

Human Resources Department

UMass Lowell Criminal Offender Record Information (CORI) Policy **(For Students)**

Policy Background: Massachusetts passed the Criminal Offender Record Information (CORI) act in 1996. According to the CORI Act, Massachusetts General Laws Chapter 7, sections 167-178, agencies have the right to require a criminal record check on any student affiliating at their institution. Certain educational experiences and some state licensing boards require a CORI check.

Objective and Procedure: The University has accepted responsibility for determining that students who function (either through curriculum-related or voluntary efforts) in settings where direct and unmonitored contact with children, elderly, disabled or other at risk populations is anticipated; do not have criminal records that would raise question about their engagement in these functions. In order to meet this responsibility the university has established the CORI policy and the following procedure:

- 1) **Students for whom CORI may and will be obtained:** Any student whose course-work, placement, community service, service learning or voluntary activity (hereafter referred to as placements) related to the University that requires direct and unmonitored access to children, elderly, patients, disabled or other at-risk populations. Examples of such students include those enrolled in the College of Health Sciences, the Graduate School of Education and students in other programs where such activity occurs in the course of student- related work.
- 2) **Determining whether a curriculum-related or volunteer position entails covered activity:** In addition to those programs that require all students to have a CORI obtained, the determination that a CORI evaluation is required for a placement will be made by the course coordinator, the Dean of the relevant program or the supervisor of the voluntary activity.
- 3) **Procedures to be followed when a person refuses to sign the Request Form:** No student is required to sign the CORI Request Form. However, students will not be permitted to engage in the activity for which the signature is being sought without a CORI clearance and continued matriculation in their program may be jeopardized.
- 4) **Personnel who are authorized to request, access and review CORI:** All personnel who

would be part of the CORI review process must be CORI certified to participate in the review. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by the Massachusetts Criminal History Systems Board (CHSB) and receive appropriate training.

Initial responsibility and review of CORI documents is assigned to the Human Resources department. Review of CORI documents is also authorized for members of the UML CORI Appeals Board as appointed by the Provost; when involved in the appeal process.

5) Process for requesting, reviewing and maintaining CORI: Each college designates a person to become certified by the Criminal History Systems Board (CHSB) to process CORI checks. In addition, national background checks are processed through HireRight. This individual is the contact for the students who submit applications for the criminal check. A simple procedure is required for the check;

- Students are notified in advance that a CORI check is necessary for placement.
- Students complete the CORI Request form acknowledging that a CORI check will be conducted by the Criminal History Systems Board, sign it, and offer a government issued, photo ID.
- Certified college designee makes copy of the ID and forwards the form together with the copy of the ID to the Human Resources department for submission to the CHSB.
- Results from the CHSB are sent to the Human Resources department.

6) Process and standard of review for determining a student's eligibility for engagement in covered activity based on the CORI record, including whether any criminal offenses may disqualify an individual:

- a) If no criminal record is received from the CHSB, HR will notify the certified staff members in the respective colleges.
- b) If a criminal record is received from the CHSB, HR will first closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the student, to ensure the record relates to the student.
- c) Once HR has ensured that the record relates to the student; HR will consult with the appropriate Department Head or designee on the relevance of the record to the placement and if it would disqualify the student.
- d) If the record does not disqualify the student, HR will document the reasons for the decision and close the file.
- e) If after discussion with the appropriate Department Head or designee; a need is felt to disqualify the student based on the CORI check; HR will further consult with the Dean of

the college or designee. Based on the discussion with the Dean, a preliminary decision will be made on whether the student would be disqualified or allowed placement.

- f) If after discussion with the Dean or designee, UMass Lowell is inclined to make an adverse decision based on the results of the CORI check and no evidence of inaccuracy is determined; HR will notify the student. The student shall be provided with a copy of the criminal record and the UML CORI policy, advised of the part(s) of the record that may make the individual unsuitable for placement, and given an opportunity to dispute the accuracy and relevance of the CORI record before a final decision is made.
- g) **Students challenging the accuracy of the criminal record:** The student shall be provided a copy of CHSB's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the student, the university will make a determination based on a comparison of the CORI record and documents provided by the student. The university may contact CHSB and request a detailed search consistent with CHSB policy.
- h) **If the adverse CORI report is determined to be correct:** If when UMass Lowell reasonably believes the record belongs to the student and is accurate and the student requests that the record be reviewed after this challenge, then s/he must request through Lori Cawthorne, Director of Employment Services, to be placed on the agenda for the next meeting of the UML CORI Appeals Board for an appeal on the adverse decision.
- i) **UML CORI Appeals Board:** Membership of the Board will be decided by the Provost.
- i) The UML CORI Appeals Board will review unsatisfactory reports if requested by the student and make a determination whether the reported activity will make the student ineligible for the requested placement.

ii) **Principles guiding the UML CORI Appeals Board deliberations:**

Unless otherwise provided by law, a criminal record will not automatically disqualify a student from a covered activity. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations. In reviewing a criminal record, consideration should be given to the following factors:

- Relevance of the crime to the placement;
- The nature of the work to be performed;
- Time since the conviction;
- Age of the student at the time of the offense;
- Seriousness and specific circumstances of the offense;
- The number of offenses;
- Whether the student has pending charges;
- Any relevant evidence of rehabilitation or lack thereof;
- Any other relevant information, including information submitted by the

student or requested by the placement authority
The UML CORI Appeals Board will meet as needed; for the review of CORI records when requested by students. Human Resources will inform the Board about the need for such meetings.

- iii) **UML CORI Appeals Board Actions:** The Board's decisions will determine if the criminal record is either appropriate or inappropriate for the placement in question. If the determination of the Board is that, despite the past criminal activity, the student is judged to now be acceptable for the placement; the Board will report its determination to the student. As a routine, this report will include a request that the student sign a statement of assurance that s/he has had no similar incidents since the one currently addressed, and pledging that no such incidents or other criminal activity will occur during the period of the placement. The decision made by the UML CORI Appeals Board would be final.

Important Notes:

- CORI records will be kept separate from other personnel files and will be secured in a locked file cabinet when not being reviewed. Only one copy of an individual's CORI is to be kept in the files at any time.
- CORI may always be shared with the applicant/employee/volunteer to whom it pertains. CORI must not be disseminated to any other person or agency. Access to CORI records will be limited to Human Resources and University personnel who have signed an Individual Agreement of Non-Disclosure and Statement of CORI Certification Compliance and who are approved by the CHSB or as otherwise required by law.
- CORI records will be kept on file for up to three years; for purposes of defending against any discrimination action.
- For purposes of this policy, evidence of a criminal history includes any conviction or plea of guilty, a plea of no contest, a suspended imposition of sentence, any suspended execution of sentence, any period of probation or parole, or other action involving a finding that an individual committed or attempted to commit a crime.
- Arrest records and expunged convictions will not be considered evidence of criminal history.
- This policy and procedure is subject to change at the discretion of UMass Lowell, within the scope of CHSB regulations. Please contact the Human Resources Department for a copy of the current CORI policy or with questions regarding this policy.

For additional information on the CHSB and CORI information: The official website of the Executive Office of Public Safety:
<http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/cori-regulations.html>

University Contact:

Lori Cawthorne
Director of Employment Services
Tel: 978-934-3464
mailto:Lori_Cawthorne@uml.edu