

Policy 1.1.4 UAMS COM Undergraduate Medical Education
Section Admissions
Title CRIMINAL BACKGROUND CHECK POLICY AND PROCEDURES
LCME Element(s) 10.2 Final Authority of Admission Committee
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Criminal Background Check Policy and Procedures College of Medicine Medical School Applicants University of Arkansas for Medical Sciences

A. Purpose

The Association of American Medical Colleges (AAMC) recommends that all US medical schools procure a national background check on applicants upon their initial, conditional acceptance to medical school. The rationale for performing criminal background checks on accepted medical school applicants is based on a number of issues, including:

1. The need to enhance the safety and well-being of patients and, in so doing to bolster the public’s continuing trust in the medical profession, and
2. To ascertain the ability of accepted applicants to eventually become licensed physicians,¹ and
3. Consideration of liability issues which may affect the College of Medicine and our affiliated clinical facilities.

B. Applicability

In support of this recommendation, the College of Medicine will require criminal background checks to be performed on each conditionally accepted applicant and each alternate-listed applicant. This policy went into effect for the entering Freshman class in 2009. The College of Medicine will utilize the services of the AMCAS-facilitated vendor to procure the national background check report and will adhere to the criteria for this report as determined by the AAMC in conjunction with their selected service provider.

C. Policy Statement

All conditionally accepted applicants and alternate-listed applicants must consent to, submit to, and successfully complete a criminal background check through the AMCAS-facilitated criminal background check vendor as a condition of matriculation to the University of Arkansas for Medical Sciences College of Medicine. Failure to do so will constitute failure to meet the pre-matriculation requirements established by the College of Medicine and will result in the withdrawal of a conditionally accepted offer.

¹ “AAMC Background Check Service, About the AAMC-Facilitated Background Check Service.” AMCAS – The American Medical College Application Service, 2/26/2008. <http://www.aamc.org/students/amcas/faq/background.htm>

Matriculation and continued enrollment in the College of Medicine is contingent upon a completed criminal background check with *acceptable* results. Failure to consent to a criminal background check; refusal to provide necessary information to conduct a background check; failure to provide additional information wherein an investigation is warranted; and failure to comply with the investigatory procedures when a cause for further action is warranted due to (1) the discovery of previously undisclosed information; (2) the discovery of more egregious information than was previously disclosed; or, (3) the discovery of conflicting information between or among the AMCAS Application and/or the Supplemental Application and/or the Criminal Background Check Report and/or any and all documents considered part of an applicant's application, will result in disciplinary action up to, and including, withdrawal of a conditional offer of acceptance, refusal of admission, or dismissal from the College of Medicine.

D. Procedure for Review of Criminal Background Check Findings

1. The Preliminary Review Committee (PRC) will consist of the following:
 - a. Vice Dean of Academic Affairs
 - b. Assistant Dean of Admissions
 - c. Director of Admissions and Recruitment
2. Upon receipt of a criminal background check report (CBCR) from the AMCAS-facilitated criminal background check vendor, the PRC will review the report.
3. If the PRC determines that the CBCR is “Clear” (has no adverse findings), the applicant will be notified by the Office of Admissions of the removal of the conditional status of the offer of acceptance or of the conditional status of admission and the Office of Admissions will commit the AMCAS admissions action to accept the applicant into the freshman class.
4. If the PRC determines that the CBCR identifies adverse findings, the report will be reviewed by the PRC to determine if the report should be referred to the Criminal Background Check Review Subcommittee (CBCR – defined below). For example, if the adverse finding was also self-disclosed by the applicant to their College in the course of their application in time for it to be reviewed by the Admissions Committee, and the Admissions Committee admitted the applicant anyway, it will probably not be necessary to refer the report to the CBCR. However, if the finding is of previously undisclosed information, if the finding is of information more egregious than was previously disclosed, or the information indicates conflicting information between or among the AMCAS Application and/or the Supplemental Application and/or the Criminal Background Check Report and/or any and all documents considered part of an applicant’s admissions file, the report will generally be referred to the CBCR. The College of Medicine reserves the right to refer any criminal background check to the CBCR regardless of findings.

E. Criminal Background Check Review Subcommittee (CBCR) Purpose and Composition

1. The Criminal Background Check Review Subcommittee (CBCRC) will review CBCR’s referred to it by the PRC. The CBCR subcommittee is a subcommittee of the Admissions Committee.
2. The CBCR will review the CBC findings, conduct an investigation, and recommend to the Admissions Committee whether or not the offer of acceptance or conditional admission should be rescinded.
3. The CBCR will conduct individualized reviews on a case-by-case basis.
4. The CBCR will consist of the following nine voting members:
 - a. Chair of the College of Medicine Admissions Committee
 - b. Vice Dean for Academic Affairs
 - c. Assistant Dean of Admissions
 - d. Associate Dean for Diversity Affairs
 - e. Two College of Medicine Admissions Committee faculty members appointed by the Dean or the Dean’s designee.
 - f. Associate Dean for Student Affairs
 - g. Associate Dean for Graduate Medical Education
 - h. Associate Dean for Faculty Affairs.
5. The CBCR will also include the following non-voting members:
 - a. Director of Admissions and Recruitment
 - b. Legal Counsel
6. The Chair of the College of Medicine Admissions Committee will serve as chair of the CBCR subcommittee.
7. A quorum shall consist of at least 7 of the 9 voting members.
8. If a member is unable to attend, the Dean or the Dean’s designee can appoint an alternate member from the faculty.

