

## **Student Criminal Background Investigation Policy**

Adopted by President's Cabinet 7/30/14

East Georgia State College will require a Criminal Background Investigation (CBI) for applicants and former students that self-declare on the Admissions Application that they have been convicted of a crime other than a traffic offense or have current criminal charges pending, students in the Teacher Education program of study, EGSC students applying for employment as a Post-Secondary Readiness Enrichment (PREP) tutor, EGSC tutor, EGSC students applying to a Study Abroad program or any student who applies to live in on-campus housing. The purpose of the policy is to (1) further the college's interest in and responsibility to evaluate the character, maturity and responsibility of its applicants for admission; (2) to ensure the safety of the campus community, including the on-campus student housing facility, and off campus K-12 placement environments, and (3) to allow the college to better advise students of the difficulties they face in obtaining internships, student teaching requirements and licensure in occupations that, by law or policy, exclude those with certain convictions. The criminal background check is valid for one year. It is possible that a student may be required to obtain additional reports during his or her period of enrollment at EGSC, for future internships and for professional licensure in selected fields including teacher education.

**Special Note for Teacher Education Students:** Each EGSC teacher education course requires the student to complete classroom experience sessions in a K-12 school in order to fulfill the essential requirements of the course. The purpose of the policy is to ensure that students who prepare to become educators possess appropriate qualities of character conducive to a K-12 setting. The Criminal Background Investigation must be completed and approved by the committee prior to the student being placed in a K-12 classroom. Any teacher education student convicted of a crime of moral turpitude would be ineligible for placement in the K-12 classroom and unable to fulfill the essential requirements of the course. Additionally, it is possible such student would likely not be able to fulfill future student teaching course requirements nor receive eventual licensure. This policy allows East Georgia State College to advise students of the difficulties they face in obtaining future internships, student teaching, and licensure.

### **Pending Charges and Convictions: Applicant Duty to Self-Disclose in Admissions Materials**

The East Georgia State College Admissions Application, the East Georgia State College Readmissions Application and the East Georgia State College Residence Hall Application require applicants to self-disclose prior criminal convictions and pending criminal charges, to provide an explanation of the nature of the offense(s), the date(s) of occurrence, name and location of the court and the sentence imposed, and to submit court documentation. Applicants also have a duty to notify the college immediately of any inaccuracies in, or corrections to, the information initially disclosed.

**Penalty for Failure to Self-Disclose :** Failure of the applicant to self-disclose prior or current criminal convictions and pending charges on the Admissions Application, Readmissions Application or the Residence Hall Application is a **falsification of the record** and will render the applicant ineligible for admission to the institution and to housing.

### **Pending Charges and Convictions: Current Students Continuing Duty to Disclose**

Following admission, currently enrolled students have a continuing duty to report arrests and convictions that occur while enrolled at East Georgia State College, including those occurring between terms. Future criminal activity while enrolled at EGSC may result in disciplinary action including suspension or expulsion from the college, housing, activities and programs and the inability to complete a program of study.

### **Procedure for Undisclosed Charges and Convictions by Applicant or Student**

Upon EGSC's knowledge of an applicant's or a student's criminal activity and/or in conjunction with an alleged Student Code of Conduct violation, the student will be requested to sign a Criminal Background Investigation Consent form so that an original or an updated CBI may be obtained.

After review of pending criminal charges, prior criminal convictions or post admission criminal convictions not reported or disclosed by the student, East Georgia State College may deny admission, dismiss, suspend or expel a student from a course, program, activity, housing and/or the institution. In addition, the student will forfeit all fees paid to East Georgia State College and may be denied a re-admission opportunity.

### **Procedure for Obtaining Background Investigation Report**

Applicants/students must:

- Complete a Background Investigation Consent Form. This form can be obtained from Student Affairs, mailed to your permanent home address, or accessed on-line at [http://www.ega.edu/offices/student\\_affairs/registrar\\_office/forms\\_registrar\\_office](http://www.ega.edu/offices/student_affairs/registrar_office/forms_registrar_office).
- Return the completed Background Investigation Consent Form to Admissions.
- If requesting the report for any reason other than on-campus housing, submit \$25 processing fee to: East Georgia State College, Business Office, 131 College Circle, Swainsboro, GA 30401. Note that your fee is for "CBI".

