

## **Marshall University Joan C. Edwards SOM Policy for Criminal Background Checks for Third Year Students and Visiting Students**

In accordance with the Marshall University and in keeping with the AAMC Group on Student Affairs Recommendations regarding Criminal Background Checks (2005), Marshall University Joan C. Edwards School of Medicine will conduct background checks on all third year medical students.

Criminal Background Checks are required of all transfer and visiting students as well. Written documentation of clearance will be accepted for students from LCME-accredited institutions. Students from non-LCME accredited schools must undergo the Criminal Background Check required, in the same manner, of all of our third year students.

The Office of Student Affairs is the administrative office responsible for the implementation of this policy. All records obtained as a result of a background search will be maintained in a file separate from the student's academic file and will be held in strict confidence. Actual documents will not be circulated or divulged. Rather, results will be summarized for those who have a need to know: i.e., upon request, written documentation will be provided indicating that the student has been screened and cleared of any history of criminal convictions.

Adverse information obtained as a result of a background screen will not be an automatic bar to placement in a clinical setting. Adverse events of particular concern will be crimes against persons, such as convictions or pending charges associated with:

- Repeated disturbing the peace
- Aggravated assault
- Domestic violence
- Drug possession or distribution
- Sexual crimes including sexual harassment
- Contributing to the delinquency of a minor
- Repeated alcohol or drug related offenses

Failure to have indicated criminal convictions on medical school application materials will put the student at risk for immediate dismissal based on a false application.

## Procedure for Background Checks for MUJCESOM Students

1. In preparation for clinical clerkships, students must undergo a Criminal Background Check by a reputable screening agency selected by the university, and it must include:
  - **County criminal record search(es) for the last seven years**
  - **Federal criminal records search**
  - **National Sex Offender Public Registry**
  - **FACIS (Fraud Abuse Control Information System) Check**
2. Student is notified that the background check is required and signs a release authorizing the background check, including the release of the report to the school. Background checks will be conducted using a web-based format established by a reputable screening agency. Student will provide the information necessary to obtain the check (e.g., all names used, previous addresses, Social Security number) and is responsible for payment of the fee.
3. Results are provided to the student and the Office of Student Affairs via the web-based portal provided by the screening agency. It is at this step that the student has the opportunity to confirm the accuracy of the information obtained in the report. Appropriate web-based security measures will be in place to assure the confidentiality of the report. For purposes of security, reports will never be transmitted by email.
4. Upon receipt of the report that has been confirmed for accuracy by the student, the Associate Dean of the Office of Student Affairs will review the findings. In cases in which an adverse event is identified, consideration will be given on a case by case basis to the (a) nature, circumstances and frequency of offense, (b) length of time since the offense and (3) documented successful rehabilitation.
5. If the Associate Dean of Student Affairs determines that further action is warranted, the report, along with recommended actions, will be brought to the attention of the Dean of the Medical School. Actions by the Dean can include, but will not be limited to, a determination that (1) no further action is warranted, (2) further investigation is warranted or (3) referral to Academic Standards is indicated. This decision will be communicated to the student by certified mail and the student will be informed of the right to appeal any adverse action. The student will have 10 days to notify the Office of Academic Affairs of his or her decision to appeal the decision to the Academic Standards and Professionalism Committee.

6. Student appeals will be handled according to the protocol set forth in the Academic Standards and Professionalism Policy (Section 4).

Reviewed and approved by the Dean's Advisory Committee on June 15,  
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Reviewed and Approved by the Clinical Clerkship Committee on Nov. 3, 2020