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Policy/Procedure Number	<a href="#">28.1.13</a>
Policy/Procedure Category	Undergraduate Medical Education
Policy/Procedure Sub-Category	School of Medicine
Policy/Procedure Sponsor	Associate Dean, Student Affairs
Approval Authority	SOM MD Committee on Student Promotions and Academic Achievement
Last Revised Date (origin)	November 18, 2020 (Version 1)
Responsible Person/Office	Associate Dean, Student Affairs /SOM MD Committee on Student Promotions and Academic Achievement
Last Reviewed Date/Policy Status	November 18, 2020 - Current
Next Scheduled Review Date	November 1, 2023

## Criminal Allegations, Arrests, and Convictions Policy

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### Type & Status

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#### School of Medicine Policy

<b>Policy Status, Date of Last Review</b>	Current, as of November 18, 2020
<b>Next Scheduled Review Date</b>	November 1, 2023

### I. Rationale

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Baylor College of Medicine’s School of Medicine seeks to ensure that all incoming and current students in its programs that involve patient care or that lead to a role in a licensed profession meet both the high excellence and professionalism standards of BCM and the profession for which they are being trained. Students and trainees at BCM practice in confidential environments and bear responsibility for the health and safety of patients, which requires both ethical behavior and the exercise of sound judgment. The School of Medicine assigns its M.D. Committee on Student Promotions and Academic Achievement the responsibility to implement and monitor compliance with this policy.

### II. Stakeholders Affected by this Policy

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This policy applies to all prospective students and applicants, visiting students, and students currently enrolled in the School of Medicine’s M.D. Program as well as faculty and staff in the Office of Student Affairs.

### III. Definitions

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- (a) **BCM** – Baylor College of Medicine.
- (b) **MDPC** – M.D. Committee on Student Promotion and Academic Achievement.
- (c) **SOM** – School of Medicine.

### IV. Policy

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- A. **Mandatory Reporting Requirements.** In addition to the mandatory reporting of arrests and convictions required by the [Respectful and Professional Learning Environment Policy: Standards for Student Conduct and College Oversight \(23.2.01\)](#), all BCM students currently enrolled in any SOM program must report all criminal allegations and other legal actions (as specified below) to the Associate Dean of Student Affairs within 5 calendar days of such event. In order to facilitate institutional compliance with the [Background Checks and Criminal Convictions Policy for Program Applicants and Current Students \(23.1.00\)](#), all individuals who intend to return to the BCM SOM after a temporary period of non-enrollment (i.e., students on approved leaves of absence) must also report any criminal allegations, arrests, convictions, and other legal actions to the Associate Dean of Student Affairs within 5 calendar days of such event (or adjudication of the event, if related to a criminal conviction, court martial, or other legal proceeding).
- B. **Scope.** This mandatory reporting requirement extends to any jurisdiction in which the student faces or has been the subject of at least one of the following legal actions, regardless of whether the event occurs within or outside of the geographic boundaries of the United States of America and its territories:
1. Cited or charged with any violation of the law, except for a class C misdemeanor traffic violation or the equivalent (i.e., a moving violation for speeding or a parking ticket);
  2. Served with an Order of Protection or an equivalent court order restricting the student's access to a specific location or proximity to a specific individual or organization;
  3. Arrested, arraigned, or indicted on criminal charges;
  4. Convicted of a misdemeanor or felony other than a class C misdemeanor traffic violation or equivalent;
  5. Sentenced to serve jail or prison time or to pay a fine other than for a class C misdemeanor traffic violation or equivalent; or
  6. Court martial, as may occur incident to military service.
- C. **Noncompliance.** Failure to report alleged criminal activity, convictions, arrests, or other legal actions (as provided above) may result in an Adverse Action as defined in the [Student Progression and Adverse Action Policy \(28.1.05\)](#). The MDPC determines the impact of either an alleged or a substantiated violation of the law on the student's status in the SOM, as provided in the [Background Checks and Criminal Convictions Policy for Program Applicants and Current Students \(23.1.00\)](#) and the [Student Progression and Adverse Action Policy \(28.1.05\)](#).

