



Medical College of Georgia

Administrative
Policy Library

School of Medicine Applicant Criminal Record Check

CITATION REFERENCE

Official Title: School of Medicine
Applicant Criminal Record Check

Abbreviated Title: Applicant Criminal
Record Check

Volume: School of Medicine

Responsible Office: Admissions

Originally issued: June 2009

Policy Statement

The Medical College of Georgia will conduct Criminal record checks on all applicants accepted for admission to the Medical College of Georgia's School of Medicine.

Reason For 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.

Entities Affected By This Policy

This policy applies to all persons seeking admission to the Medical College of Georgia School of Medicine.

Who Should Read This Policy

All persons interested in Medical College of Georgia School of Medicine admissions processes, all School of Medicine employees and all Medical College of Georgia administrators should read this policy.

Contacts

Contact	Phone	e-mail/URL
Admissions Office	706-721-3186	stdadmin@mail.mcg.edu
Office of Legal Affairs	706-721-4018	www.mcg.edu/services/legal/

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

Website Address For This Policy

enter URL

Related Documents

<http://www.aamc.org/students/amcas/faq/background.htm>

Definitions

These definitions apply to these terms as they are used in this policy:

Conditional Acceptance – The admissions status of an applicant who is admitted to the Medical College of Georgia School of Medicine subject to the successful completion and review of a criminal record check as determined by the Criminal History Review Committee.

Criminal Record Check – A review of a conditionally accepted applicant's criminal record.

Criminal History Review Committee (CHRC) – The administrative committee charged with reviewing a conditionally accepted applicant's criminal record and determining whether the candidate will be granted final acceptance.

Statement of Policy

Criminal record checks will be conducted on all applicants accepted for admission to the Medical College of Georgia School of Medicine.

Process/Procedures

(1) Authorization Process and the Criminal Record Check

- (a) Upon initial, conditional acceptance to the Medical College of Georgia School 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 School 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 Medical College of Georgia School of Medicine, the report will not be made available to the School 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

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 plea 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: dead docketed, adjourned, case is pending, continued, extradited, remanded, transferred, and dispositions that are not available.

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 Medical College of Georgia School of Medicine. If the applicant does 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 School of Medicine may result in withdrawal of conditional acceptance. The School of Medicine will respect the laws of the state of Georgia 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 School 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 School of Medicine, and will include the Associate Dean for Admissions, the Associate Dean for Student Affairs, Associate Dean for Curriculum, Associate Dean for Diversity Affairs, Chair of the Student Promotions Committee, and will be supported by the Office of Legal Affairs. The CHRC shall meet on an as-needed basis to review applications referred to it by the Office of Admissions. As necessary, members may participate in committee meetings by telephone. Each member shall have one vote, and all decisions will be made by majority vote of the CHRC members present at the meeting at which an applicant is discussed. In the event of a tie vote, the matter will be referred to the Dean of the School of Medicine for final decision. Each CHRC member will act in the best interest of the profession of medicine, potential patients of the applicant, and the Medical College of Georgia community when serving on the CHRC, and shall abstain from acting or voting in instances where there is a real or perceived conflict of interest with regard to an applicant before the CHRC.

(3) Handling Adverse Reports

Each conditionally accepted applicant case will be reviewed by the CHRC, focusing primarily on suitability for the profession of medicine, threats to individual patients, and risks to the School 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 School 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 School of Medicine representative. The School 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.** 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 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. CHRC members who are not present will not be eligible to vote. In the event of a tie vote, the matter will be referred to the Dean of the School of Medicine for a final decision. Accepted applicants will be informed that acceptance into the Medical College of Georgia School 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

School of Medicine Applicant Criminal Record Check

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 School 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 Medical College of Georgia, the School of Medicine, or the School of Medicine’s clinical educational sites.

(5) Record Keeping Of Reports

- (a) All criminal history information that is maintained by the School 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 Board of Regents’ retention schedule.

(6) Evaluation of Policy

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

Responsibilities

The responsibilities each party has in connection with this policy are:

<u>(Party)</u>	<u>(Responsibility)</u>
<u>School of Medicine</u>	<u>Policy Implementation</u>
<u>Office of Legal Affairs</u>	<u>Legal Interpretation of Policy</u>

Appendix

Summary of Your Rights Under the Fair Credit Reporting Act

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.