Criminal Background Check Policy and Procedures

Effective: Fall Semester 2011

The following policy, pursuant to NDUS Policy 511: Student Criminal History Background Checks, aligns with the College of Education and Human Development’s policy on criminal background checks and covers the Department of Kinesiology and Public Health Education.

1. KPHE Majors

KPHE has the following majors:
- KIN Option A: Teacher Education
- KIN Option B: Other Related Areas
- KIN Option C: Exercise Science and Wellness

There are three blocks of courses available to our majors: (a) Block 1: courses available to pre-majors and a Criminal Background Check, must be completed before advancement to major status; (b) Block 2: courses available to both pre-majors and majors; and (c) Block 3: courses available to KIN majors only. The courses available in section (b) help to ensure that pre-majors may graduate in a timely way.

The courses associated with the three groupings are outlined below:

(a) Block 1

Classes and pre-requisite requirements that must be completed by pre-majors prior to advancement to KIN major status include:
- Psychology 111
- Sociology 110
- Chemistry 115/115L
- Anatomy 204/204L
- KIN 207
- Current First Aid/CPR Certification
- Criminal Background Check

NOTE: As soon as this pre-requisite coursework and criminal background check have been completed, KPHE pre-majors should see the KPHE advisor to apply for KIN or PHE major status (i.e., see KPHE undergraduate advisor).

(b) Block 2
Pre-Major/Major Classes: KPHE courses and requirements that may be taken by pre-majors and majors*:

- Nutr 240: Fundamentals of Nutrition
- KIN 240: Introduction to Wellness
- KIN 276: Motor Learning
- KIN 225-237: MP & A’s
- KIN 326: Fundamentals of Physical Conditioning
- KIN 327: Fitness for Life
- KIN 401: Sport Sociology
- KIN 403: School Health
- KIN 440: Sport Psychology

*Students taking these courses do not currently have contact with P-12 students or vulnerable populations.

(c) **Block 3**

Major classes: These courses are restricted to students with major status. Students will not be able to register for these courses until they have successfully applied for major status. Courses which may require contact with P-12 students or vulnerable populations are indicated with an asterisk:

- KIN 224C: Swimming
- KIN 332: Biomechanics
- KIN 355: Applied Motor Development
- KIN 375: Fundamentals of Group Instruction
- KIN 376: Professional Skills in Personal Training
- KIN 390/390L: Introduction to Teaching in PE and Sport Settings
- *KIN 400/400L: Strategies for Teaching Elementary PE
- KIN 402: Exercise Physiology
- *KIN 404: Adapted Activities Programming
- *KIN 410/410L: Strategies for Teaching Secondary PE
- KIN 420: Curriculum in Physical Education
- *KIN 491: Senior Teaching Seminar
- *KIN 495: Service Learning
- *KIN 496: Field Study
- *KIN 497: Internship
- *KIN 498: Practicum in Coaching
- *T & L 487: Student Teaching (Option A students only)

**NOTE:** Option A students may need to complete a second Criminal Background Check through the ESPB prior to student teaching. When completed just prior to student teaching this latter check may also be used for a student’s licensure after graduation (as long as they apply within 18 months).

2. **Kinesiology Minor: Athletic Coaching**
As soon as students have declared this minor they will be notified by the KPHE undergraduate advisor that they need to submit the results of a Criminal Background Check by the end of their junior year, before they enroll in KIN 498 (Practicum in Coaching).

3. Kinesiology Minor: Health Education

Students in this minor do not currently have contact with P-12 students or vulnerable populations.

4. Kinesiology Graduate Program

All students accepted to the Kinesiology Graduate Program will be notified that they need to complete the Criminal Background Check prior to their first semester of classes. Courses that may require contact with P-12 students or vulnerable populations include: KIN 524 (Adapted Activities), KIN 525 (Motor Development), KIN 532 (Exercise Physiology Lab Techniques), and KIN 585 (Internship in Kinesiology).

The Criminal Background Check

The criminal background check must be accomplished by the Federal Bureau of Investigation. The cost of a background check is the responsibility of the student and the report will remain the property of the student. Students are encouraged to follow the guide created by the department in order to facilitate the FBI criminal background check application process. Students who do not comply with this requirement will not be allowed to continue with their program.

Criminal background check reports and other submitted information are confidential and may only be reviewed by officials and designated representatives of affiliated field partners in accordance with the Family Educational Records and Privacy Act and other applicable state and federal law. A College of Education and Human Development Criminal Background Committee (members: Director of Field Placement; Academic Advisor/Teacher Certification Officer; Associate Dean for Teacher Education) and Chair of Kinesiology and Public Health Education will review any criminal background checks from KPHE students which contain information of concern. Criminal background check information for UND students will be kept pursuant to the University of North Dakota’s records retention policy.

Guidelines for Students

FBI Identification Record Request

NOTE: Confusion often exists with the terminology used regarding a check of one’s criminal history record whether on file with the State of North Dakota, another state, or the FBI.
Therefore, avoid using the term “background” check when making criminal history record inquiries. A “background” check in many jurisdictions (including the FBI) consists of several parts including a criminal records check, credit report, education verification, and driving records. This type of “background” check is NOT required by students enrolled in EHD and our department.

