

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH (DPH) CORI POLICY

This policy applies to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and prospective and current applicants for licensure, certification or registration.

Where Criminal Offender Record Information (CORI) checks and other criminal history screening may be part of a general background check for employment, volunteer work or licensing purposes, the following practices and procedures will generally be followed.

I. PROCESS FOR CONDUCTING CORI CHECKS

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.
2. CORI Acknowledgment Forms are valid for one year from the date of the CORI-subject's signature.
3. If a new CORI check is made within a year of the date the CORI-subject signed the CORI Acknowledgment Form, the CORI-subject shall be given written notice 72 hours in advance that a new CORI check will be conducted.

II. ACCESS TO CORI

4. All CORI obtained from the DCJIS is confidential and may only be disseminated as authorized by law and regulation.
5. Access to CORI 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.
6. Each DPH program registered with DCJIS to access CORI ("the DPH CORI-registered program") will prepare and maintain a current list of individuals authorized to access or review CORI. Such list will be updated every six months.
7. A secondary dissemination log must be maintained if CORI is shared with any individual outside of the DPH CORI-registered program.

III. CORI TRAINING

8. 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.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

9. 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 applicant.
10. CORI used for employment purposes shall be accessed for applicants who have been deemed otherwise qualified for the position for which they have applied.
11. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant; determinations of suitability, or good moral character, based on an applicant's criminal history will be made consistent with this policy.

V. DETERMINING SUITABILITY

12. Upon verification that the CORI belongs to the applicant, a determination shall be made as to whether the applicant is suitable for employment.
13. With respect to licensure, certification or registration, upon verification that the CORI belongs to the applicant, a determination shall be made as to whether the applicant is suitable, or possesses the good moral character required for licensure, certification or registration.
14. Unless otherwise provided by law, such suitability, or good moral character determinations should be made taking into account, at a minimum, the following factors:
 - 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 DPH.

VI. ADVERSE DECISIONS BASED ON CORI

15. The applicant will be notified in a timely manner if the DPH hiring or licensing entity is inclined to make an adverse employment or licensure decision based upon the results of a criminal history background check and provide the subject with copies of: a) the DPH CORI Policy; b) the CORI record obtained from DCJIS or other sources; and c) *Information Concerning the Process for Correcting a Criminal Record*, as issued by DCJIS.
16. The applicant must be provided with an opportunity to dispute the accuracy of the CORI record.