


<p>Name of Policy: Criminal Record Checks for Students Matriculating into the College of Medicine M.D. program</p> <p>Policy Number: 3364-81-04-028</p> <p>Approving Officer: Dean, College of Medicine</p> <p>Responsible Agent: Associate Dean for Admissions, M.D. Program</p> <p>Scope: Medical Students, College of Medicine</p>	 <p>Effective date: 8/20/2008</p>				
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(A) Policy statement

Criminal record checks will be conducted on all students accepted for admission to the M.D. program at The University of Toledo College of Medicine.

(B) Purpose of policy

The Association of American Medical Colleges (AAMC) recommends that all U.S. medical schools obtain a national records check on applicants upon their initial, conditional acceptance to medical school. In recognition of this recommendation, the AAMC has initiated an AMCAS-facilitated national records check service.¹ The purposes of conducting criminal record checks are multiple:

- To assure 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 assure compliance with various regulatory or accrediting agencies that require or recommend such checks.
- To put applicants with a criminal history on notice that there may be an issue with respective licensing boards regarding the impact of the criminal history on their ability to obtain professional licensure.

¹ AAMC website at: www.aamc.org/students/amcas/faq/backgroundsearches.htm

(C) Procedure

(1) Authorization Process and the Criminal Record Check

(a) Upon initial, conditional acceptance to The University of Toledo College of Medicine the AAMC selected vendor will send an email notification to the applicant to obtain consent for the criminal record report to be procured. In addition, the College of Medicine may request that the AAMC selected vendor send to the alternate list applicants an email notification to obtain consent for the criminal record report to be procured. If a report is procured prior to conditional acceptance to The University of Toledo College of Medicine, the report will not be made available to the College of Medicine until the AAMC receives notice of the applicant's conditional acceptance.

(b) Once consent has been provided, the AAMC selected vendor will conduct a records check and produce a report. The records check will only report convictions, conviction-equivalent adjudications², and all arrests without final adjudication³ (both felonies and misdemeanors). When the report is complete, the AAMC select vendor will send an email to the conditionally accepted applicant requesting that he/she review the report prior to its distribution. Upon receiving this email, the accepted applicant will have ten calendar days from the date the email is sent to review their report prior to the report being made available to The University of Toledo College of Medicine. If they do not review this report or if there is no objection to the report, the report will be distributed after this period elapses. The accepted applicant will be provided with an opportunity to contest the contents of the report within the specified ten-calendar day period.

(c) Omission of required information, including the failure to provide the consent, or submitting false or misleading information by the individual in any communication with the College of Medicine may result in withdraw of conditional acceptance. The College of Medicine will respect the laws of the state of Ohio or other state laws with regard to the person having a sealed juvenile record and having no obligation to reveal the records within the juvenile court system.

(2) Criminal History Review Committee

The College of Medicine will create and maintain the Criminal History Review Committee (CHRC). The CHRC will be a standing committee established by the Dean of the College of Medicine, and will include the Associate Dean for Admissions, the Associate Dean for Student Affairs, and will be supported by the Office of Legal Affairs. CHRC will be drawn from the College of Medicine faculty and may include faculty serving on the Medical Student Conduct and Ethics Committee as well as at least one individual who is charged with responsibility for diversity affairs. The CHRC will have no less than 5 members. The CHRC

² Conviction and Conviction-Equivalent Adjudications may include, but are not limited to, the following criminal records dispositions: Alford plea, bail/bond forfeiture, default judgment, fine/costs paid, guilty, no contest, plea in absentia, plea in abeyance, pled guilty, prayer for judgment, suspended execution of sentence, appealed, consolidated for judgment, covered by pled to charge, reduced, accelerated rehabilitative disposition, adjudication withheld, Article 894, conditional diversion, conditional dismissal, conditional discharge, conditional release, deferred sentence, first offender program, supervision, suspended imposition of sentence, work release program, and Sunshine Law. ³ Arrests without Final Adjudication may include, but are not limited to, the following criminal records dispositions: adjourned, case is pending, continued, extradited, remanded, transferred, and dispositions that are not available.

will be responsible for reviewing and revising this policy from time to time. The CHRC will meet in May of each year and thereafter as necessary until all applicants are transferred from conditional acceptance to final acceptance. Each member of the committee will act in the best interest of the profession of medicine, potential patients, the College of Medicine as a whole and the community at large in serving on CHRC and each member will abstain from acting or voting where there is any real or perceived conflict with regard to a particular applicant before the committee.

