

## **I. INTRODUCTION**

EVMS is committed to the use of mandatory criminal background checks in its hiring practices for all employment applicants, and/or including medical residents (together, the “Candidates”). These employee criminal background checks (CBCs) serve to meet the compliance requirements of regulatory bodies and our affiliate hospitals, to identify Candidates who may not be able to participate in clinical rotations/internships or obtain professional licensure, and to assure the safety and well-being of students, patients, and employees of EVMS. As such, all offers of employment to Candidates are conditioned upon successful completion of a CBC. All CBCs will be reviewed in accordance with the procedure set forth below, and information derived from a CBC may be used to make a decision, and may automatically disqualify, any Candidate from receiving a final offer of employment from EVMS.

## **II. PROCEDURE:**

- A. Initiating the Process. All Candidates will be required to provide consent to Human Resources for the CBC report to be procured. All Candidates will be provided with instructions on how to initiate the CBC process using EVMS’ vendor, after receiving a conditioned offer of employment from EVMS. Human Resources will be responsible for ensuring that a CBC is conducted on all Candidates prior to finalizing their offers of employment. Failure to agree to, or cooperate with, the CBC process will result in a Candidate’s conditioned offer of employment being withdrawn. Reports with “clear” status shall be immediately filed, and Human Resources will then be able to continue with the hiring process.
- B. Candidate Explanation. Upon receipt of a CBC with a “hit”, the Executive Director of Human Resources shall review the Candidate’s application to determine if the criminal history was disclosed and/or explained on the application for employment. If the criminal history was not disclosed on the Candidate’s application, or if the explanation on the application does not sufficiently explain the incident, Human Resources shall send the CBC report to the Candidate and request a detailed written explanation of the criminal history (including a request for any reason why the charge/incident was not disclosed on the Candidate’s application, if applicable). This explanation, along with the CBC, shall be sent to the EVMS Office of Police and Public Safety for review.
- C. Review by Office of Police and Public Safety. CBCs with a “hit” status shall be sent to the EVMS Chief of Police who will provide details about the charge and whether further action is required. Charges involving violence or threats of violence shall be referred to the Safety Management and Assessment Response Team (“SMART”) (see Section D) and the Chief of Police shall simultaneously notify the Executive Director of Human Resources and the Chair of SMART of such referral. All other charges will be referred back to the Executive Director of Human Resources for review by the CBC Committee (see Section E).
- D. SMART Review. Upon notification by the Chief of Police, the Candidate’s explanation and CBC shall be sent by the Executive Director of Human Resources to the Chair of SMART for review at the next regularly scheduled SMART meeting or such earlier time as may be requested by the Executive Director of Human Resources. The SMART Chair will distribute

the documentation to the members of SMART who will review the documentation and assess whether charges on the CBC are indicative of a future risk to EVMS, its patients, employees, students and/or the community at large. SMART may also request that the Candidate provide additional information/records or have the Candidate appear in person. Any records requested must be provided by the Candidate within ten (10) days of the request. Upon receipt of all requested information and/or interview of the Candidate, SMART members will review all facts and, by majority vote, make a recommendation to the CBC Review Committee of either withdrawing the conditioned offer of employment or allowing the offer of employment to stand. Such vote may be conducted electronically at the discretion of the Chair of SMART. If no information is provided, or the Candidate does not appear as requested, the recommendation will automatically be “withdraw employment offer” and the Candidate’s failure to cooperate will be noted. The recommendation by SMART will be documented and referred to the CBC Review Committee for final action in accordance with Section F.

E. CBC Review Committee.

1. Upon referral of a “hit” by the Office of Police and Public Safety, or a recommendation by SMART, the Executive Director of Human Resources shall convene the CBC Review Committee, which shall consist of:
  - i) The Executive Director of Human Resources as Chair;
  - ii) The Vice President of Diversity and Inclusion;
  - iii) For residents: The Vice Dean of Graduate Medical Education (or designee);
  - iv) For Faculty: The Vice Dean for Faculty Affairs and Professional Development (or designee);
  - v) The supervisor, department head, or program director (as applicable) for the department in which the Candidate will work;
  - vi) A member of the Office of the General Counsel (present, but shall not have a vote);  
and
  - vii) Ad hoc members as the Chair may deem appropriate.
2. The EVMS CBC Review Committee will be responsible for reviewing the CBC, any SMART recommendation, and any other information that was provided and that may be relevant to the final determination of whether or not to extend an offer of employment. The CBC Review Committee shall consider factors such as: the best interests of the department, the number of offenses, the nature, and seriousness of each offense, the circumstances under which each offense occurred and any mitigating circumstances present, the age of the Candidate when each offense was committed and the length of time that has passed since each offense.
3. Upon review and discussion of all facts, the members of the CBC Review Committee shall, by majority vote, determine whether the conditional offer of employment shall be withdrawn.

Any CBC Review Committee member who knows, or has a real or perceived conflict of interest with regard to, the Candidate being reviewed shall abstain from acting or voting in such instances and shall notify the CBC Review Committee Chair as soon as such conflict is known.

4. The CBC Review Committee will document its decision, in writing, for final action by the Executive Director of Human Resources in accordance with Section 7.
- F. Final Action. If the CBC Committee votes to withdraw acceptance, Human Resources shall notify the Candidate within ten (10) business days of a decision having been made. Notices shall be in writing and, in accordance with the Fair Credit Reporting Act (FCRA), the Candidate shall be advised that the CBC report was used in making the decision.
- G. Updates. Employees have an obligation to notify EVMS of any misdemeanor or felony charges, convictions, or pleas made after the date of the CBC. Notification shall be made to the Executive Director of Human Resources, in writing, within fifteen (15) days of any such charges being filed. Non-disclosure will be subject to disciplinary action, up to withdrawal or dismissal from EVMS, as applicable.
- H. CBC Report Recordkeeping. CBC reports and any supporting documentation shall be part of Human Resources' record until such time as employment is terminated. The record will be available to the employee, upon request, when required for purposes of providing CBC verification to rotation/clinical sites. All records will be maintained in accordance with any and all federal and state requirements governing the disclosure of such information.