

Morthland College

Student Criminal Background Check Policy

Adopted: _____

A. Introduction

Recognizing the need to enhance the safety and well-being of students as well as our community, criminal background checks will be performed on conditionally admitted applicants prior to their enrollment in Morthland College (“MC”).

B. Applicability

Conditionally admitted applicants must consent to, and satisfactorily complete, a criminal background check (“CBC”) prior to final acceptance as a student at MC.

C. Policy Statement

All conditionally admitted applicants must consent, submit to, and satisfactorily complete a CBC as a condition of becoming a student at MC. Enrollment will not be final until the completion of the CBC with results deemed acceptable to MC. All expenses associated with the CBC will be paid by the student as part of the student’s tuition fees, with the CBC to be formed by an independent, outside agency. Students who do not consent to the required CBC, refuse to provide information CBC necessary to conduct the CBC, or who provide false or misleading information in regard to the will be subject to disciplinary action up to, and including, refusal of admission.

D. Implementation and Enforcement

This policy will be implemented, monitored, and enforced by the admissions office at MC. The admissions office will use outside agencies to the conduct of background investigations of students.

E. Procedures for Background Investigation of Students

1. Application. Background investigations will be conducted for applicants who are offered conditional admission to MC. A statement such as the following shall be included on admission materials:

“ I understand that, as a condition of admission, I will be required to authorize Morthland College (“MC”) to obtain a criminal background check. All expenses associated with the CBC are to be my responsibility. If I am offered conditional admission, the offer will not be considered final, and I will not be permitted to enroll until completion of my background check, with results deemed acceptable by MC. If the results of the background check(s) are not deemed acceptable by MC, or if information received indicates that I have provided false or misleading statements, have omitted required information, or in any way am unable to meet the requirements for completion of the program, the conditional admission may be denied or rescinded, and/or I may be disciplined or dismissed.”

2. Advising applicants that final acceptance is dependent on successful background

investigation. Applicants will be informed in written admissions materials including but not limited to, bulletins, web pages, and other promotional materials, that final acceptance into MC is contingent upon successfully passing a criminal background check.

3. Criminal Background Check Procedure

a. *Request to conduct criminal background check.* A criminal background check will be conducted as part of the routine admissions process. MC application materials will include inquiries about criminal convictions and pending adjudications, and a release/consent form that authorizes MC (or its designated agents) to conduct a background investigation on applicants offered a conditional acceptance. Accepted applicants who refuse to complete these inquiries, do not answer truthfully and completely, or refuse to consent to a criminal background check may not be allowed to enter MC.

b. *Information available/sought through background investigation process.* The following databases are examples of those that may be examined as part of the criminal background check.

• Social Security Number Search

A search of credit report header data to help confirm the applicant's identifying information such as name, aliases, address(es), Social Security Number and to determine areas of prior residence.

• County Criminal Records Searches

A direct search of county courthouse records for any felony or misdemeanor criminal history. All records are researched to help ensure positive identification and complete, easy-to-read details.

• Statewide Criminal Records Search

A search conducted through statewide criminal records repositories or court systems for any felony or misdemeanor criminal history.

• Federal Criminal Records Search

A direct search of federal courthouse records for any felony or misdemeanor criminal history. All records are researched to help ensure positive identification and complete, easy-to-read details.

• National Criminal Database Search

A multi-jurisdiction private database search covering more than 194 million criminal records collected from across the country. While the database does not contain information from all states, it supplement county, statewide and federal criminal searches. To ensure compliance with Fair Credit Reporting Act (FCRA), all database "hits" are verified directly through the source of information to ensure that records reported are current and up-to-date.

- **National Sexual Offender Database Search**

A search of a national private database which contains sex offender data collected from across the country. All records are researched to help ensure positive identification.

- **Search for Dishonorable Discharge from the Armed Forces**

Military records are verified through either telephone interviews with the subject's former commander or by obtaining the applicant's DD-214 form. Verification generally includes subject's name, Service Number, rank, dates of service, awards and decorations, and place of entrance and separation.

- **International Screening**

International criminal records searches are generally performed by facilitating the applicant in obtaining an official Police Clearance or Police Certificate from the desired country. In those countries that have established third-party criminal records search facilities—including Canada and Great Britain—searches will be obtained directly through those channels.

c. Consideration of criminal background activities.

(i) The existence of a conviction does not automatically disqualify an applicant from entering MC. Relevant considerations may include, but are not limited to: the date, nature, and number of convictions; the relationship the conviction bears to the duties and responsibilities of the student; and successful efforts toward rehabilitation. Any decision to allow an applicant to enter MC with a conviction is solely at the discretion of MC.

(ii) If an applicant truthfully discloses convictions on his or her application, an evaluation of each conviction will be made by the admissions office prior to the conditional acceptance decision and/or by the Review Committee.