(3) Handling Adverse Reports

Each conditionally accepted applicant case will be reviewed individually by the CHRC, focusing primarily on suitability for the profession of medicine, threats to individual patients, and risks to the College of Medicine and the community.

(a) The CHRC may require the individual to provide a detailed, written description and explanation of the information contained in the criminal records report along with appropriate documentation, such as police reports, certified court records and any institutional correspondence and orders. This information must be returned to the College of Medicine within ten working days of the date the communication is sent to the individual. Any extension of this ten-day period must be set forth in writing signed by an authorized University representative. The College of Medicine may also independently seek to obtain additional information, such as a copy of the original criminal charge, in order to corroborate the individual's explanation. The CHRC specifically certifies that before taking any adverse action against an applicant based on the Screening Report, the CHRC shall provide the applicant with: the Screening Report, a description in writing of the rights of the Consumer as prescribed by the Federal Trade Commission under 15 U.S.C. § 1681 (g)(c)(3), and a copy of which is attached hereto (the "Rights of Consumers"). **See Appendix 1.** The CHRC has a continuing obligation to deliver a copy of the Rights of Consumers to each applicant receiving a Screening Report.

(b) The CHRC will review the criminal record report and the applicant's explanation (if requested). No information that is provided will automatically result in the revocation of acceptance. A final decision with regard to matriculation will be made only after careful review of factors including but not limited to: 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, and the accuracy of any information provided by the applicant.

(c) When the CHRC considers information on an accepted applicant, the focus of this consideration would be on whether or not to finalize the conditional offer of acceptance tendered by the Admissions Committee. The CHRC may also ask the applicant to provide additional information, appear in person, have a personal review conducted, or other measures determined necessary by the CHRC. All decisions will be made by majority vote of committee members present at the meeting. A minimum of 5 members must be present at the meeting for a decision to be reached. CHRC members who are not present will not be eligible to vote. In the event of a tie vote, the applicant's conditional acceptance will become a finalized acceptance. **See Appendix 2** for the process flow. Applicants that are accepted will be informed that acceptance into The University of

Toledo College of Medicine does not guarantee the ability to complete all aspects of the program including clinical clerkships, obtain proper licensing, or meet other rehabilitation requirements under particular state laws. If a decision is reached to withdraw a conditional acceptance, the accepted applicant will be notified in writing within 10 days of the decision.

(d) If the applicant's conditional acceptance is withdrawn, the College of Medicine must notify the applicant that the Screening Report was used in deciding the outcome, under the FCRA.

(4) Subsequent Criminal Record Checks

A criminal records check may be repeated after the initial check covered by this policy in accordance with applicable policies, procedures or practices of the University, the College of Medicine, or the institutions clinical educational sites.

(5) Record Keeping Of Reports

(a) All criminal history information that is maintained by the College of Medicine will be kept in a locked file that is located separately from the records in the accepted applicant's admission file.

(b) Criminal record reports will be maintained for a period of time consistent with the College of Medicine's retention schedule.

(6) Evaluation Of Policy

This policy will be reviewed no less than every other year.

<p>Approved by:</p> <hr/> <p>Dean, College of Medicine</p>	<p>Policies Superseded by This Policy: Prior HSC-COM-04-028</p> <p>Initial effective date: 8/20/07</p>
<p><i>Review/Revision Completed by:</i> <i>Dean, College of Medicine</i> <i>Criminal History Review Committee</i> <i>Office of Legal Affairs</i></p>	<p>Revision/Review Date: August 1, 2008</p>

Appendix 1

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 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 202-326-3761
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 202-452-6993
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

Appendix 2

CRIMINAL HISTORY REVIEW COMMITTEE (CHRC)

WORKFLOW

