

ON-CAMPUS HOUSING BACKGROUND INVESTIGATION PROCESS

I. Overview:

Boise State University reserves the right to determine at its discretion that past or current behavior and/or criminal record on the part of an Applicant for On-Campus Housing is such that the interests of the University, students, and/or the Applicant would be best served if the Applicant is not permitted to live in On-Campus Housing. For purposes of this process, “On-Campus Housing” includes Chaffee, Driscoll, Honors College, Keiser, Morrison, Sawtooth, and Taylor residence halls, University Square (Garnett, Jade, Jasper, Topaz Halls), University Suites (Clearwater, Payette, Selway Halls), Lincoln Townhomes (Aspen, Cedar, Hawthorne, Juniper, Spruce, Tamarack), the University Apartments (University Heights, University Manor, University Park, University Village), and any designated, temporary overflow housing. There are three questions in this regard on the Housing Application:

16. Have you ever been convicted of and/or pled “guilty” or “no contest” to any felony regardless of whether such action resulted in jail or prison time served and/or deferred adjudication? (Yes or No)

17. Have you ever been convicted of and/or pled “guilty” or “no contest” to any misdemeanor regardless of whether such action resulted in jail or prison time served and/or deferred adjudication? (Yes or No)

18. Are you currently on probation, parole, or suspended for any of the above, and/or do you currently have any misdemeanor and/or felony charges pending? (Yes or No)

The Applicant is then instructed in the “Notes” section of the Application adjacent to Question 18:

If you answered “Yes” to any of question 16, 17, and or 18, please complete and submit the Criminal and Behavioral History Disclosure Form (found at <http://boisestate.housing.edu>) to the Department of Public Safety via email to DPSReviews@boisestate.edu. In addition, a Housing and Residence Life staff member will send you instructions on how to complete the Formal Background Check Request (completed by a provider used by the University). The University will review the Applicant’s background information and the University has the right to determine if the Applicant is eligible to occupy On-Campus housing.

If you are under 18 at the time of applying for housing, you will need to work with a parent/family member/guardian to complete forms found in the Minor Background Check Packet in order for the university to initiate a background check. Please click on this [link](#) for our Minor Background Check Packet.

The University complies with all federal and state laws regarding discrimination and does not discriminate based upon age, sex, race, marital status, religion, national origin, or other prohibited classifications. The Applicant’s Criminal and Behavioral History Disclosure Form is handled confidentially. Any false or incomplete statement on the Housing Application, the Criminal and Behavioral History Disclosure Form, or any related submissions may lead to a

rejection of the Housing Application.

If any ‘No’ answer to Questions 16, 17 or 18 changes to ‘Yes’ after the Housing Application is submitted, but prior to the Applicant moving into On-Campus Housing, the Applicant must notify Housing and Residence Life via email to housing@boisestate.edu of the change in the Applicant’s background information within three (3) days of the event(s) which resulted in the change. The Applicant will then be instructed to complete and submit the Criminal and Behavioral History Disclosure Form as well as how to submit a Formal Background Check Request, as outlined above.

II. Review, Investigation, and Recommendation:

- a. **Requirement for Completion of Criminal and Behavioral History Disclosure Form and Background Check Request:** Housing and Residence Life (HRL) will initially review the Applicant's Housing Application and if the Applicant answered “Yes” to Questions 16, and/or 17 and/or 18, the HRL Director will notify the Applicant that the Applicant must complete two items:
 - i. Submit a Criminal and Behavioral History Disclosure Form to the Department of Public Safety via email to DPSReviews@boisestate.edu no later than ten (10) days after being so notified by the Housing and Residence Life Director. A copy of the notification to the Applicant will be sent via email to the Department of Public Safety at DPSReviews@boisestate.edu.
 - ii. Submit and Pay for a Formal Background Check Request by the University’s provider. This background check is processed by a provider used by the University and serves to clarify information included on the Criminal and Behavioral History Disclosure Form. The Applicant is responsible for paying a fee to process this background check and the background check will only be completed once payment is received.

An Applicant who answers ‘Yes’ to any of Questions 16, 17 or 18 will not be assigned to On-Campus Housing until a determination of the Applicant’s eligibility is made.

- b. **Initial Review:** Upon receipt of the Applicant’s Criminal and Behavioral History Disclosure Form, as well as the Formal Background Check completed by a provider used by the University, the Department of Public Safety (“DPS”) will determine if the offense(s) and/or behavior(s) are of a nature that poses a potential risk to the University community. One of the following may occur:
 - i. If the outcome of the formal criminal background check corroborates the information provided by the Applicant on the disclosure form and DPS determines the Applicant does not pose a potential risk to the University community, then DPS notifies HRL that the Applicant is cleared for On-Campus Housing.
 - ii. If the outcome of the formal criminal background check corroborates the information provided by the Applicant on the disclosure form but DPS determines it needs additional information, an interview of the Applicant

may be conducted by a DPS representative. After the interview, DPS will determine if the Applicant poses a potential risk to the University community. If DPS determines based upon the interview that the Applicant does not pose a potential risk to the University community, DPS will notify HRL that the Applicant is cleared for On-Campus Housing.

