

Episcopal Diocese of Massachusetts Policy for Public Records Checks

Employers in Massachusetts are subject to laws which govern how public records checks may be conducted. When considering applications for paid positions, it is paramount that these requirements be observed. Any employer or governmental licensing agency that submits five or more CORI requests annually shall maintain a CORI policy which must meet the minimum standards of the DCJIS model CORI policy.

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants. For individuals in Massachusetts, where Criminal Offender Record Information and other criminal history checks may be part of a general background check for employment or volunteer work, the following practices and procedures will be followed.

While this policy specifically addresses Massachusetts Criminal Offender Record Information (CORI), the principles articulated in the policy apply to use of other vendors for public records checks, such as [ActiveScreening Faith](#).

I. Conducting CORI Screening

Any and all CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §172, and only after a CORI Acknowledgement Form has been completed.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy-two (72) hours' notice that a new CORI check will be conducted.

II. Access to CORI

The Diocese recognizes that any and all CORI obtained from the DCJIS is confidential, and access to the information must be 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. The Diocese will maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

III. CORI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at the Diocese will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and

regulations made available by the DCJIS. Additionally, if the Diocese is an agency required by MGL c. 6, §171A, to maintain a CORI Policy, all personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

IV. Use of Criminal History in Background Screening

Any CORI obtained for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. 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.

V. Verifying a Subject's Identity

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.

VI. Inquiring about Criminal History

In connection with any decision regarding employment or volunteer opportunities, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

VII. Determining Suitability

If a determination is made, based on the information as provided in Section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- Relevance of the record to the position sought;
- The nature of the work to be performed;
- Time since the conviction;
- Age of the candidate at the time of the offense;
- Seriousness and specific circumstances of the offense;

- The number of offenses;
- Whether the applicant has pending charges;
- Any relevant evidence of rehabilitation or lack thereof; and
- Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner. All hiring and employment decisions are made in accordance with applicable anti-discrimination and other law.

VIII. Adverse Decisions Based on CORI

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.](#)

IX. Secondary Dissemination Logs

The Diocese recognizes that all CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

Massachusetts Department of Criminal Justice Information Services (DJCIS) documents

“WHAT YOU NEED TO KNOW ABOUT MASSACHUSETTS CRIMINAL RECORDS” at
<https://www.mass.gov/files/documents/2019/03/18/CORI%20booklet%20FINAL.pdf>

Massachusetts Commission Against Discrimination Fact Sheet Criminal Offender Record Information Administrative Procedure Reforms (November 2010)
<https://www.mass.gov/files/documents/2016/08/qs/criminal-records-fact-sheet.pdf>

“iCORI Policy for Organizations”
<https://www.mass.gov/files/documents/2017/09/05/iCori%20Organizational%20Training.pdf>

A summary of the rights of Massachusetts job applicants is available from Mass Legal Help
<https://www.masslegalhelp.org/cori/applying-for-jobs>