

### **Regulation on Student Applicant Background Checks**

1. UNC constituent institutions will perform background checks on either (i) all applicants offered admission, or (ii) all applicants offered admission who indicate their intent to attend, before the applicant may matriculate, as follows:

A. The UNC Suspension and Expulsion Data Base

B. The National Student Clearinghouse (when a method for automated checks becomes available). Until an automated method for conducting these checks becomes available, constituent institutions may limit their checks to applicants who are neither in high school at the time of the application nor show continuous enrollment in an educational institution since graduating from high school.

C. North Carolina Department of Public Instruction (“DPI”) enrollment database (when it becomes available). Until the DPI database becomes available, constituent institutions will check DPI enrollment records for all North Carolina residents who do not provide a public school transcript in situations in which a high school transcript is required for admission.

A constituent institution may conduct these background checks on an applicant before deciding whether or not to offer the candidate admission.

2. UNC will continue to work with North Carolina DPI and the North Carolina Community Colleges to have a high school or community college long-term suspension or expulsion record supplied to UNC along with the high school or community college transcript.

3. UNC constituent institutions will perform criminal background checks on applicants being considered for admission, applicants admitted, or applicants offered admission who have indicated their intent to attend, before the applicant matriculates, if the application and supporting materials contain one or more of the following triggers (or red flags):

i. The application together with supporting material contains materially inconsistent answers that have not been satisfactorily explained;

ii. The applicant answers one or more of the six criminal background/ discipline questions affirmatively or submits subsequent information indicating (1) pending criminal charges, (2) acceptance of responsibility for a crime, (3) criminal convictions or (4) school disciplinary action, unless the affirmative answer or supporting material relates to a school disciplinary action that resulted from an offense that is remote in time or was insubstantial;

iii. The application omits one or more answers without an acceptable explanation for the omission;

iv. The application has an unexplained time period since graduation from high school during which the applicant was not, for example, enrolled in higher education, enlisted in the military, or employed fulltime; or

v. Any other reason sufficient to the constituent institution.

Constituent institutions are not required to perform criminal background checks on applicants who are younger than 16 years old at the time of the acceptance or on residents of North Carolina who have attained the age of 65 and are entitled to a tuition waiver under G.S. §115B-2.

4. All admissions letters for applicants who are to have criminal background checks performed will state that the admission is conditional on the results of a criminal check.

5. A constituent institution that is going to conduct a criminal background check must obtain the applicant's consent, either in writing or electronically, to the criminal background check and to the use of the applicant's social security number for purposes of the check. Alternatively, the constituent institution may provide instructions for the applicant to initiate the criminal background check directly through a specified vendor. If legally permissible, the constituent institution will offer as an alternative to allow a fingerprint check without using a social security number. The constituent institution or vendor consent will require the applicant to list the places the applicant has lived or gone to school outside North Carolina for more than 6 months in the last 7 years at a time that the applicant was at least 16 years old.
6. A constituent institution may either include the cost of conducting background checks in an increase to the general application fee or may charge the cost of criminal background checks to the applicant who is the subject of the check.
7. The scope of the criminal background check will depend on the residential history of the applicant:
  - A. For current North Carolina residents whose applications and release forms do not disclose more than 6 months out of North Carolina a North Carolina criminal background check will be conducted.
  - B. For nonresidents and North Carolina residents whose applications or release forms disclose significant time outside North Carolina, a residence check will be conducted, and then a criminal background check will be conducted for all appropriate states unless the applicant opts for a national FBI fingerprint check.
  - C. For international students, a criminal background check of appropriate scope will be conducted.
8. Students who are admitted within 2 weeks before classes begin and who are subject to having a criminal background check pursuant to paragraph 3 above are allowed to be conditionally admitted and are allowed to matriculate pending the results of a criminal background check.
9. The vendor or other entity conducting the criminal background check will provide the constituent institution with a list of applicants with no criminal record, and the constituent institution will have electronic or paper access to the information for the applicants whose check shows a positive criminal record.
10. If an applicant has a positive criminal or disciplinary record, the constituent institution must:
  - A. Compare the results of the checks to the application and supplemental information supplied by the applicant to determine discrepancies. If there are no discrepancies and if the constituent institution has made an individual determination that the applicant does not pose a significant threat to campus safety, and there is no additional information indicating that a decision to admit should be modified, the applicant may be admitted or a previous decision to admit may stand.
  - B. If there are discrepancies, or if there is information indicating that admission decision should be further examined, the constituent institution must provide the applicant an opportunity either to demonstrate that the report of criminal, disciplinary or other relevant history was erroneous (e.g., wrong person) or to explain the discrepancy.
  - C. If the report is determined to be accurate and there is a discrepancy between the reported information and the application or supporting material the applicant submitted, or there is additional information that amplifies the application information or otherwise indicates that the admission should be examined further:

i. The presumption is that the admission will be denied or withdrawn if the applicant has failed accurately to disclose relevant information in response to a question on the application. The burden is on the applicant to demonstrate that the omission or misinformation was the result of an honest mistake, that it was not intended to mislead, and that the applicant should be admitted in spite of the failure to disclose;

ii. If the failure to disclose accurate information does not result in the denial of or withdrawal of the offer of admission, but there is information that draws the decision to admit into question, before the student may matriculate, the constituent institution must make an individual determination as to whether the nature of any crime committed or other behavior disclosed, together with other available information, suggests that the applicant will pose a significant threat to campus safety. If the constituent institution determines that there is a significant threat, the admission must be denied or withdrawn. If not, the student may be admitted in accordance with the normal admission process.

11. Each constituent institution must maintain a record of the kinds of background checks, if any, conducted on each applicant and the results of those checks. If an applicant's record shows a history of conviction of, guilty plea to, or acceptance of responsibility for a crime or a significant disciplinary sanction at another educational institution, the constituent institution must maintain a record of the process used to determine whether or not the student posed a significant threat to campus safety and of the basis for that determination.

*Effective date:* This regulation is effective for all students who matriculate after 8/1/07.