

**CRIMINAL BACKGROUND CHECK POLICY OF  
CONDITIONALLY-ACCEPTED MEDICAL STUDENTS,  
WAIT-LISTED MEDICAL STUDENTS APPLICANTS AND  
TRANSFER STUDENTS INTO THE MEDICAL SCHOOL**

**I. Purpose**

To establish guidelines and criteria for use of criminal background checks for (1) conditionally-accepted medical school applicants, (2) wait-listed medical school applicants, and (3) transfer students into the medical school in order to enhance the safety and well-being of patients, students, faculty, and staff in the academic and clinical environments thereby bolstering the public's trust in the medical profession, to attest to affiliated clinical facilities and licensure entities a student's background and eligibility status and to ascertain whether there are incidents in an accepted applicant's history that would pose a risk to patients or others, or would prohibit the individual from being licensed in the future.

**II. Policy**

It is the policy of New York Medical College to require all medical school applicants, wait-listed applicants, or transfer students conditionally accepted to the School of Medicine to submit to a criminal background check conducted by the American Association of Medical Colleges ("AAMC") Background Check Service as part of the application process and to review such background reports in accordance with the procedures specified below. Additional checks shall be performed when required by law or by affiliated clinical facilities. Furthermore, it is the policy of New York Medical College to treat such criminal background reports, records and information in the strictest confidence in compliance with the Family Educational Rights and Privacy Act ("FERPA"). This policy is consistent with the guidelines of the AAMC and is intended to enhance the safety and well-being of patients, students, faculty, and staff in the academic and clinical environments and minimize the risk to patients that may be presented by persons with prior criminal activity.

**III. Scope**

This policy applies to all conditionally accepted medical school applicants, wait-listed applicants and transfer students – it is not a component of the application, interview or selection process for medical school; however, it is a mandatory component of the pre-matriculation process for each accepted candidate. The letter sent to each accepted applicant (and, at times, to selected wait-listed applicants) shall include information about this requirement, with the contingency that the final decision about medical school matriculation

shall be made after institutional review of the accepted applicant's criminal background check report.

**IV. Effective Date**

The Effective Date of this Policy is April 1, 2011.

**V. Definitions**

- A. Criminal Background Check ("CBC") – Each student's background shall be checked, by social security number, for the prior 7 years for each county and state of residence showing any activity for that social security number. The search shall include criminal records, including arrests and convictions for all offenses of any type, a review of the registries of reports of child and dependent adult abuse and records that have been expunged and judgments that have been deferred. The check shall also include Federal Crime Records, National Criminal Database, National Sexual Offender Database, U.S. Department of Health and Human Services Office of Inspector General List of Excluded Individuals/Entities, Dishonorable Discharge from the Armed Forces and International Screening.
- B. Certiphi Screening, Inc. – the AAMC-selected vendor conducting the CBC
- C. CBC Review Committee – the Committee established to review CBC reports and to address issues of matriculation for those whose report reveals information of concern and who answered in the affirmative on past criminal activity on their medical student application for admission. The Committee shall consist of the Senior Associate Dean of Admissions, the Vice Dean for Undergraduate Medical Education and a third member as designated by the Dean of the School of Medicine. The Office of General Counsel shall participate in an advisory capacity.

**VI. Procedure**

- A. Medical School applications request disclosure of any misdemeanors or felony convictions, other than minimal traffic violations, including deferred adjudication, with a statement that non-disclosure/falsification may lead to dismissal.
- B. Upon receipt of a conditional letter of acceptance from New York Medical College, the applicant must provide written consent, submit to and satisfactorily complete a CBC conducted by Certiphi.

- C. The applicant shall receive notification from Certiphi that the report is complete and that the applicant has ten (10) calendar days in which to review the report and/or contest the contents.
- D. Once the applicant has completed the review, or the ten (10) calendar days have expired, the report and any student response shall be forwarded to the Senior Associate Dean of Admissions and the Director of Admissions.
- E. The Director of Admissions shall review the CBC and refer it, and any student response, to the CBC Review Committee for students who answered in the affirmative on past criminal activity on their medical student application for admission. New York Medical College has the sole discretion to rescind an offer of admission in the event any inaccurate, misleading or incomplete information is discovered in the student's application or that post-dates their application as a result of this CBC. The Director may refer to the CBC Review Committee any CBC report, and any student response, for students who fail to disclose past criminal activity on their medical school application.
- F. The CBC Review Committee shall review the CBC report, any student response and, if necessary, the medical student application.
- G. Any communication sent by NYMC to an accepted applicant shall include information about the CBC requirement, and shall contain a statement that a final decision about matriculation shall only be made after review of the CBC report.
- H. The applicant has an obligation to disclose and notify New York Medical College of any misdemeanor or felony convictions or pleas of no contest, other than minimal traffic violations, including deferred adjudication, after the date of the initial CBC process. Notification shall be made, in writing, within ten (10) days in the following manner:
  - 1. If the occurrence of the criminal charge or conviction occurs during the period between the date of the initial CBC process and the date of matriculation, notification shall be made to the Admissions Office;
  - 2. If the occurrence of the criminal charge or conviction occurs after the date of matriculation, notification shall be made to the Student Affairs Office.