### **Committee Review Process: Student's Right to Appear**

Upon receipt of the CBI report, the Background Investigation Committee will review the report. If the report reveals pending charges or convictions, The Chair of the CBI committee will notify the student/applicant of the charges and of the date and time of a committee meeting where the student can appear before the committee. The committee meeting will be scheduled within 10 days of receipt of the CBI by the committee. Notification will be sent to current students via EGSC email and to an applicant via US mail.. The purpose of the applicant/student appearance before the committee is to present his/her explanation of the criminal record and to address discrepancies or incomplete information in the applicant/student CBI and admissions or readmissions application. If a student is notified of his or her right to appear before the committee and fails to appear, the committee may render a decision in the student's absence.

Factors used by the committee to evaluate the information in the criminal background check report include:

- (1) Nature, circumstances and frequency of the reported offense;
- (2) Length of time since the offense;
- (3) Information that addresses efforts at rehabilitation including whether the student accepted responsibility for the act or contested it, the punishment imposed, and efforts of positive life changes;
- (4) Accuracy of information provided by the applicant in the admissions application; and
- (5) Whether admission would compromise the safety of EGSC faculty, staff, students and visitors, or compromise the safety of any parties participating in an off campus tutorial site.

**For teacher education students:** Criminal Background Investigation reports for Teacher Education students will be evaluated using the above standards with specific attention to the nature of the prohibited crimes as set forth by the Georgia Professional Standards Commission (GPSC). The GPSC denies licensure for applicants convicted of crimes of moral turpitude such as: fraud or false pretenses in obtaining something of value, larceny or misdemeanor theft by taking, larceny after trust, murder, soliciting for prostitutes, voluntary manslaughter, sale of narcotics or other illegal drugs, pattern of failure to file federal tax returns in years in which taxes are due, criminal issuance of a bad check, and making a false report of a crime.

### **Possible Committee Decisions**

Applying the standards above, the committee may take one or more of the following action(s as applicable):

- (1) Admission to the institution, and/or housing, and/or its programs, with or without conditions;
- (2) Denial of admission to the institution;
- (3) Denial of admission to the Teacher Education Program, or in the alternative, counsel and advise student of future risks and barriers if he/she elects to continue this program of study;
- (4) Denial of employment as a PREP or EGSC tutor;
- (5) Denial of admission to EGSC Study Abroad Program; and/or
- (6) Denial of admission to on-campus housing.

The Chair of the CBI committee will send an official written response to applicant at his/her permanent home address via regular and certified mail concerning the committee's decision. Current students will be notified using EGSC email.

### **Waiver for Teacher Education Students**

In the event a teacher education student is denied admission to the teacher education program, and said student desires to continue in the teacher education program of study, the student must sign a Waiver form. The Waiver advises the student that enrollment in EDUC 2110, EDUC 2120 and/or 2130 may result in:

- Student being unable to fulfill the essential requirements (classroom experience) of the course;
- Student may be ineligible for a teacher education program of study (after transfer) at a 4 year degree granting institution; and
- If the student completes a four year degree in an alternate field of study, the student may not be able to obtain professional certification from the Georgia Performance Standards Commission.

### **Appeals**

An applicant/student denied admission to the college, housing, its programs and/or activities, as a result of his or her criminal background investigation report has the right to appeal to the President within five business days of the student's receipt of the committee's decision. The student must deliver his/her appeal letter addressed to the President to the chair of the CBI Committee within the above five day period. If timely filed, the CBI Committee chair will forward the committee file and appeal letter to the President. The appeal to the President is not a hearing; it is a review of the student's file as it existed at the initial committee meeting. Upon receipt of the appeal, the President's review is limited to consideration of whether the record contains a substantial basis to uphold the prior decisions. No new information will be considered at this appeal, except in extraordinary circumstances presenting compelling reasons why the information was not available at the initial committee review, why it should be presented now and why it was not presented at the initial committee meeting. The President will review and render a decision within five business days of receipt of the appeal. The student will be notified in writing of the decision within that time period. This is the student's final institutional appeal.

### **Appeal to Board of Regents**

A student may appeal the final institutional decision to the Board of Regents as provided in the Policy Manual of the Board of Regents.