(iii) Failure to disclose ***all previous convictions***, other than minor traffic convictions, will be considered falsification of records, and will be grounds for discipline up to and including withdrawal of conditional acceptance into MC, and if discovered post-matriculation, termination of enrollment for the student.

d. Examination of information obtained through criminal background investigations.

(i) The criminal background check will include a record of all convictions. For the purposes of this policy, a conviction is considered to be a guilty plea, a guilty verdict, Alford Plea, or a Nolo Contendere (“No Contest”) plea.

(ii) The conditionally admitted applicant will receive a copy of the report from the screening agency or from MC if the report indicates any problematic information.

(iii) The conditionally admitted applicant may also ask to review the criminal background check report by contacting the MC admissions department. It is the responsibility of the conditionally admitted applicant to ensure that any misinformation in the initial criminal background check report is corrected, and to ensure that a written statement with supporting documentation indicating the correction is submitted to MC.

(iv) A designated individual or committee within MC will review the initial criminal background check report results for all conditionally admitted applicants.

(v) Conditionally admitted applicants who receive an acceptable background check (with no “findings”), and who have continued to meet their academic standards as specified in their conditional letter of acceptance will receive a letter of final admission.

(vi) If adverse information is obtained in the conditionally admitted applicant’s criminal background check report, MC will ask the applicant to provide a written response to questions/concerns raised from the background investigation. Conditionally admitted applicants who disagree with the accuracy of information found in the background investigation process may submit a letter of dispute, providing supporting documentation to the admissions office.

e. Review Committee process

i. A Review Committee, appointed by the President and standing separate from MC’s admissions office, will be responsible for reviewing all relevant materials related to any adverse background check report containing information that could be relevant to the conditionally admitted applicant’s suitability for enrollment.

ii. Members of the Review Committee may include professionals in the community, student affairs academic affairs and minority affairs officers, and MC faculty in consultation with MC’s Legal Counsel.

iii. Based on institutional policies and procedures, a careful review of the self-reported information in the conditionally admitted applicant’s file including criminal convictions and pending adjudications, the information in the criminal background check report, and relevant supplementary materials obtained from the applicant and from other sources including court documents will ensue. Factors involved in the individual case review may include, but not be limited to:

- the nature, circumstances, and frequency of any reported offense(s)
- the length of time since the offense(s)
- available information that addresses efforts at rehabilitation
- the accuracy of the information provided by the applicant in their application materials
- the relationship between the duties to be performed as part of the educational program and the offense committed

iv. Any applicant receiving a conditional admission whose acceptance is referred to the Review Committee has the right to appear before that committee to contest or explain the findings from the CBC

v. Conditionally admitted applicants who do not pass the CBC, and who believe that there are extenuating circumstances to be taken into account, may submit a written request for consideration.

vi. When appropriate and necessary, the conditionally admitted applicant may be asked to meet with the Review Committee.

vii. The Review Committee will be responsible for deciding whether the results of the background investigation disqualify the conditionally admitted applicant from admission into MC. It will forward its decision in writing to the applicant, to the admissions office, and to the President of MC.

f. Appeals process.

i. The applicant may appeal any decision to deny admission to him or her based on the decision of the Review Committee. The appeal must be made in writing within seven days of notification of refusal for final admission, and sent to the President's office.

ii. MC's President will consider the request for appeal.

iii. The applicant may request a meeting with the President. The President will determine whether such a meeting is necessary, and will determine any terms of the meeting. The President will render a decision on the matter within seven days of the receipt of all relevant materials. The applicant and the admissions office will be informed of this decision.

iv. The decision of the President regarding the termination of the offer of admission is final, and cannot be appealed.

g.. Maintenance of Records and Confidentiality.

Information obtained for the purpose of and during the CNC will be retained by MC and separate from other student educational and academic records. Confidentiality will be maintained consistent with FERPA guidelines.

Other Considerations Related to the Criminal Background Check Policy

Applicants and/or admitted students, as well as currently enrolled students, must be aware that:

1. If a criminal background check is required for enrollment and/or participation in any course, or for the granting of any permit or license required for participation in a course, the expense for the check must be borne by the student. Costs for a CBC are subject to change, and beyond the control of MC.

2. Once enrolled, students may be required to submit to, and satisfactorily complete, a CBC as a condition of continued participation in the education experience. Failure to submit to such a

check and satisfactorily pass the same may result in the termination of the student's enrollment at MC.

3. If a student fails to pass a CBC, he or she may be ineligible for enrollment, ineligible for graduation, and therefore ineligible to continue at MC.

4. MC does not accept responsibility for any student being ineligible for admission for failure to pass a CBC.

5. Students who provide any false information regarding criminal offenses in any documents relating to their attendance at MC are subject to immediate dismissal from MC.

6. Any student convicted of a felony of any type while a student at MC must report that offense to MC's Dean of Academic Affairs in writing within 30 days of conviction. Conviction includes plea agreements, guilty pleas etc.