

Student Criminal and Disciplinary History Disclosures: Pre-Admission and Post-Admission Review Procedures

Purpose

These are the University of Colorado's School of Medicine, Office of Research Education (ORE) accompanying procedures (Procedures) to the University of Colorado's APS 8004: Procedures for Assessing Student Applicant Criminal/ Disciplinary History (Policy).

A. Committee

1. Review Committee: ORE has a standing committee comprised of the ORE Manager and the Assistant Dean for Student Affairs that has adopted the below procedures to accompany the Policy. This committee is the Criminal/ Disciplinary History Review Committee (HRC).

B. Pre-Admission Review and Determination Procedures

1. Application Disclosure Questions: To implement the Policy's requirement that applicants disclose Criminal/disciplinary history on the application, the HRC drafts and updates as needed, questions on the application and supplemental forms for applicants to make such disclosures.
2. Academic Admissibility Determination: Prior to any consideration of Criminal/disciplinary history, the application will be reviewed by the admissions unit to determine if the applicant is academically eligible for admission. After the admissions unit determines that an applicant is academically eligible, the application will be reviewed as provided herein.
3. Affirmative Responses to Application Questions: If an applicant responds "yes" to any of the Criminal/disciplinary questions on the application, the following apply:
 - a. *Supplemental Information*: If not already included in the application, the admissions unit will notify the applicant that they are required to provide a factual explanation regarding the underlying incident(s) related to the Criminal/disciplinary history responses and provide any relevant documentation, including the factual findings, law enforcement report(s), court records, and any other information the applicant would like considered. For information pertaining to criminal history, a form titled Criminal History Supplement Form, will be provided to the applicant (Supplemental Form). The Supplemental Form may be included in the application.
 - b. *Applicant Responsibilities*: The applicant must provide accurate and thoroughly responsive information to the admissions unit and the HRC in a timely manner, as requested. Failure to do so may jeopardize eligibility for admission.
 - c. *Admissions Unit Preliminary Review*: A representative from the admissions unit will initially

review the applicant's application and submitted supplemental information.

- i. If the representative determines that the applicant answered "yes" to the criminal or disciplinary history questions in error by providing criminal or disciplinary history information other than what was requested on the application, the unit may determine the applicant as eligible for admission and post the decision accordingly.
 - ii. If the representative does not determine that the applicant answered "yes" in error, then the admissions unit representative will forward the applicant's application and supplemental information to the HRC for review.
- d. ***Inquiry:*** At any time, the admissions representative or other HRC representatives may request additional information from the applicant or from third parties such as school officials, probation officers, law enforcement agencies, etc.
- e. ***Individualized Review:*** The HRC will perform an initial review of the application and supplemental information. The HRC will consider:
 - i. The nature and gravity of the Criminal/disciplinary history;
 - ii. The time that has passed since the Criminal/disciplinary history;
 - iii. The age of the applicant at the time of the underlying conduct; and
 - iv. Any evidence of rehabilitation provide the applicant.
- f. ***Determination:*** If the HRC determines that based on the totality of the information provided by the applicant and in consideration of the factors listed above, that the applicant's Criminal/disciplinary history poses an unreasonable risk to the safety or security of the campus community, the applicant will not be eligible for admission, and admission to the applicant will be denied. If the HRC determines the applicant would be eligible for admission with certain conditions met, the HRC may condition admission on the applicant's compliance with conditions specified by the HRC.
- g. ***Notification of Determination:***
 - i. ***Not Eligible for Admission:*** If the HRC determines that the applicant is not eligible for admission, the admissions office will deny admission and send notification to the applicant.
 - ii. ***Eligible for Admission:*** If the HRC determines that the applicant is eligible for admission, the admissions office will update the applicant's admission application and post the decision accordingly.
 - iii. ***Conditional admission:*** If the HRC determines that the applicant's eligibility for admission is conditional based on the applicant's compliance with actions specified by the HRC, the admissions office will update the admission application and notify the applicant accordingly.
- h. ***Timeline:*** The review process will be completed within a reasonable period of time and may take 2-4 weeks following the receipt of all necessary supplemental information by HRC. This

timeline may be extended if additional information is pending from the applicant or third parties, or for good cause as determined by HRC. If the timeline is extended, the admissions office will notify the applicant of the updated timeline for review.

