

The Model Criminal History Inquiry Procedure provided by the DPS is intended to be a recommended procedure for conducting criminal history inquiries. Climbing Wall Owners are encouraged to consult this model procedure in developing their own criminal history inquiry procedure. However, Climbing Wall Owners shall be solely responsible for the development, implementation, and execution of any procedure submitted to DPS for purposes of licensure.

MODEL PROCEDURE FOR OWNERS OF CLIMBING WALLS FOR CONDUCTING CRIMINAL HISTORY INQUIRIES IN ACCORDANCE WITH 520 CMR 5.15(2)(i)

I. Policy Purpose

Pursuant to the regulations pertaining to the operation of Climbing Walls contained in 520 CMR 5.15(2)(i), owners of companies that operate Climbing Walls are required to conduct criminal history inquiries on certain applicants for employment. The procedure described below has been adopted by [INSERT COMPANY NAME] for Criminal Offender Record Inquiries.

II. Scope

1. The procedure shall apply to all applicants 18 years of age or older for the positions of:
 - a. Climbing Wall Facility Manager; and
 - b. Climbing Wall Facility Staff.

III. Procedure

1. [INSERT COMPANY NAME] will register annually for iCORI service, a secure web-based service through which organizations will request and receive Criminal Offender Record Information (“CORI”), at www.mass.gov/cjis. iCORI training documents can be found at <http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/icori-training-documents.html>.
2. Upon application for any of the above positions, an applicant shall provide to [INSERT COMPANY NAME] a completed CORI Acknowledgement Form provided by the Department of Criminal Justice Information Services (DCJIS). CORI checks will only be conducted as authorized by the DCJIS and M.G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. CORI will only be accessed for applicants who are otherwise qualified for the position for which they have applied. If a new CORI check is to be made on an applicant within one year of his/her signing of the CORI Acknowledgement Form, the applicant shall be given 72 hours notice that a new CORI check will be conducted.

3. The applicant shall be informed in writing either on the face of the application or in an attached written document that by completing the CORI Acknowledgement Form, the applicant is consenting to a criminal background inquiry which shall be used to determine suitability for employment. The applicant shall be further informed on the face of the application or in an attached written document that consideration for employment will only be granted upon completion of both the application and the CORI Acknowledgement Form.

4. All CORI obtained from the DCJIS is confidential, and access to the information is 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. [INSERT COMPANY NAME] will maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list will be updated every six months and is subject to inspection upon request by the DCJIS and/or the Department of Public Safety at any time.

5. [INSERT COMPANY NAME] shall maintain a secondary dissemination log to record any dissemination of CORI outside of [INSERT COMPANY NAME], including at the request of the applicant.

6. All personnel authorized to review or access CORI at [INSERT COMPANY NAME] will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

7. Once the applicant provides consent to conduct a criminal background inquiry, [INSERT COMPANY NAME] shall submit a CORI request using the iCORI service. In most cases, results will be returned instantaneously.

8. In the event that results are not returned instantaneously and circumstances require an expedited employment decision, the following procedures shall apply:

a. A temporary offer of employment may be made to an applicant on the express condition that [INSERT COMPANY NAME] has submitted applicant’s CORI request prior to the temporary offer of employment.

b. Any temporary employment shall expire at the conclusion of 14 days following acceptance and may not be renewed.

c. During the period of temporary employment, the applicant shall be under the direct supervision of an employee who has previously undergone a completed CORI.

9. 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.

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.

10. At such time as the results of CORI are made available, [INSERT COMPANY NAME] shall act expeditiously to make a determination of suitability 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.

Factors considered in determining suitability may include, but not be limited to: (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 applicant 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 applicant or requested by [INSERT COMPANY NAME].

[INSERT COMPANY NAME] shall consult, in making its suitability determination, the Department of Public Safety's *Guidelines for Evaluating Criminal Offender Record Information (CORI)* and its *CORI Evaluation Criteria – Tables A to C* appendix, available at: <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/cori-policy.html>.

11. In the event that the applicant is to be questioned regarding his or her criminal record, the applicant shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to such questioning. The source(s) of the criminal history record shall be disclosed to the applicant.

12. 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. The subject shall be provided with a copy of the organization'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*.

I, _____, certify that the above procedure has been adopted by

[INSERT COMPANY NAME]

Signed under the penalties of perjury

Dated: _____