Therefore, the following official titles should apply when making inquiries:
- “FBI Identification Record” request (such requests are based upon your fingerprints only)

Students should use the following procedures when applying for FBI Identification Record Request:

1. Students submit “an FBI Identification Record” request using the FBI’s cover letter format. The cover letter is available at:
   http://www.fbi.gov/hq/cjis/fprequest.htm
2. Obtain and then submit an original set of your fingerprints.
3. The request cost $18. Money orders, certified checks or credit card payment forms should be made payable to the Treasury of the United States. No cash, personal or business checks will be accepted

All requests are sent to the FBI’s Criminal Justice Information Services (CJIS) at:

FBI CJIS Division
ATTN: SCU, Mod. D-2
100 Custer Hollow Road
Clarksburg, WV26306

Questions regarding results and existing policies can be directed to their Customer Service Group at (304) 625-5590

Special Considerations Regarding Obtaining a Fingerprint Card:

1. Fingerprints may be obtained at most local, county, and state law enforcement agencies (fee amounts or no-fee policies vary widely by each agency)
2. Some private printing services or private fingerprinting agencies may exist in your area and are usually listed online or in the yellow pages (fees vary widely)
3. Regardless of the source, verify that your fingerprint impressions are being taken from a qualified/trained fingerprinting technician
4. Fingerprints are usually placed on the FBI’s standard fingerprint form (FD-258). This form can be downloaded at their website. However, agencies may prefer to use a fingerprint card on their standard card stock which is acceptable by the FBI
5. Fingerprint cards must include rolled impressions of all ten fingerprints and impressions of all ten fingerprints taken simultaneously (a.k.a. plain or flat impressions)
6. The fingerprint card must be the original card and must include your name and date of birth

Important Notes Regarding Processing of Requests:

1. It can take, on average, 3-4 weeks to process a request from the date of receipt by the FBI
2. Based upon the volume of requests and time of the year as well as other factors (e.g., use of credit card method of payment), it is reasonable to anticipate at least 4-6 weeks from time of receipt
3. You can request the FBI’s Criminal Justice Information Service to expedite your request by placing the deadline and reason in the cover letter as well as placing the deadline on the outside of the mailing envelope
4. Although the FBI’s Criminal Justice Information Service does not expedite requests as a policy, they will try to work within the deadline listed if possible (except if using the credit card payment method)
5. You will receive either a No Record Response (i.e., a letter stating “no FBI arrest was found”) or an FBI Identification Record. However, please note that your fingerprint card will not be returned and reports will not include international crimes as well as certain crimes that are reportable under state laws

What To Do When You Have Received Your FBI Notification:

1. Make an appointment with the KPHE Student Advisor and bring your letter to this meeting.
2. The KPHE Student Advisor will make a copy of this letter for KPHE records and indicate that it is a certified copy of the original and that permission is given by the student to make this copy. This copy will be signed and dated by the student and KPHE Student Advisor and stored in a secure file—separate from your student file—and accessible only by the Chair of the Department of Kinesiology and Public Health Education and the KPHE Student Advisor.
3. A separate notation will be made to your student file indicating that you have completed the criminal background check.
4. If the background check report reveals information of concern to the department, the student will be given the opportunity to provide a written description and explanation of the information. The KPHE Chair will send this document forward to Dr. Barbara Combs, Associate Dean for Teacher Education and Chair of the Criminal Background Committee in the College of Education and Human Development. The Criminal Background Committee will review all available information and determine whether a student will be allowed to advance in the program. Students may challenge the accuracy of any criminal history reports ordered and will be afforded a reasonable time to correct or complete the record however they will not be able to advance in the program until the matter is favorably resolved.
5. **NOTE**: Background checks are effective for 18 months. It will be the student’s responsibility to renew their background check depending on progress through their program of studies.

**What to do if you are a candidate in Teacher Education:**

In addition to meeting the requirements for KPHE, as detailed earlier in this document, the North Dakota Education Standards and Practices Board (ESPB) requires that criminal background checks be completed on all candidates prior to entering a student teaching experience in a P-12 setting. Candidates will be given the documents ESPB requires for the full background check during student teaching application process. At that time, they will be asked to sign a release form allowing the Field Placement Office to keep a copy of the results (see a copy of the STUDENT CONSENT TO RELEASE OF EDUCATIONAL RECORD). Finally, candidates must submit the letter from ESPB indicating the results of the background check prior to student teaching.

If the background check report reveals information of concern that the College may deem unfavorable, the candidate or accepted applicant will be given the opportunity to provide a detailed written description and explanation of the information contained in the report along with appropriate documentation. This information must be returned to the Associate Dean for Teacher Education within 30 calendar days of the date the communication is sent to the candidate.

The Associate Dean for Teacher Education will designate an appropriate committee to review any criminal background checks with areas of concern for all UND students in initial programs for teachers. The committee may request that a candidate submit additional information such as a written explanation, court documents, and/or police reports. A committee will review all available information and determine whether a candidate will be allowed to advance in the program or be dismissed.