

**Policy and Procedures for Reich College of Education
Criminal Background Checks
Effective July 1, 2010**

I. Introduction

In order to provide a safe and secure environment for all University and public school employees, students and visitors, and to meet requirements established by various school administrative units, Appalachian State University needs to ensure that it is admitting to study and recommending for certification or licensure individuals who make that environment possible. Various background checks can assist Reich College of Education (RCOE) officials in making decisions that meet this important need.

II. Definitions

The following definitions apply to the corresponding terms as they are used in this document:

Background checks: University officials obtaining and reviewing records related to student/candidate discipline and/or criminal history

Candidate: A person who has applied for admission to, or is currently, or was formerly, a student enrolled in, the Reich College of Education, for the purposes of acquiring initial or advanced preparation or professional development for work in P-12 school or district offices.

Field experience: Observation visits, internships, student teaching and other practical training experiences involving RCOE student/candidate presence on P-12 school campuses or any other sites involving interaction with P-12 students

Public school: Any P-12 school (including, but not limited to, charter schools) subject to policies or regulations adopted by the North Carolina State Board of Education and/or the North Carolina Department of Public Instruction, and their equivalents in other states, as well as agencies and/or private schools

Reich College of Education: The recognized campus operating unit that governs teacher education and other school professional programs, including not only all such education programs within the RCOE, but also those located in other colleges/departments on campus.

Teacher Education Program: Any initial or advanced program leading to a degree, certificate, or license for work with P-12 students in educational settings and with those agencies offering education, services, or evaluation for use in educating P-12 students.

University: Appalachian State University

III. Policy

3.01 RCOE will require background checks for (a) all decisions regarding admission to teacher education, (b) all candidates who register for an approved field experience prior to or following admission, or (c) otherwise as required by school districts or other entities that cooperate with the university for placement and supervision of candidates or delivery of other services.

3.02 RCOE shall conduct background checks (a) on a candidate before deciding whether or not to offer the candidate admission, (b) on a matriculating candidate at any time that candidate enrolls in a course requiring one or more field experiences or (c) at any other time when RCOE officials have a reasonable basis to investigate or verify a RCOE candidate's qualifications to (1) be admitted to teacher education, (2) continue matriculation in teacher education (3) conduct work/research in school settings or (4) obtain certification or licensure to teach or hold other professional positions in any public school of North Carolina or any other state.

3.03 RCOE officials have a reasonable basis to investigate or verify a candidate's qualifications if:

A. The application and supporting materials contain one or more of the following triggers (or red flags):

1. The application together with supporting material contains substantially Inconsistent answers that have not been satisfactorily explained;
2. The candidate answers one or more of the criminal background/discipline questions affirmatively or submits subsequent information indicating:
 - a. Pending criminal charges;
 - b. Acceptance of responsibility for a crime;
 - c. Criminal convictions;
 - d. School disciplinary action unless the affirmative answer or supporting material relates to a school disciplinary action that resulted from an offense that is remote in time or was insubstantial, as determined in the sole discretion of university officials;
 - e. Other than an honorable discharge from any branch of the United States armed forces;
3. The application omits one or more answers without an acceptable explanation for the omission;
4. The application has an unexplained time period since graduation from high school during which the candidate was not, for example, enrolled in higher education, enlisted in the military, or employed fulltime; or
5. Any other reason deemed sufficient by university officials; or

B. College or university officials receive from any credible source information that suggests the possibility of a discipline or criminal history for a candidate; or

C. Any other reason deemed sufficient by the Dean of the College, subject to review by the Provost and Executive Vice Chancellor.

3.04 University officials may obtain information regarding candidate discipline history at Appalachian State University directly from the university's office of student conduct or from other educational institutions attended by the candidate. University officials may ask the candidate to provide written consent (form attached) for disclosure of candidate discipline records by other institutions if necessary to any investigation. Federal law (20 U.S.C. 1232g(b)(2)(h)) governing education records allows disclosure of student/candidate discipline records or information contained in such records – without a student/candidate's consent – to officials at another educational institution who have a legitimate educational interest in the records and information.

3.05 A background check shall be completed within six months of each field experience and within six months of admission to teacher education.

3.06 If a candidate is involved in an incident potentially affecting the background check between the time of completion of the background check and the beginning of a field experience or during the time of participation in a field experience, it is the responsibility of the candidate to disclose the incident to the RCOE Assistant Dean within 24 hours. If the candidate is participating in a field experience at the time of such an incident, it is the responsibility of the candidate to refrain from participation in the field experience until the candidate has received clearance by the Assistant Dean to continue.

IV. Procedures

4.01 All admissions letters for candidates who are subject to background checks will state that the admission is conditioned on satisfactory results of a background check.

4.02 A candidate subject to background checks will be required to initiate the criminal background check directly by ordering a report from a specified vendor. The cost of conducting the background check shall be borne by the candidate who is the subject of the check. The scope and cost of the criminal background check will depend on the residential history of the candidate:

A. For current North Carolina residents whose applications and release forms do not disclose more than 6 months out of North Carolina, a North Carolina criminal background check will be conducted.

B. For non-residents and North Carolina residents whose applications or release forms disclose more than six months outside North Carolina, a residence

check will be conducted, and then a criminal background check will be conducted for all appropriate states unless the candidate opts for a national FBI fingerprint check.

C. For international candidates, a criminal background check of appropriate scope will be conducted.

4.03 Candidates who are admitted within 2 weeks before classes begin and who are subject to a background check are allowed to be conditionally admitted and are allowed to matriculate pending the results of a background check. They may not, however, be placed in a school or other field setting until completion of the appropriate background check. A criminal background report or student/candidate discipline history may be cause for revocation of admission.

4.04 University officials will have electronic access to the criminal background report.

4.05 The university seeks information on convictions, all pleas that are acknowledgements of responsibility, and all pending criminal actions. Arrests or detention orders that do not result in convictions or pleas will not be considered. The candidate will be asked to provide information about the candidate's criminal and discipline records. This information is critical, and a failure by the candidate to provide this data or to provide it accurately will result in a rejection of the candidacy or other decision adverse to the candidate. All material collected pursuant to this policy will be held confidentially and securely, and it will be maintained in a file separate from the regular files maintained for each candidate.

4.06 The existence of a conviction or plea, or other determination or acceptance of responsibility for a crime or misconduct, does not automatically render a candidate unqualified. Where such matters are evident, the following factors will be considered by RCOE officials in determining whether a candidate is qualified:

- A. The nature of the crime or misconduct;
- B. The circumstances surrounding the crime or misconduct;
- C. The existence, number and type of other incidents of crime or misconduct;
- D. The time that has elapsed since the conviction or other determination;
- E. The actions and activities of the student/candidate since the date(s) of reported crime(s) or misconduct;
- F. The rehabilitation record of the student/candidate;
- G. Any related information;
- H. The honesty of the student/candidate in disclosing and/or explaining the crime or misconduct;
- I. Any professional opinions about the possibility or likelihood of future criminal behavior or other misconduct;
- J. Explanations and/or other information provided by the candidate; and
- K. The willingness of a school and/or local school administrative unit to accept the candidate for any field experience.

In addition, RCOE officials may use the attached GUIDELINES FOR ASSESSING CRIMES AND MISCONDUCT AS THEY RELATE TO TEACHER EDUCATION REQUIREMENTS AND ACTIVITIES.

4.07 The criminal background check will only be used for evaluating the candidate's qualifications; it will not be used to discriminate on the basis of race, color, national origin, religion, creed, sex, gender identity and expression, political affiliation, age, disability, veteran status, or sexual orientation.

4.08 If a candidate has a criminal or disciplinary record, the university will:

A. Compare the results of the background check to the application and supplemental information supplied by the candidate to determine discrepancies. If there are no discrepancies, and if the RCOE has made an individual determination that the candidate is qualified for admission, continued matriculation, or certification or licensure, and there is no additional information indicating that a previous decision should be modified or rescinded, the previous decision may stand.

B. If there are discrepancies or information indicating that a decision should be further examined, college officials must provide the candidate an opportunity either to (1) demonstrate that the report of criminal, disciplinary or other relevant history was erroneous (e.g. wrong person) or to (2) explain the discrepancy.

C. If the background report is determined to be accurate and a discrepancy exists between the reported information and the application or supporting material that the candidate submitted, or there is additional information that amplifies the application information or otherwise indicates that the admission should be examined further:

1. The presumption is that the candidate will not be admitted, allowed to continue matriculation or be recommended for certification or licensure if the candidate has failed to accurately disclose relevant information in response to a question on the application or inquiry by any university official. The burden is on the candidate to demonstrate that the omission or misinformation was the result of an honest mistake, that it was not intended to mislead, and that a decision should be rendered in favor of the candidate in spite of the failure to disclose;

2. If the failure to disclose accurate information does not result in a decision adverse to the candidate, but there is information that draws the decision into question, before the candidate may be admitted, matriculate, or obtain a recommendation for certification or licensure, an authorized university official must make an individual determination as to whether the nature of any crime committed or other behavior disclosed, together

with other available information, suggests that the candidate is unqualified. If the official determines that the candidate is not qualified, that official or a designee must notify the candidate of the decision to deny admission or continued matriculation, or decline to make a positive recommendation for the candidate's certification or licensure. If not, the candidate may be admitted, matriculate or obtain a recommendation in accordance with other RCOE policies and procedures.

4.09 University officials must maintain a record of the background checks, if any, conducted on each candidate and the results of those checks. If a candidate's record shows a history of conviction of, guilty plea to, or acceptance of responsibility for a crime or a significant disciplinary sanction at the university or another educational institution, the university shall maintain a record of the process used to determine whether or not the candidate was qualified and of the basis for that determination.

4.10 Initial decisions in such matters are made by the Assistant Dean in the Office of Field Experiences. Candidates may request a review from the Background Check Review Panel composed of a tenure-track faculty member who supervises student teachers, two program coordinators, and a non-voting school human resources director who can advise the panel. The Review Panel will deliver a decision to the Assistant Dean who can then make a final decision that is appealable to the Dean of the RCOE.

**REICH COLLEGE OF EDUCATION
APPALACHIAN STATE UNIVERSITY
AUTHORIZATION AND CONSENT FOR RELEASE OF EDUCATION RECORDS**

I hereby request, authorize and consent to the release of the following specified education records to Appalachian State University:

- All education records
- Academic transcript
- Student discipline records
- Other (specify) : Results of Criminal Background Checks

The education records designated above should be released and disclosed only to:

The Assistant Dean, Office of Field Experiences, 404E, College of Education, Appalachian State University, or designee, and

To school district or agency personnel designated by the Assistant Dean to facilitate field placements.

The education records specified above are to be disclosed for the following reasons and purposes:

To meet course and/or program field experience requirements in P-12 schools or agencies.

In order for the online criminal background check to be completed properly by the current provider, the following information must be submitted with this authorization and consent form.

Date of Birth _____

Appalachian State University Student Identification Number _____

Appalachian State University Email Address _____

I understand that a copy of each record disclosed pursuant to this request must, upon request, be provided to me.

I further authorize officers, employees and agents of Appalachian State University to discuss the specified records and any related information with the recipient(s) identified above. This consent is effective as to any disclosure by an officer, employee or agent of Appalachian State University until such officer, employee or agent receives written notice of revocation of this consent.

[Printed full legal name of student/candidate]

[Signature of Appalachian State University Student]

[Date]

GUIDELINES FOR ASSESSING CRIMES AND MISCONDUCT AS THEY RELATE TO TEACHER EDUCATION REQUIREMENTS AND ACTIVITIES

In making an effort to assess comprehensively a candidate's qualifications, the RCOE will carefully consider evidence of criminal convictions, court-accepted pleas indicating acknowledgement of responsibility and dispositions of crimes and information regarding other candidate discipline matters. The following guidelines may be utilized to assess particular convictions, pleas, and other dispositions of cases as they relate to teacher training and performance of professional duties.

- 1. Safety Risk:** Evidence of conduct that may create an unacceptable risk with respect to the safety of the university and/or school and university and/or school activities, employees, other students, including those in public school settings or related activities, or the public would likely disqualify a candidate. Such evidence may include, but not be limited to, conviction of one or more felonies and/or misdemeanors involving assault, assault with a deadly weapon, rape, sexual assault, armed robbery, reckless endangerment, or operation of a motor vehicle while impaired as a result of drug or alcohol ingestion and arson.
- 2. Integrity Risk:** Evidence of conduct that indicates fraudulent behavior, deceit or dishonesty may create an unacceptable risk with respect to positions and activities that involve confidential documents (including student records), security issues (including safety in school environments), sensitive data or materials (such as tests and/or test data, as well as parent/child issues), regulated issues and materials, financial matters and accounting. Such evidence may include, but not be limited to, convictions of one or more felonies and/or misdemeanors involving embezzlement, fraud, income tax evasion, forgery, burglary, robbery, larceny, theft, check kiting, issuance of bad checks, shoplifting and similar crimes, as well as academic misconduct (e.g., plagiarism, fabrication of data, cheating on examinations or representing someone else's work as one's own).
- 3. Illegal Drug Risk:** Evidence of conduct that encompasses illegal drug distribution and sale or like activities may create an unacceptable risk for employees and students of Appalachian State University in light of Appalachian State University's strong stance concerning illegal drugs and its commitment to a drug-free workplace and educational and living environments, as well as employees and students in public school settings and related activities. Such evidence may include, but not be limited to, conviction of felonies and misdemeanors involving drug trafficking, drug sales or distribution, drug possession with intent to sell, drug and/or paraphernalia possession and similar crimes.
- 4. Safety Risk for Children:** Evidence of conduct that encompasses harm or injury to children may create an unacceptable risk with respect to a candidate's enrollment in any curricular programs or participation in extracurricular activities that serve children, have children as clients or involve significant contact with children. Such evidence may include, but not be limited to, felonies and misdemeanors involving child abuse or

neglect, child molestation, taking indecent liberties with a minor, contributing to the delinquency of a minor and similar crimes.

5. Motor Vehicle Operation Risk: Evidence of conduct that encompasses illegal, violent, or dangerous operation of a motor vehicle may create an unacceptable risk with respect to employment in positions or volunteer activities that require operation of any motor vehicle (i.e., buses, vans). Such evidence may include, but not be limited to, DWI, DUI, speeding to elude arrest, vehicular manslaughter, multiple convictions of careless and reckless driving and multiple convictions of speeding.

6. Particular Position Risk: Evidence of conduct that is likely to impede the candidate's ability to perform a particular duty or satisfy curricular requirements, or that otherwise indicates a significant risk to the safety of the candidate or those for whom the candidate is responsible, or effective delivery of university or public school programs.