F. Criminal Background Check Review Subcommittee Process

1. The Assistant Dean of Admissions will notify the applicant in writing of the scheduled investigation. This notification will contain the date, time, and location of the Subcommittee meeting. The applicant will be notified that the CBCR will convene even in the absence of the applicant.
2. If the applicant attends the meeting, he/she may have one (1) person present during the meeting, who may be an attorney, to advise him/her. This person may not speak on behalf of the applicant, question the Committee members, or otherwise actively participate in the investigation.
3. The applicant may appear in person, make an oral statement, and answer questions from members of the Committee. Should the applicant choose to remain silent, no adverse inference will be raised against him/her.
4. The student may submit additional information or clarification in writing to the Committee.
5. The Assistant Dean of Admissions will facilitate the investigation and/or discussion regarding the CBC investigation.
6. The Chair will provide for the applicant to be heard when the applicant has so requested an opportunity to be heard by the committee, and for the applicant to hear the evidence presented.
7. Once his/her testimony has been presented, the Chair will dismiss the applicant from the meeting in order to continue the remainder of the discussion, deliberation and voting regarding the final recommendation of the CBCR subcommittee to the Admissions Committee.
8. The CBCR will consider cause for action to rescind a conditional offer of acceptance or to dismiss a conditionally accepted applicant. Such factors involved in a final decision which may include, but are not limited to:
 - a. failure on the part of the applicant to fully disclose information in any aspect of the application process, thereby, resulting in the submission of a falsified application;
 - b. the accuracy of the information provided by the applicant in medical school application materials.
 - c. The relationship between the offense committed and the student's participation in the basic science or clinical education components of the medical education program;
 - d. The nature and seriousness of the offense;
 - e. The circumstances under which the offense occurred;
 - f. The age of the person when the offense was committed;
 - g. Whether the offense was an isolated event or part of a pattern of similar offenses;
 - h. The length of time since the offense was committed;
 - i. Past employment history;
 - j. Past history of academic or non-academic misconduct at prior institutions;
 - k. Evidence of successful rehabilitation;
 - l. Forthrightness of the information provided by the applicant in opportunities provided for self-report on application-related forms.
9. Upon completion of the discussion, the Chair will call for a vote on whether or not to recommend to the Admissions Committee that the conditional offer of acceptance be rescinded or to dismiss a conditionally accepted applicant.
10. A three-quarters vote of the Committee is required to make a recommendation to rescind a conditional offer of acceptance or to dismiss a conditionally accepted

applicant (7 votes required if 9 members are present, 6 votes required if 8 members are present, 6 votes required if 7 members are present).

11. A vote of less than three-fourths of the Committee members present will result in a recommendation to the Admissions Committee of the College of Medicine for “no cause for action.”
12. A three-fourths vote of the Committee members present will result in a recommendation to rescind the conditional offer of acceptance or to dismiss a conditionally accepted applicant.
13. The Chair will adjourn the CBCR meeting.

G. A COMMITTEE VOTE APPROVED BY THE ADMISSIONS COMMITTEE RESULTING IN NO CAUSE FOR ACTION

1. The Admissions Committee Chair will notify the Admissions Committee of the College of Medicine of a CBCR vote that recommends “No Cause for Action.”
2. Upon the Admissions Committee’s affirmation of the CDCR recommendation for “no cause for action”, the Assistant Dean of Admissions will inform the applicant.
3. The Assistant Dean of Admissions will advise the applicant that the conditional offer of acceptance has been confirmed as an offer of acceptance without condition.
4. The Office of Admissions will commit the AMCAS admissions action to accept the applicant into the freshman class.

H. A COMMITTEE VOTE APPROVED BY THE ADMISSIONS COMMITTEE TO RESCIND AN OFFER OF ACCEPTANCE

1. The Admissions Committee Chair will notify the Admissions Committee of a CBCR vote to recommend that the College of Medicine rescind the conditional offer of acceptance or to dismiss a conditionally accepted applicant.
2. Upon the Admissions Committee affirmation of the CBCR recommendation to rescind an offer, the Assistant Dean for Admissions will advise the applicant that a conditional offer of acceptance has been rescinded or that their conditionally acceptance has been withdrawn.
3. The Assistant Dean of Admissions will advise appropriate executive administrators of any rescinded offer or dismissal.
4. The Office of Admissions will change the AMCAS action to the appropriate admissions action.
5. The applicant’s file will be retained in the appropriate admissions file cabinet per final admissions action.
6. The CBC report and CBCRC investigation records will be stored according to policy.
7. The file will be shredded at the appropriate time according to policy.

I. SHARED CBC INFORMATION

1. The Assistant Dean of Admissions will advise the Dean of any other UAMS College or Chair or any other UAMS Admissions Committee considering a “rescinded-offer-of-acceptance applicant,” who heretofore filed an “Intent to Pursue Combined Degrees” form with the College of Medicine, of an action to rescind a conditional offer of acceptance with cause.
2. Access to CBC’s will be denied to anyone other than through established procedures.
3. Parties having access to CBC’s will include:
 - a. Vice Dean of Academic Affairs
 - b. Assistant Dean of Admissions
 - c. Director of Admissions and Recruitment
 - d. CBCR members present at the designated meeting for review and disposition.
 - e. Dean of a College or Chair of a department holding an Intent to Pursue Combined Degrees form.
4. Legal Counsel shall determine whether other UAMS Colleges should be advised of an adverse decision.

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