

## **Criminal Background and Sex Offender Record Check Policy**

This policy is applicable to the criminal history screening for all forms of employment, volunteer work, interns and licensing purposes.

Fitchburg State University is an agency required by MGL c. 6, §. 171A to maintain a Massachusetts Criminal Offender Record Information (CORI) Policy, here incorporated in this Criminal Background and Sex Offender Record Check Policy.

Where Massachusetts Criminal Offender Record Information (CORI) and other criminal background and sex offender record checks may be part of a general background check for employment, volunteer work, or licensing purposes, the practices and procedures herein will be followed.

### **I. Conducting CORI Screening**

CORI checks are a Massachusetts based record search. CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §. 172, and only after a CORI Acknowledgement and Authorization Form has been completed. If a new CORI check is to be made on a subject, a new CORI acknowledgement and authorization form must be completed prior to running the check.

### **II. Conducting Criminal Background and Sex Offender Record Checks**

Creative Services, INC is the University's third-party consumer reporting agency for criminal and sex offender record searches for benefitted employees.

Creative Services, INC conducts criminal and sex offender record searches in jurisdictions in which the subject has resided within the past seven years. Fitchburg State University conducts a request for Massachusetts Sexual Offender Registry Information, through the Massachusetts Sex Offender Registry Board for all employees. For subjects reporting international residence with the previous seven years and an international criminal record check will be run based on residential history.

### **III. Access to Records**

All criminal background and sex offender records, including CORI/SORI obtained from the DCJIS and/or Creative Services, INC, are confidential and access to the information is limited to those individuals who have a "need to know." This may include, but not be limited to, human resources personnel, hiring managers, staff submitting the background check requests, and staff charged with processing job applications.

Fitchburg State University must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list be must updated every six (6) months and is subject to inspection upon request by the DCJIS at any time. This list is maintained by the Office of Human Resources.

#### **IV. Training**

Fitchburg State University is an agency required by MGL c. 6, §. 171A to maintain a Massachusetts Criminal Offender Record Information (CORI) Policy. An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at Fitchburg State University will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Human Resource staff will offer and/or coordinate necessary training on onboarding criminal background and sex offender record checks through Massachusetts CORI/SORI and Creative Services, INC for all personnel authorized to initiate these checks.

#### **V. Use of Criminal History in Background Screening**

Criminal background and sex offender records used for employment 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.

#### **VI. Verifying a Subject's Identity**

If a criminal record is received from the DCJIS or Creative Services, INC, the information is to be closely compared with the information on the CORI/SORI and/or Creative Services, INC Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI/SORI and/or Creative Services, INC record 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/SORI and/or Creative Services, INC record and documents provided by the applicant.

#### **VII. Inquiring About Criminal History**

In connection with any decision regarding employment, volunteer opportunities, 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. The reviewer should contact HR for assistance in having the information reviewed by the VP of Human Resources.

## VIII. Determining Suitability

If a determination is made, based on the information as provided in section V 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 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 is to be notified of the decision and the bases for it in a timely manner.

## IX. Adverse Decisions Based on Background Check Findings

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 the Fitchburg State University Criminal Background and Sex Offender Record Check 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 record. Subjects shall also be provided a copy of the DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

## X. Secondary Dissemination Logs

All CORI obtained from the DCJIS, or other information criminal and sex offender information is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject.

Any questions regarding this policy should be direct to:

- Executive Director for Personnel Services 978-665-3850
- Vice President Personnel Services 978-665-3338
- Human Resources and Payroll Services 978-665-3172  
[humanresources@fitchburgstate.edu](mailto:humanresources@fitchburgstate.edu).

For information on CORI, please visit the DCJIS web site at <http://www.mass.gov/eopss/agencies/dcjis/>

For information on SORI, please visit the Mass.Gov website at <https://www.mass.gov/how-to/request-sex-offender-registry-information-sori>