

**TILMAN J. FERTITTA FAMILY
COLLEGE OF MEDICINE**

SUBJECT: Criminal Background Check Policy

I. PURPOSE AND SCOPE

All students admitted into the Tilman J. Fertitta Family College of Medicine are required to participate in clinical experiences for graduation. Hospitals and other health care organizations require criminal background checks for all individuals who have direct contact with patients. As a result of these requirements, a student with disqualifying criminal conviction(s) results may be prevented from performing clinical rotations necessary to complete the medical education program at the University of Houston.

Clinical facilities are required by regulatory and accreditation agencies to conduct background checks for security purposes on individuals who provide services within the facility. These requirements are included in affiliation agreements between Tilman J. Fertitta Family College of Medicine and its clinical facilities. Therefore, Tilman J. Fertitta Family College of Medicine requires background checks for its accepted applicants and medical students.

II. Policy on Criminal Background checks and Applicant disclosure of Misdemeanor or Felony Convictions

- A. All applicants accepted to Tilman J. Fertitta Family College of Medicine must satisfactorily complete (submit to and pay for) a criminal background check from a vendor approved by Tilman J. Fertitta Family College of Medicine. Adverse information that is found in a background check may result in the withdrawal of the applicant's offer of admission or dismissal from the program.
- B. An accepted applicant is responsible for contacting the approved vendor and complying with the vendor's process to obtain the required background check. Failure to request a criminal background check in a timely manner is grounds for withdrawal of the offer of admission. Applicants are responsible for the cost of the background check.
- C. After receiving notice of acceptance to Tilman J. Fertitta Family College of Medicine, the applicant shall provide written self-disclosure to the Assistant Dean for Student Affairs of any new criminal history record information no later than ten (10) business days following any arrests for and/or criminal charges of all misdemeanor or felony offenses (other than minor traffic violations). This is consistent with the Texas Medical and Dental Schools Application Service (TMDSAS) application certification signed by all applicants. Failure to disclose information that is subsequently found on a background check may result in withdrawal of the offer of admission from the College or dismissal from the program.

III. Policy on Post-enrollment Disclosure of Misdemeanor or Felony Convictions for Medical Students
Enrolled students are required to disclose within five (5) business days of occurrence to the Office of Student Affairs any arrests for and/or criminal charges of all misdemeanor or felony offenses (other than minor traffic violations). Non-disclosure or falsification of this information will be grounds for disciplinary action, up to and including dismissal.

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IV. Policy on Post-enrollment Background Checks for Medical Students

- A. Currently enrolled students in Tilman J. Fertitta Family College of Medicine clinic, hospital, or health care organization. Students must contact the designated vendor and comply with its instructions in authorizing and obtaining a background check within the prescribed

timeframe. Additionally, a background check may be required if there is a break in enrollment in the professional program. A break in enrollment is defined as non-attendance of one long-term semester (Fall or Spring) or more as verified by the Assistant Dean for Student Affairs.

- B. If an affiliated practice facility requires detailed criminal background check information regarding an individual student assigned to the facility as a condition for placement, Tilman J. Fertitta Family College of Medicine will notify the student of such a requirement when notified by the facility. Results of the background check(s) may be submitted directly to the hospital/health care facility or to Tilman J. Fertitta Family College of Medicine by the vendor. Upon receipt of criminal history information by Tilman J. Fertitta Family College of Medicine, the results will be passed to the requesting hospitals or health care organizations. The hospital or health care organization will be responsible for determining whether an enrolled student is eligible to participate in the clinical practice experience assignment at the site and will notify the student and Tilman J. Fertitta Family College of Medicine of its decision. Students whose criminal background is determined as unacceptable by a hospital/health care organization may be unable to complete the curriculum as required for graduation.
- V. Adverse Criminal Background Outcome and Appeal process
- A. Both accepted applicants and currently enrolled medical students have the right to review the results of the criminal background check performed by the designated vendor and to request that the designated vendor verify that the background information provided is correct. Prior to making a final determination that may adversely affect the applicant or student, the Assistant Dean for Student Affairs (ADSA) will notify the student or applicant, in writing, of his/her right to review and correct any inaccurate information in the report, the process for contacting the designated vendor to challenge the accuracy of the report and the affect an adverse criminal history report may have on his/her continued enrollment in Tilman J. Fertitta Family College of Medicine.
 - B. If an adverse background check is returned on an accepted student, the Assistant Dean for Student Affairs (ADSA) may rescind an offer of admissions based upon the adverse background check in consultation with the chair and vice-chair of the admissions committee.
 - C. If an adverse background check is returned on a current Tilman J. Fertitta Family College of Medicine student, the Student Performance and Advancement Committee (SPAC) will review the report and may request that the student submit additional information related to the finding (such as court documents and police records), at the applicant's expense. The student shall be given a reasonable time, generally not less than five (5) business days, to provide documentation establishing that the report is inaccurate, that a reported felony conviction is a lesser violation under the laws of the charging jurisdiction, that a disposition was the subject of a subsequent expungement or sealing order by a competent court, or that the report is otherwise unreliable. SPAC will review all information presented to determine if dismissal from the program is warranted.

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- D. Students dismissed by Student Performance and Advancement Committee under this policy may appeal the dismissal as per the appeal process described in the Grading Policies (Student Performance and Advancement Committee)
<https://uh.edu/medicine/current-students/files/policies/09-09-spac-policy.pdf>.

VI. Confidentiality and Record Keeping

- A. Criminal background information is strictly confidential, for use only by authorized personnel Tilman J. Fertitta Family College of Medicine and affiliated clinical facilities in accordance with the Family Educational Records and Privacy Act (FERPA).
- B. Students: Criminal background check reports and other submitted information will be retained for three years after graduation or date of last attendance (in accordance with UH System Record Retention policy).
- C. Applicants Denied Matriculation: Criminal background check reports and other submitted information of applicants denied matriculation into the medical education program will be retained for one year after the end of the application term (in accordance with the UH record Tilman J. Fertitta Family College of Medicine’s retention policy).

VII. Criminal Background Check Content

The criminal background check will include a review of the student’s or accepted applicant’s criminal history for at least the seven (7) years prior to the date the student applies for admission into the program.

The following components are required:

1. Social Security Number validation,
2. Criminal history search, including misdemeanors or felony convictions, or deferred adjudications,
3. Pending criminal charges/convictions,
4. National Sexual Offender Registry,
5. Office of the Inspector General (OIG)
6. List of Excluded Individuals/Entities,
7. General Services Administration (GSA) List of Parties Excluded from Federal Programs,
8. Employee Misconduct Registry,
9. U.S. Treasury, Office of Foreign Assets (OFAC)
10. List of Specially Designated Nationals (SDN) search,
11. Nationwide Healthcare Fraud and Abuse scan,
12. Applicable State Exclusion list,
13. Nationwide Record Indicator and Nationwide Federal Search

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