
CRIMINAL OFFENDER RECORD INFORMATION (CORI)/BACKGROUND CHECK

I. Purpose

Westfield State University seeks to provide a safe environment for those it serves, both on and off campus. Massachusetts laws and regulations provide that individuals convicted of certain crimes pose an unacceptable risk to vulnerable populations and are, therefore, in the University's judgment, ineligible to work on campus and/or participate in practicum placements. Criminal Offender Record Information (CORI) checks are part of a general background check for employment, volunteer, certain student practicums and licensing purposes. The following practices and procedures will be followed.

II. Policy Statement

Job applicants and volunteers who are offered positions with the University will be subject to CORI checks; applicants offered benefitted positions will also be subject to a national criminal background check. Failure to provide written authorization for a background check will nullify the offer of employment. Any prospective employee or volunteer whose CORI/background check reflects conviction of certain offenses may no longer be eligible to work at the University. The University will also conduct CORI/background checks on current employees as required by state or federal law or regulation.

The University and/or a practicum site will subject to a CORI check all students enrolled in a degree program that requires service to vulnerable populations in a practicum program. Any student whose CORI reflects conviction of certain offenses may be ineligible for a particular practicum placement. Any student who refuses to consent to a CORI check will be precluded from participating in a practicum. Acceptance into a course or program at the University does not guarantee clearance for a practicum placement. Students who do not complete required practicum hours may be unable to fulfill requirements for degree completion and may be withdrawn. Alternative assignments in lieu of practicum hours are not possible.

III. Definitions

- A. The term "employee" includes every person performing services for or holding an office, position, or employment with the University, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, or intermittent basis.
- B. The term "volunteer" includes any person who works in an unpaid capacity for or through the University.
- C. The term "student" includes any person enrolled in an academic program or participating in a training program that is affiliated with the University.
- D. The term "vulnerable population" means persons who are under age (18 years of age or younger), elderly, disabled, and/or receiving care due to illness.
- E. The term "candidate" means persons under consideration for employment, volunteer service, or a practicum placement.

- F. CORI is information regulated and maintained by the Department of Criminal Justice Information Services (DCJIS) regarding criminal convictions of adults within the Massachusetts court system. A CORI record includes pending criminal case data.

IV. Conducting CORI/Background Checks

CORI checks will only be conducted as authorized by the DCJIS and Mass. Gen. Laws Chapter 6, § 172. No CORI check will be conducted without an Acknowledgement Form. No criminal records or other background checks will be conducted without completion of appropriate release forms. If the University needs to conduct a post-hire CORI/background check on a unit member because of a statutory or regulatory requirement, a new Acknowledgement Form will be completed by the unit member. If requested, the candidate will be provided with a copy of this Policy.

V. Access to CORI/Background Checks

All CORI obtained from the DCJIS and all background checks are confidential, and access to the information must be limited to those individuals who have a "need to know." This may include, but not be limited to, human resources personnel and staff submitting the CORI request/background check. The University must maintain and keep a current list of each individual authorized to have access to, or view, CORI and other background checks. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

VI. CORI/Background Check Training

An informed review of a criminal record requires training. Accordingly, all University personnel who are part of the CORI/background check access/review process must be certified to participate in the process, be thoroughly familiar with the educational materials and training materials regarding the CORI laws and regulations as made available by DCJIS.

VII. Use of Criminal History in Background Screenings

CORI/background checks used for employment or volunteer purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this Policy and any applicable law or regulations.

VIII. Verifying a Subject's Identity

If a criminal record is received from the DCJIS or through a background check, the information is to be closely compared with the information on the CORI Acknowledgement Form or corresponding release form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record or background check provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on

a comparison of the CORI record or background check and documents provided by the applicant.

IX. Inquiring About Criminal History

In connection with any decision regarding employment, volunteer opportunities, student practicums involving vulnerable populations or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

X. Determining Suitability

If a determination is made, based on the information as provided in section VIII of this Policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position, practicum or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- A. Relevance of the record to the position sought;
- B. The nature of the work to be performed;
- C. Time since the conviction;
- D. Age of the candidate at the time of the offense;
- E. Seriousness and specific circumstances of the offense;
- F. The number of offenses;
- G. Whether the applicant has pending charges;
- H. Any relevant evidence of rehabilitation or lack thereof; and
- I. Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant will be notified of the decision and the basis for it in a timely manner.

XI. Adverse Decisions Based on CORI/Background Check

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of this Policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI or criminal history record. Subjects shall also be provided a copy of the DCJIS' Information Concerning the Process for Correcting a Criminal Record.

XII. Secondary Dissemination Logs

All CORI obtained from DCJIS or through a background check is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log will be used to record any dissemination of CORI or other criminal records outside the University,

Westfield State University

Policy concerning:

Section Administrative

number 0510

page 4 of 4

APPROVED: October 2009

REVIEWED: September 2016

including dissemination at the subject's request.

XIII. Retention of CORI

The University will retain all CORI/background check information for seven (7) years after an adverse decision or termination of employment, after which it is required to discard information.

XIV. Information

For information on CORI, please visit the DCJIS web site: www.mass.gov/eopss/agencies/dcjis/. You may also contact the Westfield State University Human Resources Department by telephone at 413-572-8106.