

VANDERBILT UNIVERSITY

Effective date: 3/3/15

SCHOOL OF MEDICINE

OFFICIAL POLICY

**Final Approval by: Dean,
School of Medicine**

Name of Policy: Criminal/Background Checks for Students Matriculating into School of Medicine degree-granting programs.

Responsible Agent: /Administrative Director, Office of Health Sciences Education

Scope of Policy: Applicants to School of Medicine degree-granting programs.

POLICY

Background Checks will be conducted on all students conditionally accepted for admission to degree-granting programs of the Vanderbilt University School of Medicine.

PURPOSE

The Association of American Medical Colleges (AAMC) recommends that all U.S. medical schools obtain a national and/or international background check on applicants upon their initial, conditional acceptance to medical school. In recognition of this recommendation, the AAMC has initiated an AMCAS-facilitated national background check service for individuals applying for entry to MD programs¹. The purposes of conducting criminal background checks are multiple:

- To engender the public's continuing trust in the medical profession regarding the safety and well-being of patients.
- To identify accepted applicants who have a criminal history that may preclude them from participating in the clinical training programs, including but not limited to, care of patients in vulnerable populations.
- To comply with various regulatory or accrediting agencies that require or recommend such checks, as well as any applicable state or federal laws.
- To put applicants with a criminal history on notice that there may be an issue with licensing boards regarding the impact of the criminal history on their ability to obtain professional licensure.

¹ AAMC website at:

https://www.aamc.org/students/applying/amcas/amcasresources/63230/faq_background.html

The rationale for conducting criminal background checks can also be applied to other degree programs. Therefore the School of Medicine conducts checks on all individuals provisionally accepted to its degree programs.

PROCEDURE

I. AUTHORIZATION PROCESS AND THE CRIMINAL/BACKGROUND CHECK for M.D. degree and Medical Scientist Training Program (MSTP) students.

- a. Upon initial, conditional acceptance to the Vanderbilt University School of Medicine or another medical school participating in the AAMC facilitated background check program, the AAMC selected vendor sends an email notification to the applicant to obtain consent for the criminal record report/background check to be procured.
- b. Once consent has been provided, the AAMC selected vendor conducts a background check and produces a report. When the report is completed, the AAMC-selected vendor sends an email to the conditionally accepted applicant requesting that he/she review the report prior to its distribution. The applicant has ten calendar days from the date the email is sent to review the report. The applicant may contest the contents of the report within this specified ten-calendar-day period. After that, the report will be made available to Vanderbilt University School of Medicine. If the applicant does not review this report or if there is no objection to the report, it will be distributed after this period elapses.
- c. Failure by the applicant-to provide the consent for the Criminal Background Check within 14 days after acceptance may result in withdrawal of the conditional acceptance offer. Omission of required information or submission of false or misleading information by the individual in the AMCAS application for admission and/or in any communication with the School of Medicine may result in withdrawal of conditional acceptance or removal from the alternate list.
- d. If no adverse information is reported in an applicant's criminal background check, satisfactory completion will be recorded by the School of Medicine Director of Admissions:

II. AUTHORIZATION PROCESS AND THE CRIMINAL/BACKGROUND CHECK for other Doctorate and Master Degree Programs conferred by the School of Medicine.)

- a. Upon acceptance of conditional admission offer to the Vanderbilt University School of Medicine, a School-selected vendor sends an email notification to the applicant to obtain consent for the criminal record report/background check to be procured.
- b. Once consent has been provided, the vendor conducts a background check and produces a report. When the report is completed, the vendor sends an email to the conditionally accepted student requesting that he/she review the report prior to its

distribution. The conditionally accepted student has ten calendar days from the date the email is sent to review the report. The accepted student may contest the contents of the report within this specified ten-calendar-day period. After that, the report will be made available to Vanderbilt University School of Medicine. If the conditionally accepted student does not review this report or if there is no objection to the report, it will be distributed after this period elapses.

