

## **PRACTICE**

New Mexico Junior College (NMJC) performs criminal background checks on all individuals who apply to live in on-campus student housing (Glen & Rosemary Houston Thunderbird Hall, Harold Runnels Hall, John Watson Apartments or Carroll Leavell Student Apartments).

## **PERTINENT INFORMATION**

The purpose of performing criminal background checks for on-campus residents is an effort to provide a safe environment for all members of the college community, specifically students living in on-campus housing. Accordingly, this practice applies to all applicants requesting on-campus student housing.

NMJC does not discriminate on the basis of race, color, religion, national origin, ancestry, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation (including perceived sexual orientation), gender identity, marital status, spousal affiliation, disability (physical or mental), serious medical condition, age (40 and older), genetic information or veteran status or any other legally protected categories, classes or characteristics. NMJC is committed to ensuring persons of all these protected classes will have access to NMJC's programs, facilities, and employment.

NMJC makes every effort to comply with state and federal guidelines which address non-discrimination and equal rights and to provide training opportunities for all qualified individuals; however, NMJC has a responsibility for the safety, security, and welfare of all members of the college community.

## **DELEGATION OF AUTHORITY**

The President of NMJC has the responsibility for the overall management of NMJC and delegates the authority for the implementation of background checks for on-campus housing to the Dean of Students or the Dean of Students' designee.

## **OPERATING REQUIREMENTS**

1. All on-campus housing applicants must complete the NMJC Release of Background Information form as part as the Housing Application Process. The On-campus Housing Application is complete when the fully completed On-campus Housing Application, Release of Background Information and a copy of the applicant's driver's license/State identification card or passport is submitted to the NMJC Housing Office ("Housing Application Package").
2. Upon receipt of the completed Housing Application Package a Criminal Background check will be performed. The findings of the criminal background check will be evaluated and compared to the NMJC Criminal History Standards.
3. If the background check results in a negative report (No Criminal Record), the application is "eligible" for consideration for On-campus Housing.

4. If the background check results show or the applicant self identifies that the applicant has a Criminal Background the information will then be evaluated by the Dean of Students and the Director of Safety and Security using the NMJC Criminal History Standards. If the applicant does not meet the standards, a declaration of “not eligible” will be made and the applicant will not be able to live in NMJC on-campus housing.
5. Written notification to the applicant will be given via email. If the applicant is determined to be “not eligible” procedures for the applicant to ask for a review by the Vice President of Student Services (VPSS) will be provided in the email. The applicant will need to provide the VPSS with the information requested in the email, which may include, but not be limited to certified judicial court decrees that negate the validity of the criminal charge(s) or their dismissal. All documents submitted as part of the Review will be confidentially placed on file in confidentiality in accordance with the state’s record retention schedule and in accordance with the State of New Mexico Inspection of Public Records Act.

### **NMJC CRIMINAL HISTORY STANDARDS**

Criminal History findings (or their equivalents as determined by the Dean of Students) that will result in an application declared “ineligible” for On-campus Housing:

#### **Felony Convictions**

- All “current” non-aggravated felony crime convictions.
- Convictions of non-aggravated felony crimes three (3) years or older, will not be considered as a current criminal conviction, if the applicant does not have any misdemeanor convictions since the date of the last felony conviction.

#### **Aggravated Felonies**

- All aggravated felony convictions that resulted in a death, aggravated assault, aggravated robbery, aggravated battery, aggravated sexual penetration, or delivery of a felony amount of narcotics will cause an applicant to be “in-eligible” for On-campus Housing.

#### **Parole, Probation, or Deferred Judication**

Applicants who are currently on Parole, Probation, or Deferred Adjudication for the following offenses (or their equivalents, as determined by the Dean of Students), will be considered “Ineligible” for On-campus Housing:

- Murder
- Attempted Murder
- Manslaughter
- Sexual Penetration
- Sexual Contact

- Aggravated Assault
- Robbery
- Aggravated Burglary
- Abuse, Neglect or Exploitation of a Child, Elderly Person or Disabled Person
- Negligent Use of a Deadly Weapon
- Possession/Selling of amounts (>200 grams) of controlled or counterfeit substances
- Controlled Substance Dealer (Youth classified for a felony-level drug manufacturing or delivery)
- Criminal Solicitation
- Criminal sexual contact of a minor
- Arson
- Conspiracy to commit any of these crimes

### **Pending Charges or Arrests**

If an Applicant is arrested or has charges pending, then NMJC may consider such charges in accordance with the NMJC Criminal History Standards. This also includes any pending felony charges.

### **PERFORMANCE STANDARDS**

1. All on-campus housing students must follow Housing Rules and Regulations, as well as the NMJC Student Code of Conduct.
2. NMJC will use an outside source to perform all criminal background checks for applicants wanting to live in on-campus housing.
3. All applicants with international status go through a F-1 Visa process and are exempt from the criminal background check unless they have already established any sort of residence within the United States and/or attended another institution of higher education in the United States.
4. All other requirements for on-campus housing remain in full force and effect.