal history data on his/her application but the criminal history data reported is not a source of

concern to the SOM, then CBCs will be initiated by the Assistant Dean for Admissions at the time of first conditional admittance, or wait-list selection (Initial CBC).

- b. Enrolled Medical Students. If, after the date of final admittance, an enrolled SOM medical student is convicted of, or pleads guilty or no-contest to, a felony or misdemeanor crime (Subsequent Event), then the enrolled SOM medical student must self-report the Subsequent Event to the Associate Dean for Student Affairs. Enrolled SOM medical students may also be required to update their CBC periodically, at the request and discretion of the SOM, including without limitation at the time of any Subsequent Event, and before an enrolled SOM medical student starts an internship and/or clinical placement (which may also be independently required by the internship site or clinical affiliate) (Additional CBC[s]). The SOM retains and reserves the option of suspending or dismissing the enrolled SOM medical student from the SOM for failing to self-report a Subsequent Event or based upon the results of an Additional CBC, subject to the suspension and dismissal procedures contained in the then current Student Handbook.

2. SOM Disclosures and Processes. At the time of first conditional admittance or wait-list selection, the Assistant Dean for Admissions will provide all such conditionally admitted and wait-listed medical students with a copy of or access to this CBC Policy or summary describing the following SOM CBC requirements; enrolled SOM medical students will also have access to this CBC Policy (conditionally admitted, wait-listed and enrolled SOM medical students are sometimes referred to hereinafter, collectively, as Student[s]):

- a. A request for an appropriate consent/authorization from the Student will be made that requests pertinent identifying information necessary to initiate the CBC by the University and/or its vendor(s) (Authorization or Authorizing). If processed through a vendor, the vendor will contact the Student and request and process the appropriate consent/authorization from Students. Refusal to provide the Authorization or the failure to provide adequate and correct information will result in the automatic withdrawal of the conditional admittance, or subject an enrolled SOM medical student to suspension or dismissal, subject to the suspension and dismissal procedures contained in the then current Student Handbook.
- b. New students should be electronically fingerprinted during orientation and must be electronically fingerprinted no later than the end of the second week of classes. If the Student does not get fingerprinted during orientation, the Student must provide evidence to the Associate Dean for Student Affairs that the Student has been electronically fingerprinted by a certified law enforcement agency for filing with the Federal Bureau of Investigation.
- c. A decision about final admittance to the SOM will be made only after the SOM reviews the CBC report for the Student. A decision about continued enrollment in the SOM may be made after the SOM reviews an Additional CBC report for a Student if an Additional CBC is deemed necessary by the SOM.
- d. If the CBC contains criminal history data not self-reported by the Student, or if the CBC contains information of concern, the SOM retains and reserves the option of withdrawing the conditional admittance on the basis of falsification of the application and/or on the basis of the information of concern contained in the CBC report; or to allow the Student to enroll, but only subject to additional conditions (i.e. enrollment in a rehabilitation or monitoring program). If an Additional CBC contains criminal history data not self-reported by a Student, or if the Additional CBC contains information of concern, the SOM retains and reserves the option of suspending or dismissing the Student for failure to self-report and/or on the basis of the information of concern contained in

the Additional CBC report, subject to the suspension and dismissal procedures contained in the then current Academic Policies and Procedures for Students in the SOM; or to allow the Student to continue enrollment, but only subject to additional conditions (i.e. enrollment in a rehabilitation or monitoring program).

- e. Students will be given access to their CBC report data in order to ensure the CBC report data's accuracy. The Student will then have ten (10) calendar days in which to review the CBC report prior to submission to the SOM. The Student may choose to contest the accuracy of the CBC report directly with the vendor, or have the CBC released to the SOM.
- f. In the event a conditionally admitted or wait-listed student releases the CBC report to the University and is not allowed to enroll, but believes any CBC report data is inaccurate, then the Student can submit a written response, within 10 business days, to the adverse decision and any other pertinent information to the SOM's Criminal Background Check Committee (CBCC), a subcommittee of the Committee on Admissions, for consideration. The CBCC will also meet with the Student upon request, and will make the final decision.
- g. In the event an enrolled SOM medical student releases the CBC report to the University and is suspended or dismissed, but believes any CBC report data is inaccurate, then the SOM medical student can submit a written response, within 10 business days, to the adverse decision and any other pertinent information to the Student Performance Review Committee (SPRC) for consideration. The SPRC will also meet with the Student upon request, and will make the final decision.
- h. The SOM, the University and Beaumont will make reasonable efforts to collect, store and manage CBC materials and CBC report data confidentially.

3. Authorization. Authorizations must be received from Students prior to initiating a CBC.

4. Complete CBC Report. The Assistant Dean of Admissions and the Associate Dean of Student Affairs, respectively, will ensure that the SOM receives a CBC report that includes without limitation the following:

- a. A search by Social Security Number;
- b. Determination of areas of prior residence;
- c. Search, based on areas of prior residence, at the local (county) level, as well as searches at the state, national and federal levels and international screening;
- d. Sex offender search;
- e. Search of dishonorable discharge from the Armed Forces;
- f. Search of U.S. Department of Health and Human Service Office of Inspector General List of Excluded Individuals/Entities (LEIE), or other successor U.S. Government database that provides information to the public, health care providers, patients and others relating to parties excluded from participation in the Medicare, Medicaid, and all U.S. Federal health care programs;
- g. Conviction information for all criminal offenses, both misdemeanors and felonies committed as an adult, or for which the juvenile was adjudicated as an adult;
- h. All types of adjudications; and

- i. All pending but not yet resolved legal processes (e.g. an arrest record for a pending offense, court disposition, an unresolved bench warrant, or a failure to appear in court).