- c. Failure by the conditionally accepted student to provide the consent for the Criminal Background Check prior to matriculation may result in withdrawal of the School's offer of admission. Omission of required information or submission of false or misleading information by the individual in the application for admission and/or in any communication with the School of Medicine may result in withdrawal of the School's offer of admission or removal from the alternate list.
- d. If no adverse information is reported in an applicant's criminal background check, satisfactory completion will be recorded by the director of the degree program into which the student has been offered provisional admission. -

III. CRIMINAL/BACKGROUND CHECK REVIEW COMMITTEE

The School of Medicine houses the School of Medicine Criminal/Background Check Review Committee (CBCRC). The CBCRC is a standing committee established by the Dean of the School of Medicine. Membership in the CBCRC is drawn from the School of Medicine faculty, excluding members of the admissions committees and the School of Medicine Associate Deans. The CBCRC has no fewer than 5 members. The CBCRC and the Director of Admissions will be responsible for reviewing and revising this policy from time to time. Reasonable efforts will be made to keep applicants informed of any changes in this policy. However, VUSM reserves the right, in its sole discretion, to amend, replace, or terminate this policy at any time.

The CBCRC meets on an as-needed basis. Each member of the committee is committed to act in the best interest of the health professions, potential patients, the School of Medicine as a whole and the community-at-large. Members abstain from acting or voting on matters for which there is a real or perceived conflict-of-interest..

IV. PROCEDURE FOR ADVERSE REPORTS

Criminal background check reports with no adverse information are not reviewed by the CBCRC. Conditionally accepted applicants with adverse information are reviewed individually, focusing primarily on suitability for the profession of medicine, threat to individual patients, and risks to the School of Medicine and the community.

For the MD degree program, this review is conducted by the Criminal/Background Check Review Committee. For all other degree programs, an initial review of the report is conducted by the degree program director. If the degree program director feels that the adverse information is of a minor nature and will not preclude the student's participation in the program, the report

will not be forwarded to the CBCRC. If the degree program director feels that the adverse information is of a significant nature, the report is forwarded to the CBCRC.

- a. The Criminal Background Check Review Committee may request that the individual provide an additional detailed, written description and explanation of the information contained in the criminal records/background report and application along with appropriate documentation, such as police reports, certified court records and any institutional correspondence and orders. If requested, this information must be returned to the CBCRC within ten working days of the date the communication is sent to the individual. Any extension of the ten-day period must be requested by the applicant and granted in writing by an authorized University representative. The CBCRC may also independently seek to obtain additional information, such as a copy of the original criminal charge. The Chair of the CBCRC may request consultation with the Office of the General Counsel and/or Vanderbilt Police Department at his/her discretion. Meetings or telephone interviews between provisionally accepted candidates and any University representatives regarding the CBCRC review do not generally take place.
- b. The Criminal Background Check Review Committee will review the criminal record/background report, any relevant information provided to or requested by the CBCRC and the applicant's explanation (if requested or provided). Provided information will not automatically result in the revocation of acceptance.
- c. A final recommendation with regard to matriculation will be made only after careful review of factors, including but not limited to: failure to self-disclose the criminal history; inconsistency of self-reported information compared with information in the criminal records/background report; the nature and seriousness of the offense; the circumstances under which the offense occurred; 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 was committed; whether the offense was an isolated or repeated incident; the length of time that has passed since the offense; past employment and history of academic or disciplinary misconduct; evidence of successful rehabilitation; whether there is a statutory prohibition related to the offense; and the accuracy of information provided by the applicant.
- d. When the Criminal Background Check Review Committee considers information on a conditionally accepted applicant, the focus of this consideration will be on whether or not to finalize the conditional offer of acceptance tendered by the Program's Admissions Committee. The potential scholarly contribution of the applicant to VUSM will not be considered, and no information from the application will be made available to the CBCRC except the applicant's responses to the questions regarding military service, misdemeanor convictions or felony convictions. The CBCRC may meet in person or by conference call, at its discretion. All decisions will be made by majority vote of committee members present at the meeting. At least 5 members must be present at the meeting for a decision to be reached unless an exception is granted by the Dean of the School of Medicine or his/her designee due to extenuating circumstances.

CBCRC members not present will be ineligible to vote. In the event of a tie vote, the CBCRC will recommend a finalized acceptance.

