

COLLEGE OF EDUCATION POLICY

Title: Student Fingerprinting and Background Checks (CHRI)

Number: 06-0-01

Functional Area: Student Affairs

Effective: June 12, 2024
 Supersedes: March 8, 2022

Approved by: Interim Dean Joe Wehrman
 Date Approved: October 15, 2024

Responsible Office: Academic and Faculty Affairs
 Policy Primary Contact: Associate Dean for Academic and Faculty Affairs

Applies to: College of Education

A. INTRODUCTION

Criminal History Records Information (CHRI) will only be used for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities. Additionally, media protection policy and procedures will be implemented so that only authorized individuals will have access. Procedures shall be defined for securely handling, transporting, and storing media. Disciplinary action will be taken for the misuse of sensitive information including CHRI. This policy applies to all faculty and staff responsible for assisting students in the fingerprinting and background check process with the Colorado Bureau of Investigation (CBI) or the Federal Bureau of Investigation (FBI).

B. TABLE OF CONTENTS

A. Introduction 1
 B. Table of Contents 1
 C. Policy Statement..... 1
 D. Background Check Procedures..... 1
 E. Pass/Fail Criteria 2
 F. Student Rights and Obligations 3
 G. Information Security 3
 Notes..... 4

C. POLICY STATEMENT

The UCCS College of Education “COE” takes student privacy very seriously. Student fingerprints will be used to check the national criminal history records of the CBI (Colorado Bureau of Investigation) and the FBI (Federal Bureau of Investigation) to ensure partnering schools, districts, and agencies that students have been cleared for internships and practica. All information is kept confidential and is retained by UCCS. If students are found to have a criminal history, the Associate Dean will contact the individual and advise them on the next steps.

D. BACKGROUND CHECK PROCEDURES

1. COE/Agency Responsibilities

- a. COE staff are responsible for initiating the background check process for students ready to proceed into internship and practica placements.
- b. COE faculty provide a list of placement ready students to coordinating staff who will assist the student with the fingerprinting and background check process and instructions.

- c. Staff will issue payment codes to faculty who will provide these codes directly to students who need to complete their background check.
- d. All costs incurred in conducting an initial Background Check are the responsibility of the College of Education and/or the academic Departments, as applicable. Students will receive instructions regarding a code that will cover the cost of background check and fingerprinting, if the student does not follow these instructions reimbursement will not be issued.
- e. All costs incurred following the initial Background Check are the responsibility of the student or academic Department, as applicable. The costs of any additional Background Check as a result of changing programs or not following the given instructions are the responsibility of the student.

2. Student Responsibilities

- a. **Consent:** All students must consent to a Background Check to ensure partnering schools, districts, and agencies that students have been cleared for internships and practica. Consent is provided when a student sends their Background Check information to the College of Education for clinical field placement. Any student who refuses to consent to the Background Check will be deemed to have withdrawn from their clinical field placement consideration.
- b. **Providing False or Misleading Information:** Any student who provides false or misleading information may be removed from their clinical field placement site and/or their academic program if necessary.
- c. **Privacy Statement:** UCCS College of Education takes student privacy very seriously. Student fingerprints will be used to check the national criminal history records of the CBI (Colorado Bureau of Investigation) and the FBI (Federal Bureau of Investigation). All information is kept confidential and is retained by UCCS. If students are found to have a criminal history, the Associate Dean will contact the individual and advise them on the next steps.
- d. **Practica Placement Contingent on Passing the Background Check:** Student internship or practica placement is contingent upon successfully passing the requisite Background Check. If a record is found, the Associate Dean will notify the relevant faculty and meet with the student. The student will be advised to disclose information to their placement site as appropriate. The district has the right to determine if the student is approved for placement or not. UCCS Faculty and Staff are not involved in sending, forwarding or passing this information along directly to the placement site or faculty, but will prompt the student to disclose information to the placement site.