Post-Admission Review and Determination Procedures

- a. All applicants admitted to CU Anschutz Graduate Programs are informed in their letter of offer that they must consent to undergo a Criminal Background check. Admission is contingent upon passing such checks. Failure to consent to the background check may jeopardize the admitted applicant's eligibility to participate in campus life.
- b. *Additional Criminal History Revealed in Background Check:* If the background check reveals additional criminal history or information that should have been, but was not disclosed by the admitted applicant on the application or on the Post-Admission Disclosure Form, then any of the following may occur:
 - i. A representative from the HRC may communicate with law enforcement agencies, probation officers or other appropriate third parties to obtain further information.
 - ii. The HRC may contact the admitted applicant to request a written explanation or to discuss the information with the admitted applicant.
- iii. If, after conducting an individualized review of information that the admitted applicant should have, but did not, disclose on the application, the HRC decides that the criminal history would have made the applicant not eligible for admission, the HRC will revoke the applicant's admission and notify the applicant accordingly.
- c. *Inquiry:* At any time, the HRC may request additional information and/or verify information through third parties such as school officials, probation officers, law enforcement agencies, etc.
- d. *Individualized Review:* After all of the requested information has been received from the admitted applicant and all of the available information has been received from any third parties, the HRC will review the materials. The HRC will consider:
 - i. The nature and gravity of the underlying conduct and whether it bears a direct relationship to a particular aspect of an admitted applicant's participation in campus life;
 - ii. The time that has passed since the occurrence of the Criminal/disciplinary history.
 - iii. The age of the admitted applicant at the time of the underlying conduct;
 - iv. Any evidence of rehabilitation or good conduct produced by the Admitted applicant;
- e. *Students with New Charges or Convictions:* ORE may address under the School's Student Code of Conduct, any student with new criminal charges or new convictions for conduct that occurred prior to applying, regardless of the timing of the charges or conviction. If such

charges or convictions are for conduct other than that which the School could have considered under the Policy for purposes of admission, School will not use it as the sole basis to expel or revoke the admission of the student.

- f. *Determination:* If the HRC determines that based on the totality of the information provided by the applicant and in consideration of the factors listed above, that the admitted applicant's Criminal/disciplinary history poses an unreasonable risk to the safety or security of the campus community, the applicant will not be eligible for to participate in campus life. If the HRC determines the admitted applicant would be eligible for campus life with certain conditions met, the HRC may condition participation in campus life on the applicant's compliance with conditions specified by the HRC.
- g. *Notification of Determination:* The HRC will notify the admitted applicant of the determination and any action required.
- h. *Timeline for Review:* The post-admission review process may take 2-4 weeks to complete after all information has been received. This timeline may be extended if additional information is requested either from the applicant or from third parties or for good cause. If the timeline is extended, admitted applicants will be notified by the HRC of the updated timeline for review.

Appeals

1. Scope and Grounds: An applicant may appeal any of the following determinations: not eligible for admission or revocation of admission. Such appeal must be based on one of the following grounds:
 - a. The established procedures were not followed in a significant way, and, as a result, a material error to deny or condition admission was made.
 - b. The determination did not appropriately consider material information based on the nature, circumstances, gravity, elapsed time, age of applicant at the time of underlying conduct, and/or evidence of rehabilitation, as it relates to the Criminal/ disciplinary history.
2. Request Submission: To request an appeal, the applicant or student must submit a request to Associate Dean, Office of Research Education or designated Appeal Officer, within 30 calendar days of the date of the original decision, stating the grounds for the appeal, the action requested, and any and all supporting documentation.
3. Review and Determination: If the applicant submits an appeal in accordance with the requirements herein, the Appeal Officer shall confirm whether there are applicable grounds for an appeal. If either or both grounds apply, the Appeal Officer will review and determine the appeal. The appeal determination shall be based on the original documents submitted by the applicant and any new information. Failure by the applicant to provide adequate and timely information may result in denial of the appeal. The Appeal Officer may consult with appropriate campus administrators including but not limited to the HRC.
4. Resulting Actions: The Appeal Officer may take any of the following actions:

- a. Affirm the initial determination made by HRC
- b. Reverse the decision made by the HRC and grant admission with no conditions
- c. Reverse the decision made by the HRC and grant admission with conditional admission
- d. Modify the terms of the conditional admission determined by the HRC

Definitions

Criminal/disciplinary history includes:

1. Convictions for stalking, sexual assault, and domestic violence;
2. Convictions within five years before an application is submitted for assault, kidnapping, voluntary manslaughter, or murder;
3. Disciplinary history at another academic institution for stalking, sexual assault, and domestic violence; and
4. Educational records related to an applicant's academic performance.

Conviction is defined as a guilty verdict, a guilty plea, or a Nolo Contendere ("No Contest") plea to a misdemeanor or felony offense in-state, out-of-state, or internationally. Conviction does not include a plea to a deferred judgment and sentence until the deferred judgment and sentence is revoked.