- iii. If the outcome of the formal criminal background check corroborates the information provided by the Applicant on the disclosure form but DPS determines it needs additional information, and DPS determines based upon interviewing the Applicant that the Applicant poses a potential risk to the University community, DPS will provide a recommendation to the Applicant History Committee (“AHC”) that the Applicant’s Housing Application be denied.
 - iv. If the outcome of the formal criminal background check does not corroborate the information provided by the Applicant on the disclosure form, DPS may contact the Applicant and request additional information, including but not limited to:
 1. a copy of the police report and/or conduct process decision for the incident(s),
 2. court paperwork reflecting the court’s decision(s),
 3. a letter from the Applicant explaining the details and circumstances surrounding the incident(s), and
 4. any reference letters that the Applicant wishes to submit in support of their Housing Application.
 - v. Once additional information is received by DPS, then DPS will determine if the offense(s) and/or behavior(s) are of a nature that poses a potential risk to the University community. If DPS determines the Applicant does not pose a potential risk to the University community, DPS will notify HRL that the Applicant is cleared for On-Campus Housing. If DPS determines the Applicant poses a potential risk to the University community, DPS will provide a recommendation to the AHC that the Applicant’s Housing Application be denied.
- c. **Forwarding Information to AHC:** Following the completion of the background investigation process, all available background information obtained during the investigation will be forwarded to the AHC along with DPS’ recommendation regarding the Application. The AHC consists of one representative each from the Housing and Residence Life office, the Dean of Students Office and the Department of Public Safety. The AHC then proceeds as outlined in Section D below. Background Investigations will be electronically archived at DPS and maintained for five (5) years from the date the investigation is concluded.
- d. **Denial of Application for Lack of Compliance:** If an Applicant fails to fully comply with DPS’ request for information or documentation, the Applicant’s Housing Application may be denied. In such an instance, DPS notifies HRL that the Applicant is not cleared for On-Campus Housing. HRL then notifies the Applicant that his/her Application for On-Campus Housing is denied.

III. Applicant History Committee (AHC) Review and Determination:

The AHC will consider the results of the background investigation process and information shared by the Applicant to determine whether the Applicant is eligible for On-Campus Housing.

- a. Factors that will be considered when determining eligibility include, but are not limited to the following:
 - 1.The date of the offense(s) and or behavior(s)/amount of time elapsed since the Applicant committed the offense(s) and/or behavior(s);
 - 2.The nature, severity and intentionality of the offense(s) and/or behavior(s) (including the statutory elements of the offense(s)) with respect to the risk of placing the Applicant in On-Campus Housing;
 - 3.The number of offense(s) and/or behavior(s) and pattern of offense(s) and/or behavior(s), if any;
 - 4.Any additional relevant facts (such as whether the underlying offense(s) and/or behavior(s) arose out of a housing situation or involved a college or university);
 - 5.The Applicant’s account of the facts of the details and circumstances of the offense(s) and/or behavior(s);
 - 6.The Applicant’s age at the time of the offense(s) and/or behavior(s);
 - 7.Evidence that that Applicant has made good faith efforts to reform such as the successful completion of criminal rehabilitation programs, education or training;
 - 8.The Applicant’s probation or parole history and status; and
 - 9.Any provided substantiation of the Applicant’s current character from reference letters or other sources.
- b. If the AHC approves the Applicant residing in On-Campus Housing, the AHC will notify HRL that the Applicant has been approved to reside in On-Campus Housing. If the AHC finds it is more likely than not that the Applicant's conduct poses an unreasonable risk to the safety or security of others in the University community, the Applicant will be ineligible to reside in On-Campus Housing. The AHC determines the time period of ineligibility. If the AHC determines that the Applicant is ineligible to reside in On-Campus Housing, the AHC will notify the Applicant via the email address provided by the Applicant on the Criminal and Behavioral History Disclosure Form, with a copy of the email being sent to HRL’s Director. This email will include information regarding the Applicant’s right to request reconsideration of the AHC’s decision and when the Applicant can reapply for On-Campus Housing in the future, if at all.

IV. Right to Request Reconsideration:

Within ten (10) days of the date of the AHC’s email notification of ineligibility for living in On-Campus Housing, the affected Applicant may request reconsideration of the AHC’s decision only if new information is available which was not available during the initial review of the Applicant's Housing Application. To request reconsideration, the Applicant must submit a written letter to the AHC, setting forth the newly available information for consideration and a request to be reconsidered for living in On-Campus Housing. This letter must be addressed to the Applicant History Committee (“AHC”), and sent by the Applicant to the AHC’s email address.

The Applicant will be notified in writing by the AHC of the outcome of the Applicant's request for reconsideration within fourteen (14) days of the AHC's receipt of the request for reconsideration. The decision of the AHC is final.