

Massasoit Community College
Policy and Procedure

Effective 4/8/2013

Reviewed: 9/1/2016

Revised: 9/2018, 5/2019

Criminal Offender Record Information (CORI) Policy

Procedures outlined in this policy shall not be construed to create any additional rights or change any rights in any collective bargaining agreement or the non-unit professional personnel policies handbook.

Purpose

Massasoit Community College recognizes the need to ensure a safe environment for those it serves. CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §. 172, and only after a CORI Acknowledgement Form has been completed. In compliance with these laws and regulations, and as a means of providing a safe campus.

Policy

The Human Resources Department conducts Criminal Offender Record Information (CORI) and Sexual Offender Record Information (SORI) on-line. Where Criminal Offender Record Information (CORI) checks and other criminal history screening may be part of a general background check for employment, or volunteer work, the following practices and procedures will generally be followed. If requested the applicant will be provided with a copy of Massasoit Community College's CORI policy.

Procedure

I. PROCESS FOR CONDUCTING CORI SCREENING

1. CORI checks will be conducted as authorized by the Department of Criminal Justice Information Services ("DCJIS") and M.G.L. c. 6, §172, and only after a CORI Acknowledgement Form has been completed. All CORI check are done electronically.
2. CORI Acknowledgment Forms must be obtained at New Hire Orientation, and are valid for one year from the date of the CORI-subject's signature.

II. ACCESS TO CORI

1. All CORIs obtained from the DCJIS is confidential and may only be disseminated as authorized by law and regulation. All CORI results are stored in a secure location. They are not part of the employee's Personnel file.
2. Access to CORIs shall be limited to only those individuals who have a "need to know" the CORI results to serve the purpose for which the information was obtained.
3. Human Resources must maintain and keep a current list of each individual authorized to have access to, or view a CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

III. CORI TRAINING

1. An informed review of a criminal record requires training. Accordingly, all personnel authorized to conduct criminal history background checks and/or have access to CORI shall review and thoroughly be familiar with the relevant training materials regarding CORI laws and regulations made available on the DCJIS website. www.mass.gov
2. Massasoit Community College is required by MGL c. 6, s. 171A to maintain a CORI Policy. All personnel authorized to conduct criminal history background checks and/or to review CORI information, will review and will be thoroughly familiar with Massasoit Community College CORI policy.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

1. If a criminal record is received from DCJIS, the information must be closely compared with the information on the CORI Acknowledgment Form and other identifying information provided by the applicant to ensure that the CORI record belongs to the correct applicant.
2. CORI used for employment purposes shall be accessed for applicants who have been deemed otherwise qualified for the position for which they have applied.
3. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.

V. CORI-Reports/Committee

1. The CORI Committee Chair, (the Director of Human Resources,) will sort records into two categories: No Criminal Record/Record does not warrant review¹, and Criminal Record. This means that the CORI record does not contain any designations of “G” (guilty), “CWOFF” (continued without a finding), “C” (continued), or “P” (pending)
2. If the CORI report shows “closed,” it means that the victim did not show up for court, and the court has closed the case. If dismissed, the Court has decided not to move forward with the court case, but it remains open.
3. If the CORI indicates Criminal Record, the CORI Committee Chair will notify the applicant and arrange a meeting with the full Committee. The candidate will be provided with a copy of the criminal history record. Notification to applicant should occur within two days after receipt of the Department of Criminal Justice Information Services.
4. The Vice President of Human Resources will be notified of the outcome and will make the final decision. The Director will send a letter to the employee with reason(s) for the decision.
5. If approved, the CORI Committee Chair will notify applicant within two days after the decision.
6. If not approved, the CORI Committee Chair will notify applicant by certified mail within two days after the decision.

VI. DETERMINING SUITABILITY

1. If a determination is made 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 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;
 - i) Any other relevant information, including information submitted by the candidate or requested by the College.

VII. ADVERSE DECISIONS BASED ON CORI

1. 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 College's CORI 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 with a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.
2. It is important to note that in lieu of State CORIs, for Director and above new hires, or anyone working in Finance, PreTrax will do the background check, for a cost. All background checks from PreTrax are sent to the Human Resources staff member, who submitted the request, and the same procedure is used as the State CORI, the committee makes the decision. All PreTrax background checks follow the same process as State CORIs regarding confidentiality and filing in a locked file cabinet in Human Resources. PreTrax is an outside agency who does national background checks, a more in depth background check. The final cost of will be billed directly by PreTrax for payment.
3. Based on the type of position, you can chose "a la carte" to include:
 1. National Criminal & Multi-jurisdictional Sex Offender searches,
 2. Verification of academic degree,
 3. Credit check,
 4. Verification of employment/work history.
 5. County Criminal 7 year Felony and Misdemeanor search,
 6. Federal Criminal Search