E. PASS/FAIL CRITERIA

1. **Criteria to “pass” a Criminal History Check:** A student will be considered to have “passed” the Criminal History Background Check if they meet all the criteria listed below:
 - a. No felony convictions for drug use or distribution
 - b. No convictions for serious or violent felonies, including but not limited to homicide or sexual assault (no time limit).
 - c. Convictions
 1. Relevant considerations may include, but are not limited to the date, nature and number of conviction(s).
 2. Failure to self-disclose convictions other than minor traffic convictions will be considered falsification of records and will be grounds for discipline, up to and including consideration for internship and practica placement and possible removal from academic program.
2. **Confidentiality:** Information obtained by the College of Education for the purpose of completing a Background Check will be documented by the Agency, the COE Terminal Agency Coordinator (TAC) and Local Agency Security Officer (LASO) but does not include specific discrepancies, only cleared or not cleared via SharePoint. Information is only shared with relevant faculty as it pertains to the student’s clinical field placement. The College of Education makes every effort to ensure that Criminal History Record Information obtained from Background Checks shall be used solely for the purpose requested and cannot be disseminated outside the

receiving departments, related agencies, or other authorized entities as in accordance with Public Law 92-544 and Title 28, C.F.R., 20.33 and 50.12 (b).

F. STUDENT RIGHTS AND OBLIGATIONS

1. **Notice of Denial:** If COE does not offer clinical field placement to a student because of information obtained through a Background Check, COE will provide the individual notice. The notice will include the following:
 - a. The action that is being taken;
 - b. The basis for the action; and
 - c. If applicable, a copy of the notice(s) sent to the College/University by the third-party vendor regarding any part of the background information which contributed to the adverse action
2. **Disagreement with Accuracy of Information:** Students who disagree with the accuracy of information found in the Background Check, can initiate a record challenge at Colorado Bureau of Investigation (for information on this procedure at the website: <https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/identity-theft-and-mis-identification>). Students can also take the disputes directly to the arresting agency. The subject of a record may direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306.
3. **Right of Student to Review Information:** Students may view their own Background Check directly through the Background Check vendor.

G. INFORMATION SECURITY

1. Office Purpose for Background Check Information
 - a. Criminal History Record Information (CHRI) obtained by the College of Education for the purpose of completing a Background Check will be retained by the Agency, the Agency Head, COE Associate Dean, Terminal Agency Coordinator (TAC), and Local Agency Security Officer (LASO). The College of Education makes every effort to ensure that Criminal History Record Information obtained from Background Checks shall be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities as in accordance with Public Law 92-544 and Title 28, C.F.R., 20.33 and 50.12 (b).
2. Handling, Transporting, and Storing of Physical or Electronic Media
 - a. Criminal History Record Information will not be stored physically or electronically by the COE Staff or Faculty.
 - b. Any other information surrounding this process will be retained electronically by the COE and all access to digital media will be restricted to authorized individuals per CJIS Security Policy, Section 5.8 Media Protection. Authorized COE individuals include the Agency Head, the Associate Dean, the TAC, and the LASO.
3. Retention and Destruction of CHR
 - a. In cases when physical CHRI records are stored, they shall be retained in a locked filing cabinet in a locked office with limited access. These records shall be retained for extended periods only when they are key elements for the integrity and or utility of student case files.
 - b. Any physical media related to CHRI retrieval shall be securely disposed of when no longer required, using formal procedures. These records will be disposed of when students' information is no longer necessary to keep on file such as when a student graduates or exits the associated program in which the file was retrieved. Physical CHRI records shall be destroyed by shredding or incineration. The destruction of physical records shall be witnessed or carried out by the TAC or LASO.

4. Misuse of Sensitive Information

- a. Using CHRI obtained from Background Checks for any purpose other than what is allowed by state statute or Federal code is considered misuse as per CJIS Security Policy, Section 5.12.4 Personnel Sanctions.
- b. Misuse of CHRI can result in loss of access to CHRI, loss of employment and/or criminal prosecution.
- c. Misuse of CHRI shall be reported to the state.
- d. In the event intentional misuse is discovered, the COE will make a report to include the following:
 1. The disciplinary action that is being taken;
 2. The basis for the action; and
 3. If applicable, a copy of the discrepancy requested.

Notes

1. History:

Initial policy approval	January 2014 by Dean Mary Snyder
Revised/approved	October 15, 2024 by Interim Dean Joe Wehrman
2. Cross References/Appendices: