

## **Criminal Offender Record Information (CORI) Policy** **UMass Extension 4-H Youth Development & Nutrition Education Programs** **University of Massachusetts Amherst**

University of Massachusetts Extension has adopted a Criminal Offender Record Information (CORI) policy that meets the requirements of the Massachusetts Department of Criminal Justice Information Services (DCJIS). It is similar to Department of Social Services Standards (DSS) 110 CMR for Criminal Offender Record Investigations (CORI) but is adapted to the particular organizational activities authorizing employees, and authorizing volunteers working with youth to provide home-based club and public activities, including various advisory activities.

**Individuals who are applying to be a 4-H volunteer must obtain a Massachusetts 4-H Program CORI application from their county 4-H Educator. The application is not posted on the Massachusetts 4-H website or any other website.**

If you are interested in learning more details about the overall CORI program or obtaining answers to Frequently Asked Questions about CORI, visit the Department of Criminal Justice Information Services website at [www.mass.gov/eopss/agencies/dcjis](http://www.mass.gov/eopss/agencies/dcjis). Please note that any applications you find there should not be used when applying to be a Massachusetts 4-H Volunteer.

### **OVERVIEW:**

CORI checks on UMass Extension volunteers, employees and student interns will only be conducted by certified UMass Extension personnel as authorized by DCJIS and the University of Massachusetts, Amherst. All applicants whose UMass Extension duties involve potential unsupervised contact with youth are notified that a CORI check will be conducted and are asked to acknowledge a CORI check be performed by UMass Extension. Applicants complete the UMass Extension CORI Acknowledgement Form and the CORI Cover Sheet Form providing additional background contact information. Upon request, any applicant will be provided with a copy of the UMass Extension CORI policy. All personnel authorized to review CORI in the decision-making process are trained and familiar with the DCJIS educational materials. Unless otherwise required by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with DCJIS policies and any applicable laws or regulations.

When a criminal record is received from DCJIS, UMass Extension CORI staff closely compares the record provided by DCJIS with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure that the record relates to the applicant. If UMass Extension is inclined to make an adverse decision based on the results of the CORI check, the UMass Extension CORI administrator may request further clarification on the record from DCJIS. In some cases DCJIS will withhold a record until research into microfiche and non-electronic files can be conducted which can involve a wait period of several weeks or months. As soon as it is reasonably possible, the applicant shall be provided with a copy of the criminal record and UMass Extension's policy, advised of the part(s) of the record that make the individual unsuitable for the position, and be given an opportunity to dispute the accuracy and relevance of the CORI record.

This policy is enacted to promote youth safety and the conditions for positive youth development for the young people participating in UMass Extension youth programs such as the 4-H Youth Development Program and Nutrition Education Programs. The policy includes explanation of 1) Review Criteria, 2) "Discretionary" Disqualifications, 3) the Process of Notification, 4) Appendix A: To Obtain an Out of State CORI Request Form, 5) Appendix B: the

“Process to Correct or Dispute a Criminal Record,” 6) Appendix C: “Information Concerning the Process in Correcting a Criminal Record,” 7) Appendix D: Information Concerning Establishing Yourself as the Victim of Identity Theft for CORI Purposes.

**1. Review Criteria:** The purpose of a CORI Administrative review is to evaluate the volunteer or employee’s current or future ability to assume and carry out their responsibilities in such a manner that child or youth safety and protection is not compromised. The review is also used to guarantee that homes where 4-H activities are held, including all household adults in residence, also pose no danger to youth.

- A)** If a criminal record is received from DCJIS, the following factors will be reviewed by the UMass Extension CORI Administrator to determine if the volunteer/employee candidate poses an unacceptable risk of harm to the young people/youth participating in UMass Extension 4-H or Nutrition Education Programs. Due weight will be given to the following factors:
- (i) Time since the conviction (5 and 10 year look back without an additional offense);
  - (ii) Age of the candidate at the time of the offense;
  - (iii) Seriousness and specific circumstances of the offense;
  - (iv) The nature of the work to be performed;
  - (v) The number of offenses;
  - (vi) Any relevant evidence of rehabilitation or lack thereof;
  - (vii) Any other relevant information, including information submitted by the candidate or requested by the CORI Administrator.

After receipt of a questionable CORI, the CORI Administrator initiates the notification process to provide the applicant with a chance to request the policy, see the record, provide additional extenuating information and/or dispute/correct the record. See Appendix B:” Process to Correct or Dispute a Criminal Record.”

If a CORI record contains information that may cause an adverse decision by the CORI Administrator, the applicant may authorize the CORI Administrator to make contact with the following references in order to provide more information on the nature of the offense or rehabilitation: criminal justice officials familiar with the case, treating professionals, or other knowledgeable sources, such as, but not limited to, police, courts, prosecuting attorneys, various volunteer applicant references or recommendations from current 4-H volunteers or UMass Extension Educators with the particular UMass Extension program in question.

- B)** Following a review, the CORI Administrator shall make a determination as to whether:
- (i) The candidate does not pose significant or obvious danger to the UMass Extension 4-H or Nutrition Education program participants and can be, or continue as, a volunteer/employee. For adult household members, the review establishes if the individual’s CORI record permits 4-H activities to be conducted in the volunteer’s home.
  - (ii) To not approve the employee/volunteer/household member’s application to the 4-H or Nutrition Education Programs in consultation with other University officials, as appropriate, in the case of a non-volunteer application.
- C)** After the review has been completed and the decision rendered, the volunteer, employee/student applicant or household candidate will receive a certified letter that states the result and requires return receipt signature. If an adverse decision has been rendered, the local Educator, program director or site manager are notified that the applicant has not yet been cleared to serve with no specific reason provided.

When the secondary household adult CORI applicant receives such notice, the primary household volunteer who has been CORI cleared is additionally notified that youth activity/meetings **must take place in a venue outside of the home and cannot take place in other jointly owned or shared property**. The particulars of the secondary household adult’s CORI record will not be discussed with the primary household volunteer.

Utmost confidentiality is kept at all stages of the process and files are secured and accessible only by the CORI Administrator and the CORI coordinator who are certified by DCJIS. It should be noted that nothing herein shall be construed as preventing the 4-H Program Director or Nutrition Education Program Director or UMass

Extension Director from deciding not to accept the volunteer/employee applicant for other reasons not related to CORI.

**2. “Discretionary” Disqualification:**

DSS categorizes crimes into Table A & Table B with Table A crimes classified as more serious. Any individual with Table A or B category offense(s) may be ineligible for a position that entails potential unsupervised contact with youth participating in an UMass Extension funded or operated program if he or she has been convicted of any crime, or has pending any charge for any crime listed in the above tables within the period of time as specified within the tables: 10 years for crimes listed in Table A and five years for crimes listed in Table B. This discretionary disqualification includes any convictions, “Continued without Finding,” “Probation,” or “Suspended Sentence” case dispositions, and includes cases dismissed with any evidence that there was some level of merit to the charges against the individual as determined by the court. This includes, but is not limited to assignment of court costs, Victim Witness costs, or community service sentences.

In most misdemeanor cases the CORI Administrator will conduct a review and decide whether or not to send out a notification letter to the applicant requesting additional information, which will not be necessary in all cases. The CORI Administrator can make exceptions to the discretionary disqualification based on consideration of the review criteria mentioned in #1 A and so grant CORI clearance.

**3. Re-CORI of Staff, Volunteers and Students:**

Volunteers, employees and students will be re-CORI on a three year cycle. If during this three year time frame it comes to the attention of the program director, program site manager or CORI administrator that there is a court case pending, **the individual may be re-CORI, and reviewed according to Section 1 Review Criteria within this document.**

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**You are encouraged to speak with the UMass Extension CORI Administrator if you have any additional questions. Contact Linda Horn at 413.577-0332 between 8AM and 4PM or by email at lrhorn@umext.umass.edu.**

UMass Extension prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. UMass Extension is an equal opportunity program provider and employer, United States Department of Agriculture cooperating.

Additional information may be found on the DCJIS web site and the Frequently Asked Questions (FAQ) section to seek answers to any questions which you may have. Go to [www.mass.gov/eopss/agencies/dcjis](http://www.mass.gov/eopss/agencies/dcjis), left click on “Criminal Offender Record (CORI) information (CORI) and scroll down to FAQs about CORI.

**Appendices:**

Appendix A: Out of State CORI Information

Appendix B: Process to Correct or Dispute a Criminal Record

Appendix C: Information Concerning the Process in Correcting a Criminal Record

Appendix D: Information Concerning Establishing Yourself as the Victim of Identity Theft for CORI Purposes

## APPENDIX A: TO OBTAIN AN OUT OF STATE CORI REPORT

UMass Extension 4-H and Nutrition Education Programs require out-of-state Criminal Offender Record Information (CORI) reports if: 1) if you have lived in Massachusetts less than one year or 2) you currently reside in another state. In such cases, you must obtain a CORI report from each state(s) you have lived in the last three years. **You may not begin volunteering or working for 4-H or the Nutrition Education Programs until you obtain the required CORI report(s).** It is the volunteer, new employee or student's sole responsibility to obtain and submit all out of state required forms and identity verifications and pay all required fees. Contact your local 4-H Educator or NEP site program leader if you have questions about this process.

The following information will help you accomplish this more quickly. Contact information for each state is listed at [www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/request-rec/requesting-out-of-state-criminal-records.html](http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/request-rec/requesting-out-of-state-criminal-records.html)

## APPENDIX B: PROCESS TO CORRECT OR DISPUTE A CRIMINAL RECORD

**DCJIS POLICY AS GOVERNED BY MASSACHUSETTS LAW: *Certified Agencies Must Provide Applicants the Opportunity to Dispute the Accuracy or Relevance of a CORI Report Prior to Making an Adverse Decision Based on the Information Within a CORI Report.***

803 CMR 6.11 requires that applicants must be provided with an opportunity to challenge the accuracy and relevance of a CORI report, prior to the agency's making an adverse decision. To facilitate this requirement, the DCJIS mandates that all certified agencies maintain a CORI policy that is consistent with these regulations. In addition, to assist with fulfillment of this mandate, DCJIS sets forth the following requirements that all agencies' CORI policies must adhere to:

1. Notify the applicant of the potential adverse decision based on the CORI.
2. Provide a copy of the CORI to the applicant and the agency's CORI policy.
3. Provide a copy of the DCJIS's Process to Correct or Dispute a Criminal Record.
4. Inform the applicant which part of the criminal record appears to make him/her ineligible.
5. Provide the applicant with an opportunity to dispute the accuracy and relevance of the CORI.
6. Upon receipt of additional documentation from the applicant and/or the DCJIS, review the information with the applicant and inform him/her of the decision.
7. Document all steps taken to comply with this section.

## APPENDIX C: INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

### Massachusetts Department of Criminal Justice Information Services (DCJIS)

1. If you have undergone a background check by an agency that has received a criminal record from the DCJIS, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Department of Criminal Justice Information Services, 200 Arlington Street, Suite 2200, Chelsea, MA 02150. Telephone 617-660-4640 or [www.mass.gov/eopss/agencies/dcjis](http://www.mass.gov/eopss/agencies/dcjis)
2. The DCJIS charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigence and request that the DCJIS waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" (Board of Probation Record) on the DCJIS's website [www.mass.gov/eopss/agencies/dcjis](http://www.mass.gov/eopss/agencies/dcjis), scroll down middle-section of the page. DCJIS does not offer "walk-in" service but you may call our Legal Division at (617)-660-4760 for assistance or the CARI Unit (Core Activity Record Information Unit) of the Office of the Commissioner of Probation at (617)-727-5300.
4. If you believe that a case is opened on your record that should be marked closed, you may contact the office of the Commissioner of Probation CARI Unit at 617. 727.5300 for assistance or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.
5. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
6. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit of the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see [www.mass.gov/courts/courtsandjudges/courts/](http://www.mass.gov/courts/courtsandjudges/courts/) scroll down the mid-section of the page.
7. In some situations of identity theft, you may need to contact the DCJIS to arrange to have a fingerprint analysis conducted.
8. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. **You cannot do this over the telephone.**
9. If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617)-660-4640.

## APPENDIX D: INFORMATION CONCERNING ESTABLISHING YOURSELF AS A VICTIM OF IDENTITY THEFT FOR CRIMINAL OFFENDER RECORD INFORMATION (CORI) PURPOSES

1. If you are concerned about the information that is contained in your criminal record, you may request a copy of your adult criminal record from the Massachusetts Department of Criminal Justice Information Services (DCJIS), 200 Arlington Street, Suite 2200, Chelsea, Massachusetts 02150. You also may obtain a Personal Record Acknowledgement Form by visiting the DCJIS website at: [www.mass.gov/eopss/agencies/dcjis](http://www.mass.gov/eopss/agencies/dcjis), scroll down the mid-section of the page.
2. The DCJIS charges a \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigence and request that the DCJIS fee be waived.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "How to Read a Criminal Record" on the DCJIS's website at: [www.mass.gov/eopss/agencies/dcjis](http://www.mass.gov/eopss/agencies/dcjis). The DCJIS does not offer "walk-in" service, but you may call the Agency's legal department at 617.660.4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at 617.727.5300.
4. If upon reviewing your record you believe that someone has stolen or improperly used your identity and was arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers, visit [www.mass.gov/eopss/agencies/dcjis](http://www.mass.gov/eopss/agencies/dcjis), scroll down the mid-section of the page.
5. In addition to working with the Commissioner of Probation's Office or the Chief Probation Officer in any court in which charges were brought for an individual that has stolen or improperly used your identity, you may apply to the Massachusetts Criminal History Systems Board to be entered into the Identity Theft Victims Index File.
6. In order to be entered in to the Identity Theft Victims Index File, you must file a report with a local police department or the Massachusetts State Police, indicating that you are the victim of Identity Theft. Please contact your local police department and request to file a report.
7. After you have filed the report, please complete the DCJIS's **ID Theft Affidavit** that can be found on the agency's website at: [www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori](http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori), click on "CORI forms, applications & Policies." Be certain to include a copy of the police report with the Affidavit. You will also be required to provide the DCJIS with a copy of a government issued ID that contains your photograph along with the affidavit and police report. **Please note that your photo must be clearly visible in the copy of your government issued ID.** Also, please complete the DCJIS's **IDENTITY THEFT VICTIMS INDEX FILE CONSENT DOCUMENT**.
8. Once the DCJIS has confirmed that you are a victim of identity theft, the agency will assign you an Identity Index Number. You must include this number on any CORI Acknowledgement Form or authorization that you complete.
9. Upon receipt of a CORI Acknowledgement Form containing an Identity Index Number, the DCJIS CORI Services Unit will only disseminate to non-criminal justice agency CORI requestors the criminal record that belongs to you. The DCJIS will not disseminate any criminal record belonging to an individual that has stolen or fraudulently used your personal information that has resulted in your information being listed as an alias on that individual's criminal record.

