

<p><b>Name of Policy:</b> <a href="#">College of Medicine and Life Sciences: Criminal Records Check for Students in the College of Medicine and Life Sciences M.D. program</a></p> <p><b>Policy Number:</b> 3364-81-04-028-00</p> <p><b>Approving Officer:</b> Dean, College of Medicine &amp; Life Sciences</p> <p><b>Responsible Agent:</b> Assistant Dean for Admissions, M.D. Program and Senior Associate Dean for Undergraduate Medical Education</p> <p><b>Scope:</b> College of Medicine &amp; Life Sciences M.D. Program</p>	 <p><b>Revision date:</b> September 28, 2020</p> <p><b>Original effective date:</b> 08/20/2007</p>				
<table border="0"> <tr> <td><input type="checkbox"/> New policy proposal</td> <td><input type="checkbox"/> Minor/technical revision of existing policy</td> </tr> <tr> <td><input checked="" type="checkbox"/> Major revision of existing policy</td> <td><input type="checkbox"/> Reaffirmation of existing policy</td> </tr> </table>		<input type="checkbox"/> New policy proposal	<input type="checkbox"/> Minor/technical revision of existing policy	<input checked="" type="checkbox"/> Major revision of existing policy	<input type="checkbox"/> Reaffirmation of existing policy
<input type="checkbox"/> New policy proposal	<input type="checkbox"/> Minor/technical revision of existing policy				
<input checked="" type="checkbox"/> Major revision of existing policy	<input type="checkbox"/> Reaffirmation of existing policy				

**(A) Policy statement**

Records checks will be conducted on all students in the M.D. program at The University of Toledo College of Medicine and Life Sciences (UTCOMLS) upon conditional acceptance for admission, and prior to the beginning of M3 clerkships.

**(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.<sup>1</sup> Additionally, various institutions at which students participate in clinical rotations request background checks prior to these rotations during the third and fourth years of training. 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 and allow for appropriate advising that there may be an issue with respective licensing boards regarding the impact of the criminal history on their ability to obtain professional licensure.

<sup>1</sup> AAMC website at: [www.aamc.org/students/amcas/faq/backgroundsearches.htm](http://www.aamc.org/students/amcas/faq/backgroundsearches.htm)

**(C) Scope**

This Policy applies to medical students matriculating into and attending the UTCOMLS M.D. program.

**(D) Procedure****(1) Authorization Process and the Record Check for conditionally admitted students**

(a) Upon initial, conditional acceptance to The University of Toledo College of Medicine and Life Sciences the AAMC selected vendor will send an email notification to the applicant to obtain consent for a record report to be procured, that may include but not be limited to review of the following information: criminal history, OIG exclusion, military verification, sex offender data base search or social security and address verification (referred to as "Report"). In addition, UTCOMLS may request that the AAMC selected vendor send to the alternate list applicants an email notification to obtain consent for the Report to be procured. If a Report is procured prior to conditional acceptance to The University of Toledo College of Medicine and Life Sciences, 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 the records review and provide the Report. The criminal history or records check will only report convictions, conviction-equivalent adjudications<sup>2</sup>, and all arrests without final adjudication<sup>3</sup> (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 University of Toledo College of Medicine and Life Sciences may result in withdraw of conditional acceptance. If the University of Toledo College of Medicine and Life Sciences is informed of omission of information or the submission of false or misleading

---

<sup>2</sup> 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. <sup>3</sup> 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.

information after matriculation into UTCOMLS, the appropriate professionalism procedures and policies for enrolled students will apply.

(d) The University of Toledo College of Medicine and Life Sciences 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) Record Check for students entering third year clerkships  
Students will be required to undergo background check as instructed by the Department of Medical Education prior to beginning third year clerkships. These will be completed through The University of Toledo Police Department, and the cost of the background check will be paid by the College of Medicine. Students who refuse to comply with required background check will not be allowed to begin third year clerkships until the deficiency is resolved.
- (3) Yearly attestations for students in the College of Medicine and Life Sciences MD program  
At the end of each year of training, students will be asked to complete an attestation indicating that there have been no lapses in professionalism which might limit their ability to continue in their training within the UTCOMLS. (see attached questionnaire)
- (4) Additional Record Checks  
Additional record checks may be requested as necessary to fulfill requirements related to volunteer or elective activities undertaken during enrollment at UTCOMLS. The cost for these reports will be the responsibility of the student.
- (5) Criminal History Review Committee  
The University of Toledo College of Medicine and Life Sciences will create and maintain the Criminal History Review Committee (CHRC). The CHRC will be a standing committee established by the Dean of The University of Toledo College of Medicine and Life Sciences, and may include the Associate Dean for Student Affairs and Admissions, one or more Assistant Deans for Admissions, and will be supported by a non-voting member of the Office of Legal Affairs. CHRC will be drawn from The University of Toledo College of Medicine and Life Sciences 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 will be responsible for reviewing and revising this policy from time to time. The CHRC will meet annually and as needed whenever findings from a background check necessitates evaluation, and until all applicants are transferred from conditional acceptance to final acceptance. Each member of the committee will act in the best interest of the student, the profession of medicine, potential patients, the College of Medicine and Life Sciences 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.
- (6) Handling Adverse Reports  
Each conditionally accepted applicant case with a negative finding in the Report will be reviewed individually by the CHRC, focusing primarily on suitability for the profession of medicine, threats to individual patients, and risks to The University of Toledo College of Medicine and Life Sciences and the community.

(a) For any Reports with a negative finding, the University will provide the applicant with: a letter indicating that the Report will be reviewed by the CHRC, a copy of the Report and a summary 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 as Appendix 1. The University may require the individual to provide a detailed, written description and explanation of the information contained in the Report along with appropriate documentation, such as police reports, certified court records and any institutional correspondence and orders and this request should be included in the initial letter from the University. This information must be returned to The University of Toledo College of Medicine and Life Sciences 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 University may also independently seek to obtain additional information, such as a copy of the original criminal charge or other public documentation, in order to corroborate the individual's explanation.

(b) The CHRC will review the Report and the applicant's explanation (if requested). No information that is provided will automatically result in the revocation of acceptance or initiation of corrective action. A final decision with regard to matriculation (for incoming students) or continuation in their course of study (for continuing students) will be made only after careful review of factors including but not limited to: the nature and seriousness of the offense(s), the circumstances under which the offense(s) occurred, relationship between the duties to be performed as part of the educational program and the offense(s) committed, the age of the person when the offense(s) was/were committed, whether the offense(s) was/were an isolated or repeated incident(s), the length of time that has passed since the offense(s), 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. When the CHRC considers information on continuing students, the focus of this consideration should be on whether or not to allow the student to continue in their course of study. 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 or allowed to continue in their current course of study will be informed that acceptance into The University of Toledo College of Medicine and Life Sciences 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. If a decision is made to recommend termination of an enrolled student, the student will be reviewed by the Conduct and Ethics Committee, following the guidelines outlined in the Medical student Grading, Academic Promotion, Re-Examination, Remediation, Dismissal, Due Process, & Appeals policy (#3364-81-04-013-002).