- e. If an applicant has outstanding arrests or charges, the CBCRC can recommend acceptance of an applicant (with or without conditions) after careful consideration of the facts. The CBCRC also has the ability to recommend deferral of final acceptance pending final adjudication, or to recommend withdrawal of the conditional acceptance. If adjudication is not complete before the date of matriculation, the acceptance can be deferred one year. However, if the CBCRC recommends withdrawal of acceptance for an applicant, recommends deferral of the acceptance of an applicant with outstanding arrests or charges, or recommends acceptance with conditions, the recommendation will be reviewed by a Final Review Committee composed of the Dean of the School of Medicine and/or his/her designee, the Senior Associate Dean for Health Sciences Education, the Associate Dean for Medical Student Affairs, Senior Associate Dean for Diversity Affairs, the Degree Program Director (if applicable) and the University General Counsel. The Final Review Committee decision on the applicant's admission is final.
- f. Following the CBCRC review, the Dean reviews the recommendation of the CBCRC. If the applicant has no outstanding arrests or charges, authority for the final decision regarding admission, any conditions of admission, and deferral of admission rests with the Dean and/or his/her designee. The Dean may agree with and accept any CBCRC recommendation or may reach a different decision. The Dean's decision is final.
- g. If a decision is made by the Dean or the Final Review Committee to accept an applicant, a final letter of acceptance will be issued.
- h. If a decision is reached by the Dean or the Final Review Committee to withdraw a conditional acceptance for an applicant, to defer acceptance, or to admit the applicant with conditions, the applicant will be notified in writing within 10 days of the decision. The applicant will have seven calendar days to appeal the decision in writing.
- i. If there is no response from the applicant within the seven days, a final notice of withdrawal, deferral, or conditional acceptance will be sent to the applicant by the Director of Admissions. If an appeal is filed, the Dean or the Final Review Committee, as applicable, will review the earlier decision and render a final decision. The appropriate final notice will then be sent to the applicant.

V. SUBSEQUENT CRIMINAL BACKGROUND CHECKS

- a. One or more criminal background checks may be requested or performed after the pre-matriculation check, in accordance with applicable policies, procedures or practices of the University, the School of Medicine, or the institution's clinical educational sites.
- b. Students matriculated at Vanderbilt University School of Medicine have an affirmative duty to notify the Director of Admissions (M.D. and M.D/Ph.D) or the Director of the

Degree Program of arrests and the disposition of any outstanding charges within seven calendar days of the occurrence. There is also an affirmative duty for current students to report to the Associate Dean for Medical Student Affairs (MD or MSTP students) or the degree program director within seven days of the occurrence, any adverse information resulting from subsequent criminal background checks obtained by any organization, even one unaffiliated with Vanderbilt University. .

VI. RECORD KEEPING OF REPORTS AND SUBSEQUENT ACCESS TO REPORTS

- a. All criminal history/background check information that is maintained by the School of Medicine will be kept electronically in PeopleSoft and only accessible on an “as needed” basis by the Associate Dean for Medical Student Affairs, Director of Student Records, and the Director of Admissions (regardless of degree program).
- b. Criminal records/background reports will be maintained for a period of time consistent with the School of Medicine’s retention schedule.
- c. Access to the criminal/background check information will be limited to the CBCRC, the Final Review Committee, the Dean of the School of Medicine and his/her designee, the Senior Associate Dean for Health Sciences Education, the Faculty Chairs of the Admissions Committee (MD and MSTP programs), degree program directors (for other degree programs), the University General Counsel, and the Associate Dean of Medical Student Affairs, and only on a need-to-know basis. The Director of Admissions will need to know if an applicant has an adverse report to track the progress through the system. In addition, the Office of the General Counsel will have access to background information on an as-needed basis.
- d. The policies guiding the collection, storage, and management of criminal history information of School of Medicine students as set forth in this section will be communicated to all students.

Approved by:

Policies Superseded by This Policy:
10/15/2008

Dean, School of Medicine

Review/Revision Completed by:

Revision/Review Date:

Dean, School of Medicine
Senior Associate Dean for Health Sciences Education
Degree Program Directors
Criminal Background Check Review Committee Chair
Associate Dean for Medical Student Affairs
Associate Dean for Admissions
Senior Associate Dean for Diversity
General Counsel