

TOWN OF FOXBOROUGH



CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY

This policy is applicable to the criminal history screening of prospective and current employees, contractors, subcontractors, vendors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing. The Board of Selectmen shall adopt and amend from time to time a mandatory CORI list as an appendix to this policy. The Foxborough Public Schools and the Foxborough Police Department maintain separate CORI policies consistent with their needs and accreditation standards.

State law and regulations govern the use of CORI by the Town. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed. Violations of CORI laws and regulations are actionable in accordance with state law, and any such violations or violation of this policy may also result in disciplinary action against an employee found to have violated said laws, regulations, or policy, up to and including termination from employment.

I. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and MGL c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. Requestors shall use a current CORI Acknowledgement Form as published by the Massachusetts Department of Criminal Justice Information Services.

If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

A CORI acknowledgement form shall be completed on an annual basis for checks submitted for any other purpose, provided, however, that the requestor has adopted the language from the DCJIS CORI Acknowledgment Form that notifies individuals that their CORI may be requested at any time within the one year that the acknowledgment form is valid. If the requestor has not adopted the DCJIS CORI acknowledgment form language, then it must ensure that an acknowledgment form is completed for each and every subsequent CORI check.

For employees, volunteers, and others to whom this policy applies who work with vulnerable populations, CORI checks will be performed annually, subject to any bargaining obligations or

requirements of collective bargaining agreements. For all others, CORI checks ordinarily will be performed every three (3) years, subject to the same restrictions.

In accordance with state regulations, prior to running a CORI check, the applicant's identity will be verified with government-issued photographic identification, such as a driver's license. If the individual has not been issued such a form of identification, then the applicant's information will be verified with a government-issued non-photographic identification, such as a birth certificate or Social Security card, or other identification authorized by DCJIS. A copy of this identification, together with the CORI Acknowledgement Form, shall be maintained on file by the Town for at least one year from the date the Form was signed by the applicant.

II. ACCESS TO CORI

All CORI obtained from the DCJIS is **CONFIDENTIAL**, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The Town of Foxborough, through its designated CORI Representative, the Assistant Town Manager, must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

All CORI certifications must be renewed annually, and any persons authorized to access CORI are required to be retrained annually.

III. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI for the Town of Foxborough will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

Additionally, as the Town of Foxborough is an agency 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, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS and the Town of Foxborough's CORI Policy.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. In most instances, CORI shall only be accessed for applicants who have been tendered a conditional offer of employment.

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.

V. VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. Such identifying information should include a photograph of the applicant on government issued identification. However, if the applicant does not have a suitable form of government issued identification, the applicant's identity may be verified by reviewing a birth certificate or social security card. If an employer is unable to verify the identity of a CORI subject, an acknowledgment form may be completed and signed before a notary public as provided in the CORI regulations.

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 an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant. The Town shall document all steps it takes in this regard.

VI. INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment, volunteer opportunities, housing, 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/are also to be disclosed to the subject.

VII. 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 basis for it in a timely manner.

VIII. ADVERSE DECISIONS BASED ON CORI

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. **A model letter for this purpose is attached.** The subject shall be provided with a copy of the Town'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 a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*. **A copy of this document is attached.**

The subject will then be provided with a reasonable opportunity to dispute the accuracy of the CORI Record and/or submit additional information. In most instances, that reasonable opportunity shall be seven (7) calendar days from date of notification from the Town of the potential of an adverse decision, unless there are extenuating circumstances. Upon the timely receipt of additional documentation/information from the applicant and/or from the DCJIS, the Town shall review the information, make an appropriate decision based on all information available, and fully document the actions taken.

In the case of license applications, the Town will additionally provide the applicant with information regarding any applicable appeal process, including the opportunity to dispute the accuracy of the CORI at issue.

IX. MAINTENANCE OF CORI

All CORI information, including CORI Acknowledgment Forms and copies of government-issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password-protected and encrypted. No CORI shall be stored using public cloud storage methods.

CORI shall be destroyed within seven years from: the date of hire, or date of entrance into volunteer service (employment); date of final licensing decision (licensing); last date of residency or date of housing decision (housing), whichever is later.

Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which it is stored and from any system used to back up the information. Appropriate measures should be taken to "clean" any computer used to store CORI, prior to disposal or repurposing of such a computer.

X. SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS 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. That log must contain the following information: 1. the applicant/subject's name; 2. the applicant/subject's date of birth; 3. the date and time of dissemination; 4. the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5. the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be maintained

electronically or on paper in the same, secure manner as other CORI information; and are subject to audit by DCJIS.

Reviewed by the Foxborough Board of Selectmen

February 20, 2018
Date


Approved by William G. Keegan, Jr., Town Manager

2/28/2018
Date

The forms attached to this policy are attached for ease of reference and are not part of the official policy. These forms are subject to amendment as may be required from time to time without review of the Board of Selectmen.



**CRIMINAL OFFENDER RECORD INFORMATION (CORI)
ACKNOWLEDGEMENT FORM**

The Town of Foxborough is registered under the provisions of M.G.L. c. 6, § 172 to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, current licensees, and applicants for the rental or lease of housing.

As a prospective or current employee, subcontractor, volunteer, license applicant, current licensee, or applicant for the rental or lease of housing, I understand that a CORI check will be submitted for my personal information to the DCJIS. I hereby acknowledge and provide permission to the Town of Foxborough to submit a CORI check for my information to the DCJIS. This authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing written notice of my intent to withdraw consent to a CORI check.

FOR EMPLOYMENT, VOLUNTEER, AND LICENSING PURPOSES ONLY:
The Town of Foxborough may conduct subsequent CORI checks within one year of the date this Form was signed by me provided, however, that the Town must first provide me with written notice of this check.

By signing below, I provide my consent to a CORI check and acknowledge that the information provided on Page 2 of this Acknowledgement Form is true and accurate.

SIGNATURE

DATE

SUBJECT INFORMATION: A red asterisk (*) denotes a required field.

*Last Name *First Name Middle Name Suffix

Maiden Name (or other name(s) by which you have been known)

*Date of Birth Place of Birth

*Last Six Digits of Your Social Security Number: _____ - _____

Sex: ____ Height: ____ ft. ____ in. Eye Color: _____ Race: _____

Driver's License or ID Number: _____ State of Issue: _____

Mother's Full Maiden Name Father's Full Name

Current and Former Addresses:

Street Number & Name City/Town State Zip

Street Number & Name City/Town State Zip

The above information was verified by reviewing the following form(s) of government-issued identification:

VERIFIED BY: _____
Name of Verifying Employee (Please Print)

Signature of Verifying Employee