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## **College of Nursing and Health Sciences' Criminal Offender Record Information Policy**

As a college whose programs of study require its students to engage in experiential learning, we are obliged to adhere to hospital and healthcare agency policies as delineated in our Working Agreements with such agencies with regards to the protection of vulnerable populations. Toward that end the College of Nursing and Health Sciences (CNHS) performs Criminal Offender Record Information (CORI) checks in accordance with this policy. These checks are performed only by the staff of the Clinical and Internship Placement Office (CIPO), a self-contained office within CNHS established solely for the purpose of accomplishing of the administrative requirements pertaining to clinical and internship placements. This policy is applicable to the criminal history screening of current CNHS students, clinical and internship faculty of both the Department of Exercise and Health Sciences and the Department of Nursing and GoKids volunteers. Additionally, all Clinical and Internship Placement Office ("CIPO") staff, all program directors, and the Associate Dean are also CORI checked due to their involvement in adjudications.

Where Criminal Offender Record Information (CORI) checks may be part of a general background check for students, faculty involved in clinical experiences or Go Kids volunteers, the following practices and procedures will be followed.

### **I. CONDUCTING CORI SCREENING**

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services, ("DCJIS") and MGL ch. -6, §. -172, and only after a CORI Acknowledgement Form (CORI Form) has been completed. The CORI Form requires the student, faculty or volunteer to affix a "wet" signature and to also show the CIPO staff an original US Government issued photo identification. The student, faculty or volunteer's appearance and signature will be checked against the Government issued identification at the time the CORI Form is submitted.

If a new CORI check is to be made on a student, faculty or volunteer within a year of his/her signing a CORI Form, the subject will be given seventy-two (72) hours' notice via e-mail to his/her University of Massachusetts Boston ("UMASS Boston") e-mail account stating that a new CORI check will be conducted.

### **II. ACCESS TO CORI**

All CORIs obtained from the DCJIS are confidential, and access to the information is limited to CIPO staff submitting the CORI requests, and individuals required to review the information on a “need to know” basis. Also, a copy of the CORI can be provided to the individual who had the CORI performed on him/or her upon request. The list of individuals who are allowed access to the CORI information is maintained and updated every six months. The list is approved and kept by the Associate Dean, and contain the names of the authorized personnel who are CORI certified.

**III. CORI TRAINING**

All personnel authorized to review or access CORI in the College of Nursing and Health Sciences are required to review, and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. Training and updating of authorized personnel is the shared responsibility of the Associate Dean and the Clinical and Internship Placement Specialist charged with administering CORI and other background checks.

**IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING**

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 laws or regulations. Only the Associate Dean may make determinations in accordance with this policy and as required under the law. The Associate Dean may consult the Office of the General Counsel for guidance as well as discipline specific state regulations.

**V. VERIFYING A SUBJECT’S IDENTITY**

If a criminal record is received from the DCJIS, the information will be closely compared with the information on the CORI Form and any other identifying information provided by the applicant to ensure the record belongs to that individual.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by the Associate Dean, based on a comparison of the CORI record and documents provided by the applicant. Additional forms of government identification may be requested.

**VI. DETERMINING SUITABILITY**

If a determination is made, based on the information as provided in the verification section of this policy, that the criminal record belongs to the applicant, and the applicant does not dispute the record’s accuracy, then the determination of suitability for the position will be made by the Associate Dean. 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 via certified mail to the address on record with the College of Nursing and Health Sciences.

#### **VII. INQUIRING ABOUT CRIMINAL HISTORY**

If the criminal history appears to be linked to the correct individual, he/she will be contacted via his/her UMASS Boston e-mail account and informed that a meeting will need to be arranged with the Associate Dean. Prior to questioning the individual, he/she will be provided with a copy of his/her criminal history record, the source(s) of the criminal history, and the College's CORI policy.

If the Associate Dean is reasonably inclined to make an adverse decision based upon the results of a CORI check, the individual will be notified of the potential adverse decision and provided with a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record* so the findings can be discussed. The individual will be provided with an opportunity to dispute the accuracy of the CORI record or correct any issues if need be after the meeting.

#### **VIII. APPEAL**

If the Associate Dean decides the individual does not meet suitability expectations and he/she can no longer continue in the process, the student, faculty or volunteer may appeal the decision to the appropriate Program Director. The applicant is expected to provide the Program Director with a copy of his/her CORI check that was provided to the individual at the meeting with the Associate Dean, the certified letter from the Associate Dean, the specifics of their appeal, and a signed waiver from the individual providing consent for the Program Director to view the CORI. The Program Director may meet with the applicant and/or the Associate Dean prior to making a determination as to whether or not the appeal should be granted. The decision of the Program Director is final, and the applicant and Associate Dean will be notified of the decision and the basis for it in a timely manner via certified mail to the address on record with the College of Nursing and Health Sciences.