

**San Juan Bautista School of Medicine
Policy and Procedures
On Criminal Background Checks (CBC)**

INTRODUCTION

This policy is designed to provide a safe environment for patients, visitors, Faculty, employees and students at the San Juan Bautista School of Medicine. Criminal background checks (CBC) allow the SJBSM to evaluate whether students possess the character and appropriateness to participate in clinical education activities.

Recognizing the need to enhance the safety and well-being of patients, peer students, faculty and the whole Institution, and in so doing, to bolster the public's continuing trust in health professions, and to ascertain the ability of students to maintain or eventually become licensed and/or certified in their professions, criminal background checks (CBC) will be performed on all admitted applicants of SJBSM as required by AMCAS beginning on January 2010.

Some criminal offenses preclude students from participation in patient care. In addition, some professional licensure boards prohibit licensure for those convicted of specific offenses. Thus, students from professional programs are subject to the statutory and/or regulatory requirements independently imposed by law, or as required by affiliating entities. Students must meet any and all requirements of the clinical facility, which may be more extensive than referenced herein. Inability to participate in patient care or being subject to any other exclusion prescribed by law will preclude successful completion of the requisite curriculum. As such, affected students may not be eligible for matriculation, continuation in the program, or graduation, if applicable.

POLICY

All admitted applicants must consent, submit to and satisfactorily complete a CBC as a condition of matriculation into the SJBSM. Enrollment will not be final until the completion of the criminal background check with results deemed acceptable. All expenses associated with the CBC are the responsibility of the applicant, either directly or through arrangements with an appropriate centralized application service. Students, who do not consent to the required CBC, refuse to provide information necessary to conduct the CBC, or provide false or

misleading information in regard to the CBC will subject to the refusal of admission.

This policy applies to all applicants to the SJBSM educational program leading to the MD degree.

Criminal Background Check (CBC)

Prospective Students:

Prospective students seeking admission to the SJBSM leading to the MD degree will be informed of this policy and its requirements will be included with the admissions materials.

New and Transfer Students:

Students admitted to the SJBSM and transfer students will be informed of this policy and its requirements at the time of acceptance. Once admitted, students will be required to complete a criminal background check and authorize release of results to appropriate academic and/or clinical personnel. A criminal background check will be considered a condition of acceptance.

Procedure for CBC

1. Prospective students for any of the SJBSM will be notified through the admissions web page that if admitted they would be required to complete a criminal background check and authorize release of the results to the admission committee.
2. Students accepted for admission will be notified that matriculation is contingent upon the evaluation and acceptable outcome (no significant convictions found as determined by the review committee) of all required CBCs.
3. Once admitted, students will be notified verbally and by letter or e-mail of the deadline for completion. The school will provide students with the name(s) of vendor(s) with which the SJBSM has established reporting relationship(s). At present, as notified by the AAMC in January 2010, all applicants applying through AMCAS will be screened for a CBC through Certiphi Screening, Inc. as the vendor. Students will be given instructions on obtaining and reporting the results of their CBC. Students will be responsible for all cost associated with completion of a criminal background check.

4. The Director of Admissions will receive certification letters for all CBCs that result in no records found and will store them in a locked file until applicant is admitted.
5. In those CBC where a record of conviction is found, the record will be screened as to severity by the vendor and the student will be notified:

Major offenses (as defined in the Appendix I) will result in termination of the admission process for the student, and the student with a serious offense cannot ask for reconsideration.

Minor offenses (as defined in the Appendix I) will be considered on a case by case basis by the Dean of Students Affairs who will refer the case to the Review Committee [a designated committee (different from the Admission Committee) and assessors (considered but not limited to specialists in behavioral sciences and legal services)].

The student will be notified of his/her right to appeal and all information will be retained until such time as an appeal, if any, has concluded and determination regarding continued participation in the SJBSM has been made.

Students claiming inaccuracies in their CBC will be referred to the entity completing the initial CBC for procedures as required by the Fair Credit Reporting Act.

Students may submit an appeal to the Dean of Student only if the finding in the CBC constitutes a minor offense.