## V. Responsibilities

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The MDPC has discretion to determine when an undue delay in reporting has occurred, or alternatively to excuse delays in reporting based on the circumstances of a particular case.

## VI. Procedures for Implementation and Review

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This policy may be reviewed and revised as necessary, but at least every three years.

## VII. Stakeholder Compliance

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Compliance with this policy is a professionalism requirement of the SOM. Prompt reporting of any of the legal actions enumerated above offers the student immunity from an adverse action as may arise from an undue delay or failure to report the legal action. However, students should note that adverse action may arise on other grounds, for example if the reported conduct represents a violation of another BCM or SOM policy governing medical student conduct.

## VIII. Tools

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- [School of Medicine - M.D. Program Handbook](#);

## IX. Related Policies

- [23.1.00 – Background Checks and Criminal Convictions Policy for Program Applicants and Current Students](#);
- [23.2.01 – Respectful and Professional Learning Environment Policy: Standards for Student Conduct and College Oversight](#);
- [28.1.05 - Student Progression and Adverse Action Policy](#);

## X. Applicable Laws, Regulations & Standards

- [Liaison Committee on Medical Education \(LCME\) Standards: Functions and Structure of a Medical School](#), see Element 3.5 (Learning Environment/Professionalism); Element 10.4 (Characteristics of Accepted Applicants);
- [Southern Association of Colleges and Schools Commission on Colleges \(SACSCOC\)](#):
  - Principles of Accreditation ([Last updated 2018](#));
  - Resource Manual for the Principles of Accreditation: ([Last updated 2018](#)); see Comprehensive Standard 12.3 (Student Rights);

## Policy Background

<b>Policy Sponsor Name, Title</b>	
<b>Policy Sponsor Contact Information</b>	
<b>Subject-Matter Expert</b> (Name, Title/ Expertise, Date)	
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<b>Subject-Matter Expert</b> (Name, Title/ Expertise, Date)	
<b>Approval Authority</b>	

## Document History

Version #	
<b>Date Presented to Institutional Policy Committee (IPC)</b>	November 4, 2020
<b>Date Endorsed by IPC</b>	November 4, 2020
<b>Date Endorsed by the Office of the General Counsel</b>	November 4, 2020
<b>Date Endorsed by Executive Compliance Committee or Risk Management, if applicable</b>	N/A
<b>Date Endorsed by the Academic Council, if applicable</b>	N/A
<b>Date Endorsed by the Faculty Senate</b>	Will receive a report of policy changes December 11, 2020.
<b>Date Approved by Approval Authority</b>	June 10, 2020
<b>Date Approved by Board of Trustees</b>	November 18, 2020
<b>Effective Date</b> (date policy takes effect)	November 18, 2020
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<b>Stakeholder Communication Method &amp; Date</b>	SOM Admissions Website
<b>Policy Location</b>	Policies and Procedures Manual (intranet)
<b>Revision &amp; Modification History</b> (version # only changes with substantive updates; modifications are noted as “[Version #]-m”)	
<b>Last Reviewed Date</b>	<a href="#">Click here to enter a date.</a>
<b>Version:</b>	Revision/Modification Purpose:
<b>Tracking</b>	<i>IPC Review: April 1, 2020 IPC Endorsement.</i>

	<i>Faculty Senate Endorsement: Academic Council Endorsement: Board of Trustees Approval:</i>
<b>Next Scheduled Review Date</b>	<a href="#">Click here to enter a date.</a>
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<b>Tracking</b>	<i>IPC Review: April 1, 2020 IPC Endorsement: Faculty Senate Endorsement: Academic Council Endorsement: Board of Trustees Approval:</i>
<b>Next Scheduled Review Date</b>	<a href="#">Click here to enter a date.</a>