5. Committee Reviews. CBCs are not a component of the routine application, interview and selection processes; but CBCs are mandatory components of the pre-admittance process and may be required in the internship and/or clinical placement processes. As such, the CBCC and SPRC, respectively, will carefully review and evaluate the self-reported information in the Student's application file as updated by Students, and the information in the CBC report, while ensuring that the information contained in the CBC report is not used to unlawfully discriminate in final admittance or continued enrollment decisions. Students will be considered on an individual, case-by-case and comprehensive basis, and the CBCC and SPRC, respectively, may seek clarification and additional information regarding reported criminal history, as appropriate.

6. Factors to be Considered for Admittance and Continued Enrollment. The CBCC will make the final decisions on admittance and the SPRC will make the final decisions on continued enrollment of Students by considering at least the following nonexclusive factors:

- a. The nature and circumstances under which the offense(s) was committed;
- b. The type of offense(s);
- c. The frequency of any reported offense(s) including those for which the individual was ultimately adjudged to not be guilty; isolated or a pattern of similar offenses;
- d. The length of time since the offense(s) was committed;
- e. The relationship between the offense(s) and the Student's participation in the basic science and/or clinical education components of the SOM medical education program;
- f. The seriousness of the offense(s), taking into consideration whether the Student:
  - o May pose a threat to individual patients, as may be indicated by the following list of nonexclusive offenses:
    - Abuse of at-risk populations;
    - Homicide
    - Child pornography-related offenses;
    - Sexual assault; and
    - Rape
  - o May pose a threat to the SOM, the University, Beaumont, or the community at-large, as may be indicated by the following list of nonexclusive offenses:
    - Disturbing the peace violations;
    - Aggravated assault;
    - Domestic violence;
    - Drug charges;
    - Sexual harassment;
    - Alcohol-related offenses;

- Homicide;
  - Rape; and
  - Possession of an unlicensed deadly weapon.
- May not be permitted to complete certain internships and/or clinical rotations, as may be indicated by the following list of nonexclusive offenses:
  - Abuse of at-risk populations; and
  - Drug charges.
- May not be eligible for licensure;
- May not be able to develop into an appropriate member of the medical profession, as may be indicated by the following list of nonexclusive offenses:
  - Abuse of at-risk populations;
  - Homicide;
  - Child pornography-related offenses;
  - Sexual assault;
  - Rape;
  - Fraud, including offenses involving Medicare or Medicaid;
  - Sale, manufacture or possession of controlled substances with intent to sell;
  - Drug charges; and
  - Possession of an unlicensed deadly weapon.
- g. Evidence of successful rehabilitation;
- h. Forthrightness of the information provided by the Student in opportunities provided for self-reporting;
- i. Past employment history;
- j. Past history of academic or non-academic misconduct at prior institutions
- k. The accuracy of the self-reported information provided by the Student;
- l. Any AAMC-GSA guidelines developed for consideration by medical schools regarding the use of CBC report data;
- m. Conclusions from authoritative research that confirms the existence and effect of legal disparities along racial, ethnic and socio-economic lines;
- n. Other information of concern; and
- o. Such other factors that the CBCC or SPRC (sometimes referred to hereinafter as the Committees) may deem relevant from time-to-time.

7. Other Sources to Consult. When the CBCC is making its decisions on final admittance and the SPRC is making its decisions on continued enrollment, and when deemed necessary by either the CBCC or the SPRC, respectively, the Committees may seek input from other various sources, including, for example, representatives from the University's offices of Admissions, Legal Affairs, and Center for Multicultural Initiatives, which will consult with their Beaumont counterparts as appropriate (University and Beaumont Representatives).

8. Confidentiality of Information. All information relating to CBCs for Students, whether obtained prior to or after the final admittance decision or after the information has been used, will be stored and managed in confidence by the SOM, and the University and Beaumont Representatives. The principles of the Family Educational Rights and Privacy Act and the regulations promulgated thereunder, specifically those at CFR §99.31 regarding disclosures to individuals and entities determined to have legitimate educational interests, are incorporated into this CBC Policy and will govern access to such confidential information. Confidentiality must be respected at all process steps identified in this CBC Policy. Therefore, generally, all information contained in the Authorization, the Student's self-reported information and the information in the CBC report will be stored and maintained in confidence (Confidential Information). Specifically, all of the following shall be Confidential Information:

- a. Any information that is unrelated to decisions about conditional and final admittance and continued enrollment; and
- b. Information entered by the Student regarding the Student's criminal history in the SOM's application, or otherwise.

All such Confidential Information will be maintained in and by the SOM's Office of Medical School Admissions in a separate file, apart from a Student's academic file, for seven (7) calendar years from the date a Student's application was first received by the SOM if the Student is ultimately admitted, and eighteen (18) calendar months from the date a Student's application was first received by the SOM if the Student is ultimately not admitted.

9. Limitation of Effect and Other SOM Policies and Procedures. This CBC Policy deals only with conditional and final admittance and continued enrollment decisions for Students who's CBC reveals information of concern. CBC report data will not be considered in other SOM proceedings. This CBC Policy is not intended to, nor does it address policies or procedures for the conditional or final admittance, or continued enrollment decisions for applicants or Students with medical, physical, psychiatric, substance abuse or other conditions or disabilities.

10. Management Materials. The Committees may develop and use, and periodically revise or discard, forms designed to manage this CBC Policy (i.e. Authorizations, decision trees, forms and other written materials).

## **Definitions:**

**Related Policies and Forms:**

**Appendix:**