- (d) If the applicant's conditional acceptance is withdrawn, The University of Toledo College of Medicine and Life Sciences must notify the applicant that the Report was used in deciding the outcome, under the FCRA, provide another copy of the Report and a copy of the Summary of Rights attached as Appendix 1 and a letter summarizing the decision.
- (7) Subsequent 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 and Life Sciences, or the institutions clinical educational sites.
- (8) Obligation of all Matriculated Students to Report
- Once a person matriculates into the College of Medicine and Life Sciences, that person as a student of the University has a continuing obligation to notify the University, through any Associate Dean of the College of Medicine and Life Sciences, with regard to any information that has changed as was contained in the initial Report provided to the University, including the reporting of any arrests, misdemeanor, felony charges or convictions.
- (9) Record Keeping of Reports
- (a) All criminal history information that is maintained by the College of Medicine and Life Sciences for conditionally accepted applicants will be kept in a locked file that is located separately from the records in the accepted applicant's admission file. All subsequent information relating to UTCOMLS Students will be maintained as required by the Family Education and Right to Privacy Act (FERPA).
- (b) Reports will be maintained for a period of time consistent with the College of Medicine and Life Sciences' retention schedule.
- (c) Reports are considered student records subject to the Family Educational Rights and Privacy Act (FERPA). Reports are to be used for matriculation purposes only, and will not subsequently be supplied to students, clinical sites, or other third parties except required by FERPA and other relevant laws.
- (10) Evaluation of Policy
- This policy will be reviewed no less than every three years.

<p>Approved by:</p> <p><u>/s/</u> Christopher Cooper, M.D. Executive VP for Clinical Affairs and Dean, College of Medicine &amp; Life Sciences</p> <p><u>September 28, 2020</u> Date</p> <p><i>Review/Revision Completed by: Dean, College of Medicine Criminal History Review Committee Office of Legal Affairs Associate Dean for Admissions SLT</i></p>	<p>Policies Superseded by This Policy: Prior HSC-COM-04-028</p> <p>Initial effective date: 8/20/07</p> <p>Review/Revision date:</p> <ul style="list-style-type: none"> <li>• 08/01/08</li> <li>• 07/26/10</li> <li>• 09/25/12</li> <li>• 05/24/18</li> <li>• 09/28/20</li> </ul> <p><b>Next review date: 9/28/23</b> (three years from most recent revision/review date)</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.

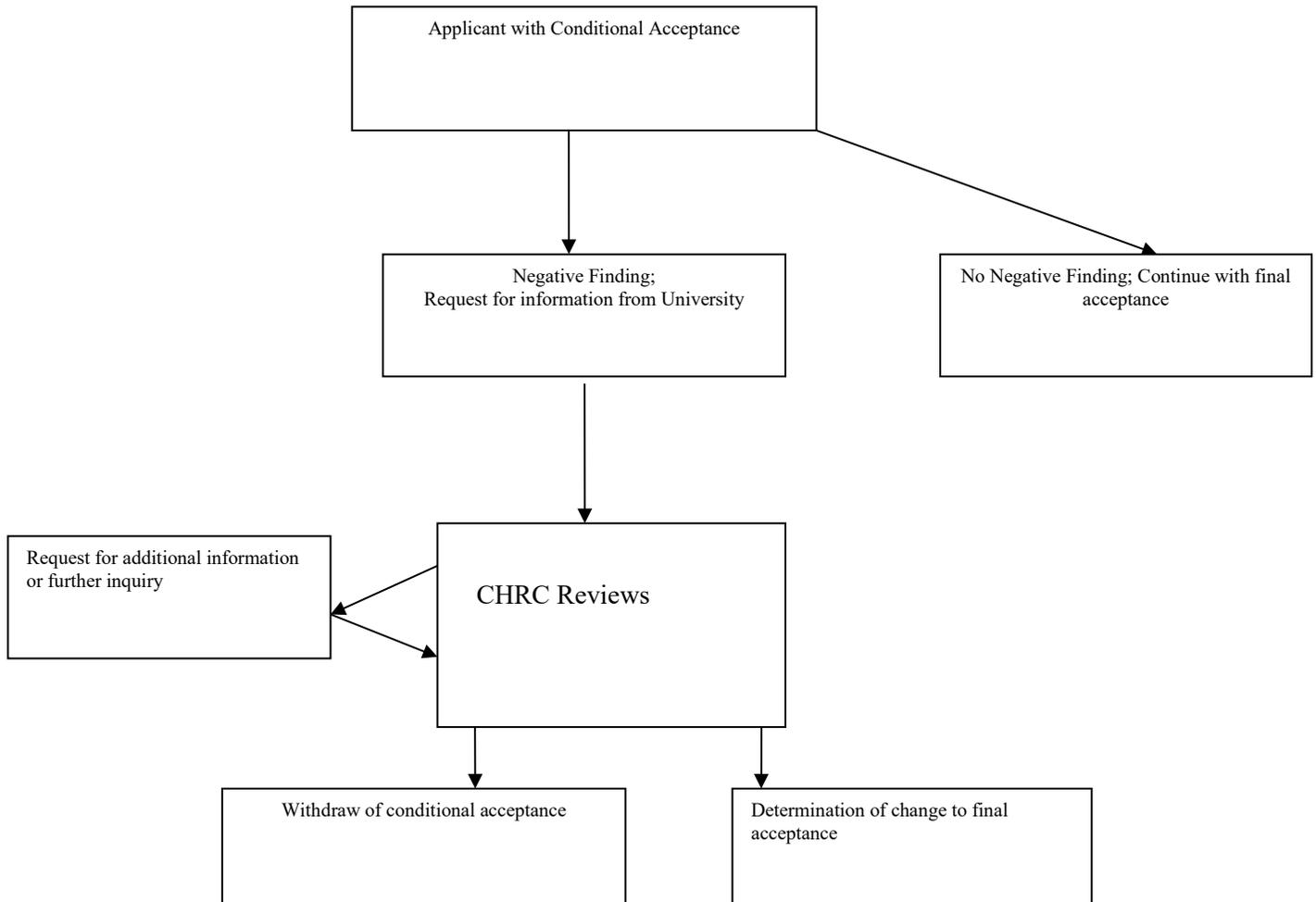
The FCRA gives several different federal agencies authority to enforce the FCRA:

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 202-452-3693
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

**Appendix 2**

**CRIMINAL HISTORY REVIEW COMMITTEE (CHRC)**

**WORKFLOW**



**APPENDIX 3****Questionnaire to be completed by students at the end of each academic year during enrollment at UTCOMLS (University of Toledo College of Medicine and Life Sciences)**

Since admission to UTCOMLS, have you been convicted of, pled guilty, or no contest to any felony offense? Yes No

Since admission to UTCOMLS do you have pending against you any misdemeanor or felony criminal charges? Yes No

Since admission to UTCOMLS have you been convicted of, pled guilty, or no contest to any misdemeanor offense (excluding minor traffic violations)? Yes No

Since admission to UTCOMLS have you been found liable or responsible in a civil lawsuit for any offense that is reasonably related to your qualifications, competence, functions, or duties as a medical professional, or for fraud, act(s) of violence, child abuse, domestic violence, or sexual misconduct? Yes No

Since admission to UTCOMLS have you been court-martialed for actions related to your duties as a medical professional? Yes No

Since admission to UTCOMLS have you had any criminal convictions that have been expunged or sealed from your record? Yes No

Are you currently engaged in the illegal use of drugs?\* ("Currently" means sufficiently recent to justify a reasonable belief that the use of drugs may have an ongoing impact on one's ability to practice medicine. It is not limited to the day of, or within a matter of days or weeks before the date of completion of this questionnaire, rather that it has occurred recently enough to indicate the individual is actively engaged in such conduct. "Illegal use of drugs" refers to drugs whose possession or distribution is unlawful under the Controlled Substances Act, 21 U.S.C. 812.22. It "does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provision of Federal law." The term does include, however, the unlawful use of prescription controlled substances.) Yes No

Do you use any chemical substances that would in any way impair or limit your ability to practice medicine and perform the functions of your job with reasonable skill and safety? Yes No

Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients? Yes No

Are you unable to perform the essential functions of a practitioner in your area of practice even with reasonable accommodation? Yes No

Since admission to UTCOMLS have you engaged in the illegal use of drugs? (Illegal use of drugs means the use of any controlled substances illegally obtained, i.e. not obtained pursuant to a valid prescription and not taken in accordance with the direction of a licensed health care practitioner.) Yes No