Non-disclosure or falsification may be grounds for, as applicable, non-acceptance, dismissal or degree revocation.

## **VII. The Review Process**

- A. No information derived from a CBC report shall automatically disqualify any accepted applicant from medical school matriculation.
- B. A final decision about matriculation shall be made only after a careful review by the CBC Review Committee of factors including, but not limited to:
  - 1. The nature, circumstances and frequency of offense(s)
  - 2. The length of time since the offense(s)
  - 3. Documented successful rehabilitation
  - 4. The accuracy and veracity of the information provided by the applicant in the self-disclosure portion of the application
- C. Information shall only be used in accordance with State and Federal Laws.

## **VIII. Document Retention**

- A. CBC reports shall be kept in the Admissions Office until the date of matriculation. CBC reports shall then be transferred to the Student Affairs Office after the date of matriculation.
- B. CBC reports shall be kept separately from the regular student educational file.
- C. CBC reports shall be maintained with the appropriate level of control and confidentiality as to allow for efficient verification for students doing rotations as clinical facilities that require background checks.
- D. CBC reports shall be maintained and retained for at least one year after the date of graduation of the medical student involved. CBC reports of students who are not matriculated shall be retained for one year after date of receipt of the CBC report.

## **IX. Responsibilities**

- A. Office of Admissions
  - 1. Follow the procedures outlined in this policy.
  - 2. Receive and review CBC report by the Senior Associate Dean of Admissions and the Director of Admissions.
  - 3. Forward CBC report to CBC Review Committee if it contains information of concern.

4. Maintain CBC report separately from applicant's admission file until date of matriculation; then forward to Student Affairs Office.

B. CBC Review Committee

1. Conduct a thorough and fair assessment of any information of concern contained in the applicant's CBC using factors including, but not limited to, those outlined in Section VII (B) listed above.
2. Seek advice from the Office of the General Counsel as needed.
3. Notify the Director of Admissions of its final decision.

C. Office of General Counsel

Provide advice and counsel to the CBC Review Committee, the Office of Admissions or, as applicable, the Office of Student Affairs, as needed.

D. Applicant

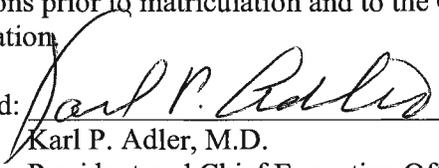
1. Accurately, truthfully and fully disclose any misdemeanors or felony convictions, other than minimal traffic violations, including deferred adjudication, as required on the medical school application.
2. Consent in writing, submit to and satisfactorily complete a CBC conducted by Certiphi upon receipt of a conditional letter of acceptance.
3. Review the results of the report within the specified 10-day time period before the results are made available to the Admissions Office.
4. If necessary, contest the contents of the CBC also within the specified 10-day time period prior to the release of the report to the Admissions Office.
5. During the period between the date of processing of the initial CBC report and the date of matriculation, applicant shall advise the Admissions Office of any misdemeanor or felony convictions or pleas of no contest, other than minimal traffic violations, including deferred adjudication.
6. After the date of matriculation, applicant shall advise the Student Affairs Office of any misdemeanor or felony convictions or pleas of no contest, other than minimal traffic violations, including deferred adjudication.
7. Submit to any further CBC processes as may be required by law or by affiliated clinical facilities throughout the course of the applicant's matriculation.

E. Student Affairs Office

1. Maintain CBC reports separately from regular student academic file after receipt from Admissions Office.
2. Follow College policies and procedures if notified by a medical student of any misdemeanor or felony convictions or pleas of no contest, other than minimal traffic violations, including deferred adjudication after the date of matriculation.

Any questions concerning the application of this policy are to be referred to the Office of Admissions prior to matriculation and to the Office of Student Affairs after the date of matriculation.

Approved: \_\_\_\_\_

  
Karl P. Adler, M.D.  
President and Chief Executive Officer

Date: April 25, 2011