

## **Admissions Criminal Background Check Policy**

- I. Recognizing the need to enhance the safety and well-being of patients, and to ascertain the ability of students to maintain or eventually become licensed in their profession, criminal background checks will be performed on all accepted applicants to the Joan C. Edwards School of Medicine (JCESOM) prior to their first day of orientation into the program. Criminal background checks are mandatory for all accepted applicants and must be satisfactorily completed prior to matriculation into the program.
  
- II. A statement such as the following shall be included on admissions materials for the JCESOM:

“I understand that as a condition of admissions, I will be required to authorize JCESOM to obtain a criminal background check (CBC) at my own expense. I understand that if I am offered admission to the medical school program, the offer will not be considered final and I will not be permitted to enroll until satisfactory completion of the background check as determined by the JCESOM. If I fail to give consent to a CBC, or supply false or misleading information with respect to the CBC, I may not be permitted to matriculate as a student into the program.

I further understand that I am required to inform the Admissions Office if I am convicted of, or plead guilty or no contest to, a misdemeanor or felony crime after the date of my original application submission and prior to medical school matriculation. I understand that this communication must be in writing and must occur within ten (10) days of the occurrence of the conviction.”
  
- III. All expenses associated with the CBC are the responsibility of the student. Students who do not consent to the required background check, refuse to provide information necessary to conduct the background check, or provide false or misleading information in regard to the background check may be refused admission into the program.
  
- IV. The criminal background check may access information including but not limited to the following information:
  - a. Social security number search
  - b. County criminal records search
  - c. Statewide criminal record search
  - d. Federal criminal records search
  - e. National criminal records search
  - f. Armed forces discharge
  - g. International screening
  
- V. The Admissions Office is the office responsible for the CBC process for applicants to the medical school. A candidate for medical school remains in applicant status even after

acceptance until the beginning of their first day of orientation. After the beginning of orientation, an applicant becomes a student, and any matters pertaining to criminal background checks after that time are the responsibility of the Office of Student Affairs. For applicants, the Admissions Office will arrange, receive, and store all applicant background checks and will notify the appropriate parties of any pertinent information received on an applicant from the check. The background checks shall be conducted pursuant to an agreement between the American Medical College Application Service (AMCAS), and Marshall University.

- VI. The existence of a conviction does not automatically disqualify an applicant for the medical school. Relevant considerations may include but are not limited to: the date, nature and number of convictions, the relationship of the conviction to the profession and any rehabilitation efforts. The JCESOM retains the sole discretion to decide whether an applicant with a conviction (s) may enter the program. For purposes of this policy, a conviction will be defined as a guilty plea, a guilty verdict, an Alford Plea or a *Nolo Contendere* (No contest) plea.
- VII. Failure of an applicant to disclose previous convictions or convictions which occur during the application process prior to or after the CBC check (except for minor traffic violations) will be considered falsification of records and may affect the applicant's admission into the medical school.
- VIII. In the event that potentially adverse information is received as a result of the CBC, and if that information was not disclosed by the applicant during the application process, the Office of Admissions will immediately inform the applicant of same and will advise them of their right to appeal to the screening company if he or she believes the information to be inaccurate. It is the responsibility of the applicant to insure that any misinformation in the initial CBC is corrected, and to insure that a written statement with supporting documentation indicating the correction is submitted to the JCESOM.
- IX. If undisclosed adverse information is obtained in the applicant's CBC, the applicant will be asked by the Admissions Office to provide a written response to questions/concerns raised from the background investigation within 7 business days. In any event, within 10 business days of receipt of the adverse finding, the Office of Admissions shall notify the Chair of the Admissions Committee in writing of the adverse finding. The Office of Admissions shall then convene the Review Committee to consider the issue.
- X. A Review Committee shall be composed of the Admissions Executive Committee, and a representative of the JCESOM Office of Diversity. Marshall University General Counsel's office will be present during the review of the materials to provide consultation. The Review Committee will be responsible for reviewing all relevant materials related to any adverse background check report containing information that could be relevant to the applicant's

suitability for enrollment. A careful review shall be conducted including the information contained in the CBC and any supporting documentation from the applicant. Factors considered may include but not be limited to:

- The nature and frequency of any reported offense
- The length of time since the offense
- The accuracy of any infraction reported by the applicant during the application process
- The relationship between the offense and the duties to be performed as part of the educational program.

The applicant shall have the right to appear before the Review Committee to contest or explain the findings from the criminal background check. The applicant or the Review Committee may initiate this appearance.

The Review Committee will determine whether the results of the CBC disqualify the applicant from entrance into the program. The applicant will be notified of the Review Committee's determination to deny or to rescind the applicant's admission into the program, in writing, by the Office of Admissions.

- XI. Appeals process – The applicant may appeal the decision of the Review Committee to deny or to rescind admission into the program to the Admissions Committee. The appeal must be made in writing within seven business days of receipt of notification of the decision to deny or to rescind admission into the JCESOM.
- XII. Within 30 days of receipt of the appeal, the Admissions Committee shall convene to review the decision of the Review Committee. The applicant will be advised of the date and time of this review and will be given an opportunity to submit any additional documentation to the Admissions Committee which the applicant believes would be relevant to the Admissions Committee's decision. The applicant will be notified, in writing, by the Office of Admissions of the Admissions Committee's determination. The determination of the Admission's Committee shall be final.
- XIII. Maintenance of records and confidentiality  
Information obtained for the purpose of and during the criminal background check will be retained by the admission office separate from other student educational and academic records, confidentiality will be maintained consistent with FERPA guidelines.

*Policy was reviewed, revised and approved by the Admissions Executive Committee Meeting July 10, 2013. Policy will be submitted for approval by the Admissions Committee in October. The Policy was reviewed, revised and adopted by the Admissions Committee October 29th, 2013. Policy reviewed, revised and adopted by the Admissions Committee October 21, 2014.*