Review Committee process

- A review Committee, appointed by the President/Dean standing separate from the SJBSM Admissions Committees, 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.
- Members of the Review Committee may include health professions college admissions, student affairs, academic affairs, and health professions college faculty in consultation with the Dean of Student Office, Office of Legal Counsel, and other relevant resources.
- Based on institutional policies and procedures, a careful review of the information in the applicant's file including criminal convictions and pending adjudications, the information in the criminal background check

report, and relevant supplementary materials obtained from the applicant and from other sources including court documents will ensue. Factors involved in the individual case review may include, but not be limited to:

- The nature, circumstances, and frequency of any reported offense(s)
 - The length of time since the offence(s)
 - Available information that addresses efforts at rehabilitation
 - The accuracy of the information provided by the applicant in their application material
 - The relationship between the duties to be performed as part of the educational program and the offense committed
- Any applicant with a minor offense finding in the CBC whose acceptance is referred to the Review Committee as the right to appear before that committee to contest or explain the findings from the CBC.
 - Applicants who showed in the CBC minor offenses, and who believe that there are extenuating circumstances to be taken into account, may submit a written request for consideration to the MD Program.
 - When appropriate and necessary, the applicant with the CBC minor offense finding may be asked to meet with the Review Committee
 - The Review Committee will be responsible for deciding whether the results of the background investigation disqualify applicant from entrance into the MD Program. They will forward their decision in writing to the applicant, to the Admission Office, and to the Dean of Students and the President/Dean within thirty (3) working days.

Appeals process

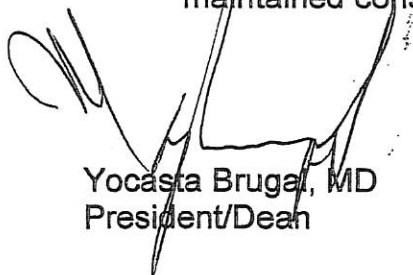
- The applicant may appeal any decision to deny admission to him or her based on the decision of the Review Committee. **Only those applicants with no major findings in the CBC can appeal.** The appeal must be made in writing within seven days of notification of refusal for final admission, and sent to the Dean of Students and the Director of Admissions of the SJBSM.
- The President/Dean consider the request for appeal.
- The applicant may request a meeting with President/Dean. The President/Dean will determine whether such a meeting is necessary, and will determine any terms of the meeting. The President/Dean will render

a decision on the matter within seven days of the receipt of all relevant material including the analysis of the Review Committee, if necessary. The applicant and the Admissions Office will be informed of this decision.

- The decision of the President/Dean regarding the termination of the offer of admission is final, and cannot be appealed.

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.



Yocasta Brugal, MD
President/Dean

Approved: February 9, 2012

San Juan Bautista School of Medicine
Policy and Procedures
On Criminal Background Checks (CBC)

Appendix 1

Criminal Background Check Reporting Criteria

Some criminal offense preclude students from participating in patient care (i.e., Red Flags). In addition, some professional licensure boards include specific offense which constitutes a failing report and to what extend clinical sites would refuse a student based on the failed status. All felony cases listed below will be posted as a "Fair". In addition, each clinical facility may require more or less stringent criteria for placement.

Major Offenses (Red Flags are those that indicate clear potential threat or harm to the community-constitutes an automatic failure of the CBC and termination of the admission process and dismissal from the MD Program)

- Assault and related offenses when resulting in a felony
- Battery and related offenses when resulting in a felony
- Arson, Attempted Arson
- Child abuse, aggravated child abuse, neglect of a child, exploitation of a child
- Endangering the welfare of a child
- Theft and related offenses resulting in a felony
- Contributing to the delinquency of dependency of a child
- Fraud
- Credit Card Crimes: Credit Card Fraud, Credit Card Theft, Illegally use a credit Card
- Hate Crime and related offenses
- Sale, Distribute, Deliver controlled substance when resulting in a felony
- Possession of a controlled substances when resulting in a felony
- Incest
- Kidnapping, False Imprisonment
- Killing of an unborn child by injury to the mother
- Lewd and Lascivious Behavior when resulting in a felony
- Murder, Maiming, Manslaughter, Attempted Murder, Attempted Maiming, Attempted Manslaughter
- Malicious Wounding, Unlawful Wounding
- Prohibited acts of persons in familial or custodial authority
- Rape, Sexual Abuse, Sexual Assault, Incest
- Sexual Misconduct
- Sexual Assault, Sexual Battery and Other Sexual Offenses
- Robbery and related offenses resulting in a felony
- Vehicular Homicide, Vehicular Assault, Hit and Run
- Breaking and Entering
- Weapon Crimes and related offenses
- Embezzlement

Minor offense (Yellow Flags – may not constitute and automatic failure of CBC). These will be reviewed independently and a decision will be bases on the nature of the crime and the nature of the position: (e.g., 10 year old charge of Possession of Marijuana, DWI, etc)

Note: This is not an all-inclusive list. Some offenses have no time limit; other will have a time limit of 5 to 10 years. Applications are reviewed on a case-by-case basis. The SJBSM may request additional applicant information as part of the decision-making process.